

Planning Commission  
Radnor Township  
Wayne, Delaware County, Pennsylvania

Monday  
February 4, 2013  
7:00 P.M.

Agenda

1. Minutes of the Meetings of January 3 and January 8, 2012
2. Recommendation for Ordinance #2012-09 – Amending Chapter 280 of the Radnor Township Code, Zoning Ordinance, by establishing regulations for outdoor dining in the C-1, C-2, C-3, PB, GH-CR, and PLO Zoning Districts.
3. Petition from Villanova University to amend the Zoning Ordinance to provide for a new use, Comprehensive Integrated College Development, within the Planned Institutional Zoning District.

Old Business

4. Ordinance #2012-11 – Amending Chapter 280 of the Radnor Township Code, Zoning Ordinance, amending the heights of athletic field light standards in the PLU (Public Land Use) District.

New Business

Public Participation

### *Minutes of the Meeting of January 3, 2013*

The meeting of the Radnor Township Planning Commission was held at 7 PM in the Municipal Building, 301 Iven Ave., Wayne, Pa 19087.

#### **Present**

Julia Hurle, Chair

Skip Kunda, Vice-Chair

Kathy Bogosian

Doug McCone

Regina Majercak (arrived late)

#### **Absent**

Steve Cooper

Susan Stern

Also present: Kevin Kochanski, Zoning Officer, Peter Nelson, Esq., Solicitor, and Suzan Jones, Administrative Assistant.

Mrs. Hurle called the meeting to order.

In continuing the discussion of the PI Zoning District, Charlie Schmehl, URDC, again gave the presentation which centered on parking this evening.

Parking management plans, submitted by the institutions, may justify reservation parking if required and could be located on different areas throughout their campus. Shuttle busses could be used if needed to transport students from satellite parking areas to dorms, classes, etc.

Kathy Bogosian wants to make sure that any notes and locations regarding future parking, etc. must be on the recorded plan as well as shown on all future submittals to the Township for each site from that point forward. The total number of employees and all staff should be submitted to the Township at required intervals to ensure the proper amount of parking spaces exist on each site.

Skip Kunda wants to make sure that any notes regarding intersection improvements also be noted on recorded plans and future site plans until at which time, the improvement is completed.

Julia Hurle requested that off-street parking still be limited to PI zoning even though it may be on a different lot.

Parking on institution sites varies because it is governed by use rather than the number of students. I.e. A dining hall has different requirements than an auditorium or a dorm, etc. since parking is calculated on the use. Making up parking deficits needs to be explored.

Julia Hurle wants to make sure that the correct method to calculate required parking is researched and ultimately used.

This will require the institutions to notify the township of total number of employees including all staff and students. The square footage of all buildings will also be required.

Whatever system is used to determine the proper number of parking spaces, the ultimate outcome should be an increase in parking spaces on campus to remove vehicles from neighboring streets.

Charlie Schmehl continued suggesting that by starting high on the number of parking spaces then incorporating the reservation parking hoping to catch what is needed. Otherwise, other sites would need to be researched by the institutions at that point in time. The proposal of reducing parking spaces by two for the installation of an electric charging station was questioned by Skip Kunda. This is only a benefit to the institution. In not having extra parking spaces, this would force gas vehicles off site and add to the existing problems. A by-right reduction in parking should not be permitted. If the institution already is in a deficit situation, they cannot reserve parking as they will need it to bring their numbers to proper settings.

#### *Public comment*

Sara Pilling – 29 Garrett Ave – In 1983 residents were forced to go to permit parking because of students overtaking their street as freshmen could not park on campus, so the residential neighbors were overrun. Employees at Villanova have to pay for the privilege to park on campus.

Lynn Ellis – 908 Lewis La when 230 Lowrys La – Villanova students tried to rent spaces on residential streets from the residents. Two unrelated persons in rental units is not being enforced by the Township which increases parking issues on residential streets. She would like to see more scenic roads in the areas of the institutions.

Jim Schneller – St. Davids – Requests that this board fixes existing problems and helps to stop new ones before they develop. Universities should give incentives to their employees to use public transportation and remove vehicles from campus. He requested that a no-growth policy be put into place with the institutions. Setbacks to the trolley tracks should be reduced to zero. Construction in these areas is better than near the residential districts. The Board of Commissioners already has heavy agendas and this could possibly limit the depth required to view these plans and applications. He requests that the plans be seen by the zoning hearing board. He feels that institutions receive carte blanche.

Toni Bailey – 132 Barcladen Rd. - Asked the members to ask themselves what would be the unintended long-term consequences of this plan.

Nick Caniglia – There is a LST tax in the township and the institutions submit these to the finance dept. which would give the exact amount of employees for each institution with regard to parking.

Philip Ahr – Height regulations and setbacks afraid that the way the ordinance is written it would permit an institution to make an existing building taller. He would like these area revisited.

Bob Esgro – 46 Aldwyn La – Villanova does permit freshmen to live on campus. Ithan and grassy areas in the area of the south dorms are utilized by visitors to Villanova. Once or twice a month, overflow parking on neighborhood streets occur in the area of Villanova.

There was discussion regarding the process an institution would have to go through to request a lower amount of required parking spaces which ultimately would require that they must appear before the zoning hearing board for relief.

Kathy Bogosian and Julia Hurle would like plans requesting lower parking space numbers be seen by the Planning Commission for review and comment before it goes to the zoning hearing board.

Peter Nelson informed the Planning Commission that as the draft ordinance is currently written, the decision to reserve parking is purely discretionary on the part of the BOC. If a conditional use or special exception process is used, then the BOC/ZHB losses its discretion to grant or deny a request to reserve parking and the granting of such requests would, instead, be directly tied to the standards listed in the ordinance. Under any scenario, the plan would have to show the proposed future parking. Mr. Nelson stated that the Township could also consider requiring institutions to post escrow funds to cover the future construction of said reserved parking, if it is ever needed.

Kathy Bogosian felt that an un-ending escrow being held by the Township could be very costly to the institution. Numbers need to be tweaked for the special uses. Institutions need to have more parking on site than what they presently have because they already, in most instances, are in a deficit situation.

Regina Majercak feels that parking for special events has to be dealt with separately. Counting staff and students should be a good area to start to determine what is needed and required.

Skip Kunda feels that parking deficit repairs should be considered on moderate levels. This should be considered when institutions come in to apply for new projects. Villanova's

representative at the last meeting said he had 28 comments against the proposed ordinance and he would like to hear them. Nick Caniglia will bring them to the next Planning Commission meeting.

The next meeting will be Thursday, February 7, 2013. The meeting will begin at 7 PM.

There being no further business, the meeting adjourned.

Respectfully submitted,

*Suzan Jones*

Suzan Jones

*Minutes of the Meeting of January 8, 2013*

The meeting of the Radnor Township Planning Commission was held at 7 PM in the Municipal Building, 301 Iven Ave., Wayne, Pa 19087.

**Present**

Julia Hurle, Chair

Skip Kunda, Vice-Chair

Steve Cooper

Doug McCone

Regina Majercak (arrived late)

Susan Stern

**Absent**

Kathy Bogosian

Also present: John Sartor, PE, Township Engineer; Roger Phillips, PE, Township Engineer; Amy Kaminski, PE, Township Traffic Engineer; Peter Nelson, Esq., Solicitor, Kevin Kochanski, Zoning Officer, and Suzan Jones, Administrative Assistant.

Mrs. Hurle called the meeting to order.

Susan Stern moved to nominate Julia Hurle as Chair and Skip Kunda as Vice-Chair. Seconded by Steve Cooper, the motion passed.

Julia Hurle announced the newest member of the Planning Commission, John Lord, Esq., would be attending the next meeting and welcomed him and his expertise.

*Minutes of the Meetings of December 4 and December 6, 2012*

Skip Kunda moved to approve both meeting minutes. Seconded by Steve Cooper, the motion passed.

*SD # 2012-S-15 (Final) of 615 Newtown Road, LP to subdivide existing parcel 8 residential lots. Existing estate home will remain and proposed to construct 7 new single family dwellings with a private cul-de-sac road. A 9<sup>th</sup> lot created across Rte. 320 will be deed restricted against further residential development.*

George Broseman and Dave Gibbons, P.E., appeared on behalf of the applicant. Preliminary approval has already been granted and they have appeared before the Board of Commissioners and the Zoning Hearing Board. Plans were displayed and described accordingly. The applicant would like to transfer the lot across Rte. 320 to either the township or the swim club. The subject of noting it as open space was not likely to be considered. The applicant would like to

keep an island in the center of the cul-de-sac. A note on the plan should be placed that no parking will be permitted in the cul-de-sac. He requested that the placement of the boulder retaining wall on lots 1 and 2 be shown on the building permit plans as the house plans shown on these plans are rubber stamped and not accurate depiction of the footprints of the proposed homes. In response to the request from Steve Norcini regarding the replacement of the terra cotta pipe under Rte. 320, the applicant requests it to be inspected to verify the need to replace it. The applicant wants to televise the pipe, unless the township has done so, to determine the structural integrity, of the pipe to discuss the replacement. The applicant will discuss this further with Mr. Norcini. He acknowledged that final approval can only be contingent on the required approvals from outside sources; PennDOT, DEP, etc. The issue of boulder walls on the site was discussed and permitted to review at the building permit stage.

John Sartor is concerned about PennDOT taking the right-of-way in the future and requested that the easement along Newtown Rd. be placed outside of the ultimate ROW. Peter Nelson stated the applicant is legally obligated to do this. The applicant agreed to comply.

Julia Hurle requested that 'no parking signs' in the cul-de-sac for emergency vehicle access, be shown on the plans.

John Sartor is satisfied with the wetlands delineation comments. The Shade Tree Commission needs to approve the plans showing the existing features, which include, close proximity of stormwater management basins, as well as existing species and caliper of trees. This will be discussed at their January meeting.

Amy Kaminski agrees that the applicant's plan show sufficient turning radii for the proposed movements. The plans shall show and document that signs will be placed and there will be no parking in cul-de-sac.

Susan Stern is concerned with the conservation easement as well as comments about steep slopes that are arising now and the applicant has already received approval from the zoning hearing board. Mr. Broseman pointed out on the plan the location of the steep slopes. Residents who will be buying the lots will need to submit plans that comply with the township and zoning regulations. She feels the building footprint should be pulled closer to the new road. Peter Nelson requests that lot 9 not be listed as open space, verbiage of no residential development would be placed on the plan. They prefer to transfer the land possibly to the swim club.

Kevin Kochanski suggested that conditional notes can be placed on the plans that the resolution of the pipe issue be resolved to the satisfaction of Steve Norcini.

Peter Nelson asked the applicant if they would consider the imposition of a conservation easement on Lot 9 as part of the plan approval. The applicant did not want to do this because they are looking for whatever tax benefits can be achieved by offering the site to other parties.

No public comment.

Steve Cooper moved to approve the plan as submitted subject to the expansion of the conservation easement along Newtown Rd. to be on the outside of the ultimate Penn Dot Right-of-Way and to match the square footage of the area based on the zoning variance with the revised setbacks. Either replace the sewer line or satisfy the concerns of the Public Works Director that the sewer line does not need to be replaced. That the applicant reappear before shade tree commission and satisfy their concerns and address the open comments in Gilmore letter.

George Broseman is ok with lot 9 restriction and inclusion of the island in the cul-de-sac. Doug McCone seconded. The motion passed.

*Recommendation for Ordinance # 2-012-11.1 – Amending Chapter 280 of the Radnor Township code, Zoning Ordinance, amending the heights of athletic field light standards in the PLU (Public Land Use) District.*

Kevin Kochanski read the proposed ordinance which is slated to appear before the Board of Commissioners within the next 30 days.

Susan Stern questioned the existing heights throughout the township vs. the proposed height, and who on staff would have final say in approving the placement of lights. The public / private partners utilize township fields. She feels they should be no higher than that at the high school.

Skip Kunda questioned set back ordinances regarding lighting fields and the 85' compared to the existing high school lights of 80'.

Regina Majercak is concerned that the specifications of approvals aren't spelled out with more depth in the ordinance and why are the school district fields not included.

No public comment

Susan Stern moved to approve the ordinance with the amendment that E 1 be changed to not exceed 80' and that in the main body E, that it specifies Radnor Township Property. Steve Cooper seconded the motion. The motion passed.



Peter Nelson said he would like to speak with Kevin Kochanski about tweaking certain language in the ordinance before it is forwarded onto the Board of Commissioners. These changes would be minor and editorial in nature. The motion passed.

*Recommendation # 2012-09 – amending Chapter 280 of the Radnor Township Code, Zoning Ordinance, by establishing regulations for outdoor dining in the C-1, C-2, C-3, PB, GH-CR, and PLO Zoning Districts.*

Kevin Kochanski described the proposed changes from the last time this was before them.

Susan Stern is still concerned with the boundary lot line between outdoor dining and residential districts and is concerned that it doesn't state anywhere that the outdoor dining has to be adjacent to the building.

Public comment

Sara Pilling – Garrett Hill – There is no reference to temporary dining. Mr. Nelson and Mr. Kochanski informed her that if an applicant wants to do this, there is a specific process that needs to be addressed and applied for. She feels smaller neighborhoods should be excluded from this as some residences are as close as 20' to a restaurant when separated by a street.

Baron Gemmer – S. Wayne Ave. – There are a few housekeeping items he is concerned about. Staff will attend to these. Driveway crossings could have safety issues—these should be addressed. He suggested not deleting verbiage and leave wording in but set specific criteria for footage limitations from outdoor dining areas. He is concerned with non-conforming residential and commercial.

Nick Caniglia – Italian American Club – Language should be changed as the new verbiage would create the club to not comply with the ordinance. Their split zoning would be affected by the proposed change. Higher percentage should be considered for the smaller establishments.

Jim Schneller – St. Davids – 30% or 50% would benefit smaller establishments. Questioned the limit of November 30<sup>th</sup>—winter festivities could benefit. Outdoor dining for alcohol consumption only should be eliminated.

Toni Bailey – Questioned the additional parking as required by this ordinance. She feels there is no place for outdoor dining in Garrett Hill.

Susan Stern feels the ordinance should cover the entire township, not just certain areas. Safety issues of certain outdoor designations need to be considered.

Steve Cooper has no issues.

Regina Majercak questioned outdoor heating and does not agree with the recommendation of DCPD to have heating units in outdoor dining.

Julie Hurle is ok with heaters and requests that Section 10 be reworded and has no issues with crossing a driveway.

Doug McCone questioned application issues going to the Board of Commissioners.

Susan Stern questioned residences on commercial zoned sites.

Susan Stern moved to recommend approval subject to # 10 being revised as per Peter Nelson's suggestions to read as follows. (10) Setbacks. (10) (a) Outdoor dining shall be permitted in the front, side and rear yards. (10) (b) No outdoor dining area shall be established within 100 feet of the property line of a dwelling unit located completely or partially within a residential zoning district. (10) (c) No outdoor dining area shall be established within 100 feet of an unimproved lot located completely or partially within a residential zoning district. (10) (d) Outdoor Dining areas shall not be permitted at the rear or on either side of a principal restaurant building when said building is immediately adjacent to an existing single family or two-family detached or semidetached dwelling unit or residentially zoned district. For the purposes of this subsection, the term "immediately adjacent" shall not apply to the single family or two-family detached or semidetached dwelling units or residential districts separated from the restaurant use by a public road. Seconded by Skip Kunda, the motion passed.

*Recommendation for Ordinance # 2012-\_\_\_ - Amending Chapter 280 of the Radnor Township Code, Zoning Ordinance, by establishing regulations to establish a new use, Mixed-Use Special Transportation Development within the PLO-Planned Laboratory-Office District.*

Nick Caniglia, Esq. appeared on behalf of the applicant. A brief power point was displayed. The PLO District was displayed on a map of the sites that would be affected by this ordinance. It was determined that the SEPTA train station is about a 7-8 minute walk from the site. Cross-walks, landscaped center median strips and enhancements were displayed. The applicant intends to turn the 2<sup>nd</sup> class train station into a 1<sup>st</sup> class train station. Nick stated that they would be requesting a conditional use for this site.

There was discussion regarding parking and the amount of information missing from this ordinance. Board members are looking for revisions to the ordinance.

Susan Stern is looking for an ordinance that details how transit will be utilized for the purpose of this site and would like to see the Comprehensive Plan's comments. Their comments will be forwarded to the board.

#### Public Comment

Jim Schneller - PLO area between trolley tracks and Arch Bishop Carroll High School sits on a 10 acre site—there is a visual aspect – there is a creek keep run off to a minimum to avoid damage to this creek.

Skip Kunda does not have enough information to move forward. Requests more information on mixed-use aspect, is concerned if parking calculations of 3 per 1,000 is adequate. The use of the R4 / R5 line presently is down and requests to see more focus on mass transit.

Regina Majercak prefers mixed-use and is concerned about the traffic – go further with new station and enhance entrances to both stations.

Julia Hurle has density issues. The buildings are proposed to be higher than anywhere else.

Steve Cooper is okay with proposed 3 parking spots per 1,000. Traffic density with respect to the entire zone and restrict to just this project, not the entire zone

Doug McCone doesn't feel there is a full use of the site. 70% will be filled, if you're lucky, and afraid not enough people will take public transportation as the applicant feels they will achieve.

Susan Stern would like to see the applicant use a designated exit off the blue route. The ordinance as proposed is questionable. Significant public transportation should be suggested as part of the verbiage. Change up the use to include less dense occupancy that it might be more of a truly mixed-use to be workable. There should be a feasibility direct access from the highway.

This plan shows many additional cars and parking spaces. Submitting the new ordinance in an overlay over the existing ordinance would help show the differences. Conceptual plans showing building heights should be submitted.

Skip Kunda hopes the applicant is listening to these comments and moved to table the application for another month in hopes that they will take into consideration the comments made here tonight.

Regina Majercak wants to see something that works for everyone and the entire site should be considered.

Steve Cooper moved to deny the zoning petition and requests that if the petitioner desires to move forward that they return to the Planning Commission with the following: a plan showing the maximum potential build out as per the new requested zoning on the entire area that encompasses the new zone so the board can understand the true impact of the increase in parking density for the entire area under consideration for rezoning. They consider less intense uses, and more mixed-uses on the site. They exhibit the impact of the building height on adjacent property owners and explain in a more definitive fashion and in writing how the traffic impact mitigation can be achieved. Seconded by Susan Stern, the motion passed 5-1. Doug McCone opposed.

*Ordinance Amending Chapter 255 of the Radnor Township Code. Subdivision and Land Development Ordinance to establish regulations to the mandatory dedication of recreation land as part of a subdivision or land development; and to establish a fee in-lieu-of the dedication of recreation land when it is determined that the dedication of the land required for recreation purposes is not feasible.*

Kevin Kochanski announced the items that have been revised from the original submission.

Skip Kunda feels the area of four lots is too small.

Regina Majercak doesn't want to see anything redirect commercial building elsewhere. Commercial sites should be included.

Steve Cooper sees this as a taxing mechanism and doesn't see this pushing development away. He feels commercial sites are already paying higher taxes.

Kevin Kochanski explained that this type of ordinance shifts the burdens off of the existing residents onto the new residents using the facilities. He also explained that an applicant could possibly request a waiver since this is dealt with at the SALDO level.

Susan Stern is concerned of where the suitable park and rec land would be provided. She doesn't feel verbiage is clear and doesn't feel new residents are putting a greater burden on our park land than the existing residences.

Julia Hurle would want to include commercial sites.

Public comment

Jim Schneller – The ordinance parameters should be widened.

Those agreeing with including commercial sites: Julia Hurle, Susan Stern and Doug McCone. Disagreeing with commercial sites are Regina Majercak and Skip Kunda. However, both agree with new development only, not redevelopment

Peter Nelson stated that the MPC only allows for the collection of park and rec fees.

Steve Cooper is ok with the document the way it is written.

Steve Cooper moved to recommend approval as written. Susan Stern seconded. The motion passed in favor 4-2. Regina Majercak and Skip Kunda opposed.

Introduction of Villanova Ordinance to be discussed at the February meeting.

Public comment

Kevin Geary – 4 Black Friar Rd. – Requests the board to look at several key items. The building setbacks, heights, construction of a bridge, location of book store, stormwater and impact on residences for 3 years of construction. He suggested that they consider the PI zoning comments made for the past several months.

There being no further business, the meeting adjourned.

Respectfully submitted,

*Suzan Jones*

Suzan Jones

**ORDINANCE NO. 2012-09**

**RADNOR TOWNSHIP**

**AN ORDINANCE OF RADNOR, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 280, ZONING, OF THE CODE OF THE TOWNSHIP OF RADNOR, ESTABLISHING REGULATIONS FOR OUTDOOR DINING IN THE C-1, C-2, C-3, PB, GH-CR, AND PLO ZONING DISTRICTS**

**P R E A M B L E**

*The Radnor Township Board of Commissioners does hereby ENACT and ORDAIN, as follows:*

**Section 1.**

Chapter 280, Zoning, is hereby amended to permit outdoor dining as an accessory use on the same premises as a licensed food establishment that has indoor seating in the C-1 (Local Commercial), GH-CR (Garrett Hill-Conestoga Road) and PB (Planned Business) Districts through the following new subsections:

280-47 J. (4) Outdoor dining in accordance with the requirements of Section 280-115.3

280-49.8B(2)(e) Outdoor dining in accordance with the requirements of Section 280-115.3

280-59.C(4) Outdoor dining in accordance with the requirements of Section 280-115.3

**Section 2.**

Article I, Section 280-4 Definitions and word usage is hereby amended to add the following definition:

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

**Section 3.**

Article XHIA, Section 280-53.6 Definitions is hereby amended to delete the definition of Outdoor Dining.

## **Section 4.**

**Article XX** General Regulations is hereby amended by adding a new Section 115.3 as follows:

### **Section 115.3 Outdoor Dining Regulations**

- A. Within the C-1, C-2, C-3, WBOD, GH-CR and PB Zoning Districts, outdoor dining shall be permitted as an accessory use on the same premises as a licensed food establishment (restaurant) that has indoor seating. To assure quality standards for customers and food safety, the following provisions shall apply:
- (1) All outdoor dining areas shall be subject to compliance with all applicable health, building, accessibility, fire, and plumbing codes of Radnor Township.
  - (2) 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, exclusive of the outdoor dining area, of 48 inches shall be maintained free and clear at all times for pedestrians (unless a greater width is required by the building and/or accessibility codes). Such area shall not include the outdoor dining area and shall be free of surface obstacles and obstructions (i.e., hydrants, streetlights, parking meters, and street trees.) (See Figure 13 - Editor's Note: Figure 13 is included at the end of this chapter).
  - (3) 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. 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 Township. 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 36 inches high to prevent a tripping hazard; unless more restrictive requirements are required by other municipal codes.
    - (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 - Editor's Note: Figure 14 is included at the end of this chapter); unless a greater width is required by other municipal codes.

- (e) Pedestrian barriers shall be made of a durable metal such as wrought iron (see Figure 15 - Editor's Note: Figure 15 is included at the end of this chapter).
- (f) Pedestrian barriers shall not have legs or supports that protrude into a sidewalk more than two inches.
- (g) Prohibited Barriers:
  - [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 - Editor's Note: Figure 16 is included at the end of this chapter).
  - [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] Flower pots, planters, and other ornamental containers.
- (4) Furniture. To ensure outdoor dining in a quality environment, furniture shall be limited to the following materials, unless otherwise approved by the Design Review Board:
  - (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) Wood, wicker
  - (i) The use of upholstery and cushions shall be subject to review and approval of the Township's Code Officials and Health Officer.



- (j) The use of plastic furniture to satisfy the requirements of this subsection shall be prohibited (see Figure 17 - Editor's Note: Figure 17 is included at the end of this chapter).
- (k) The use of tarps or similar coverings to cover the furniture when not in use shall be prohibited.
- (5) Roof coverings. At the direction of the Township's Health Officer, all outdoor dining areas shall have an approved roof material available for patrons. The following shall apply:
  - (a) No advertising on umbrellas shall be permitted (see Figure 18 - Editor's Note: Figure 18 is included at the end of this chapter.).
  - (b) Flame-resistant material shall be used.
  - (c) If awnings are used, they shall be a minimum of six feet eight inches (6'-8") in height above the sidewalk or patio surface.
  - (d) Tents shall not be permitted over an outdoor dining area.
- (6) Signs. No signs advertising outdoor dining shall be permitted, unless approved pursuant to Article XXI of this chapter.
- (7) Parking. In addition to the parking requirements for the principal restaurant use, outdoor dining shall provide additional parking in accordance with the following:

<u>Number of Outdoor Seats</u>	<u>Required Number of Parking Spaces</u>
1-12	None
13-24	1 space per 4 seats after the first 12 seats.
25 – 50	1 space per 3 seats after the first 24 seats.

- (8) The number of outdoor dining seats shall be limited to a maximum of 25 percent of the total number of indoor seats in the associated principal restaurant use. However, at no point shall more than fifty (50) outdoor dining seats be provided at any one restaurant.
- (9) Outdoor dining shall be permitted between March 1<sup>st</sup> and November 30<sup>th</sup>. Hours of operation shall be from 8:00 a.m. to 10:00 p.m. All seating of patrons shall provide for the dining area to close at the required hour.

(10) Setbacks

- (a) Outdoor dining shall be permitted in the front, side, and rear yards of the property upon which the principal restaurant is located.
- (b) No outdoor dining area shall be established within 100 feet of the property line of a single family or two family detached or semi-detached dwelling unit located completely or partially within a residential zoning district.
- (c) No outdoor dining area shall be established within 100 feet of the property line of an unimproved lot located completely or partially within a residential zoning district.
- (d) Outdoor dining areas shall not be permitted to the rear or on either side of a principal restaurant building when said building is immediately adjacent to an existing single family or two family detached or semi-detached dwelling unit or residentially zoned district. However, the outdoor dining area can be located to the rear or side of the principal restaurant building when the outdoor dining area is more than 500 feet from the property line of the immediately adjacent single family or two family detached or semi-detached dwelling unit or residentially zoned district.
- (e) For the purposes of this Section A(10), the setbacks and requirements set forth in Subsections (b), (c), and (d) above shall not apply to any properties, dwelling units, or residential zoning districts separated from the accessory Outdoor Dining Use by a public road.

~~(a) Outdoor dining shall be permitted in the front, side, and rear yards. However, no outdoor dining area shall be established within 100 feet of the property line of a dwelling unit located completely or partially within a residential zoning district. Outdoor Dining areas shall not be permitted at the rear or on either side of a principal restaurant building when said building is immediately adjacent to an existing single family or two family detached or semidetached dwelling unit or residentially zoned district. For the purposes of this section, the term "immediately adjacent" shall not apply to single family or two family detached or semidetached dwelling units or residential districts separated from the restaurant use by a public road.~~

~~(10)~~(11) Outdoor dining areas shall be located on a permanent surface. Temporary flooring shall not be used.

~~(11)~~(12) Exterior Heating Systems. When heaters are used in an outdoor dining area, the following shall apply:

- (a) The use of outdoor heaters shall be in compliance with the International Fire Code, as amended.
- (b) Heaters shall not be located on a public sidewalk or within a public right-of-way.

- (c) Heaters shall not be located closer than ten (10) feet from a means of ingress/egress into and/or out of a building or into and/or out of an outdoor dining area.
- (d) When heaters are located in outdoor dining areas, the owner/operator of the restaurant shall provide a plan for fire protection in accordance with applicable codes. Said plan shall be approved by the Township's Code Officials.
- (e) Where applicable, heaters shall be securely fastened to a wall or the floor of the outdoor dining area to prevent the heater from accidentally tipping over. Said fastening shall be subject to review and approval by the Township's Code Officials.
- (f) All gas fired heaters shall be equipped with safety shutoff valves that stop gas flow if flame is extinguished as well as a tip-over safety switch.

~~(12)~~(13) Outdoor dining areas shall provide additional outdoor trash receptacles; which must meet the requirements of Subsection A(4) above.

~~(13)~~(14) The sale of alcoholic beverages shall be incidental to the sale and consumption of food. Outside bar service and/or walk-up bar service for the sole purpose of the consumption of alcohol without the consumption of food is prohibited.

~~(14)~~(15) Pets are not permitted in the outdoor dining area with the exceptions as identified in Chapter 170 food regulations (by reference) Section 46.982 - Limitations on animals.

- B. Outdoor Dining shall be permitted within the PLO District as part of an accessory cafeteria provided the outdoor dining area is used exclusively by the occupants of the building or campus; and shall be subject to the provisions of 280-115.3.A.
- C. Outdoor Dining shall be permitted by Special Exception in all other zoning districts as an accessory use on the same premises as an existing licensed nonconforming food establishment that has indoor seating; and shall be subject to the provisions of 280-115.3.A.
- D. Storage of materials. At the conclusion of 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 shall be stored off site.
- E. Outdoor dining permit. To assure compliance with safety and food code standards of the Township, the following regulations shall govern the issuance of all outdoor dining permits:
  - (1) Applications shall be filed on forms provided by the Township along with the required fees (as set forth in Chapter 162 of the Code or by separate resolution of the Board of Commissioners) and any information necessary to determine compliance with this section.

- (2) Applications shall be submitted to the Community Development Department for a preliminary review.
- (3) Once a preliminary review has been completed by the Community Development Department, the application shall be forwarded to the Design Review Board for an initial application for outdoor dining or when changes are proposed to the outdoor dining area. 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.
- (4) Upon a successful review and approval by the Design Review Board, the application shall be reviewed by the Community Development Department for final approval to determine compliance with safety standards, the Food Code requirements set forth in Chapter 170 of the Township Code, and other applicable Municipal regulations.
- (5) Upon final approval of an application, a permit shall be issued. Fees shall be paid upon the filing of an application and shall be renewed on an annual basis.
- (6) All locations shall be subject to periodic inspections for compliance with the standards of this Ordinance. Two or more violations of this Ordinance may result in a minimum seven-day suspension and/or revocation of all zoning, health, or building permits applicable to the outdoor dining use.
- (7) Noise. Outdoor dining shall be subject to Chapter 200, Noise. No amplified music or sound is permitted. All activities, including the playing of music or other forms of entertainment, shall comply with the noise limitations of the Township Ordinances and any other regulatory agencies having jurisdiction, as applicable.

#### **Section 5.**

Article XI, Section 280-49 Special regulations, subsections A. and B. are revised as follows:

- A. Every use, other than a parking lot and outdoor dining, shall be completely enclosed within a building.
- B. Except for outdoor dining as permitted by 280-115.3, 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-serving station or similar use shall be allowed in any required yard abutting a street or on a public sidewalk.

#### **Section 6.**

Article XII, Section 280-53 Special regulations, subsections A. and B. are revised as follows:

- A. The requirement that a use be enclosed within a building shall not apply to outdoor dining or 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 outdoor dining and the display of automobiles not less than 20 feet from a street right-of-way line.

**Section 7.**

Article XIIA, Section 280-53.9 Special regulations, subsection B. is revised as follows:

- B. Except for outdoor dining as permitted by 280-115.3, 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.

**Section 8.**

Article XIII, Section 280-57 Special regulations, subsection B. is revised as follows:

- B. No goods, articles or equipment shall be stored, displayed or offered for sale beyond the front lines of a building, except for outdoor dining and the display of automobiles not less than 20 feet from a street right-of-way line and also in the case of a motor vehicle service station.

**Section 9.**

Article XIV, Section 280-61 Special regulations, subsection C. is revised as follows:

- C. Except for outdoor dining, 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.

**Section 10.**

Article XV, Section 280-63.C Accessory uses, subsection (2) is revised as follows:

A cafeteria or other service facility located within the building and operated for the exclusive use of the occupants of the building. An accessory cafeteria may include outdoor dining as permitted by 280-115.3.B.

**Section 11.**

Article XIIA Wayne Business Overlay District, subsection 280-53.7.F(2) is hereby deleted in its entirety.

**Section 12.**

Article XHIA Wayne Business Overlay District, subsection 280-53.16 is here by deleted in its entirety and replaced with the following:

This section intentionally left blank.

**Section 13. Repealer**

**Section 14. Severability**

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

*ENACTED* and *ORDAINED* this                    day of                    , 2013.

RADNOR TOWNSHIP

By: \_\_\_\_\_  
Name: Elaine P. Schaefer  
Title: President

ATTEST: \_\_\_\_\_  
Robert A. Zienkowski, Secretary

**Radnor Township**  
**PROPOSED LEGISLATION**



**DATE:** November 27, 2012  
**TO:** Board of Commissioners  
**FROM:** Kevin W. Kochanski, Community Development Director

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**LEGISLATION:** Amended petition filed by Villanova University to provide for a new use, Comprehensive Integrated College Development, within the Planned Institutional Zoning District.

**LEGISLATIVE HISTORY:** Villanova University had previously filed a petition back in May of 2012. After meeting with the Board, the University took the opportunity to revise their petition to address the comments and concerns raised by the Commissioners, Staff, and the public.

**PURPOSE AND EXPLANATION:** The proposed amendment provides detailed use regulations and area and dimensional requirements to provide additional opportunities for student housing with associated accessory uses to be moved from off campus to an on-campus setting.

**RECOMMENDED ACTION:** The Staff would respectfully recommend that this petition be reviewed on December 3, 2012 and be forwarded to the Township Comprehensive Plan Implementation Committee , Township Planning Commission , and Delaware County Planning Commission for review and comment. Thank you for your consideration.

NICHOLAS J. CANIGLIA, ESQUIRE  
Pierce, Caniglia & Taylor  
P.O. Box 312  
125 Strafford Avenue, Suite 110  
Wayne, Pennsylvania 19087  
610-688-2626  
Attorney I.D. 27968

ATTORNEY FOR VILLANOVA UNIVERSITY

**AMENDED  
PETITION OF VILLANOVA UNIVERSITY  
TO AMEND THE ZONING CODE OF THE TOWNSHIP OF RADNOR**

**TO THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF RADNOR:**

Pursuant to Section 280-149 of the Zoning Code of the Township of Radnor, the Petition of Villanova University herewith respectfully petitions for an Amendment to Article XVI of the Zoning Code of the Township of Radnor, as more fully described below, and in support thereof respectfully represents as follows:

1. The Petitioner, Villanova University, is a non-profit educational institution located in Radnor Township, Delaware County, Pennsylvania with an address of 800 Lancaster Avenue, Villanova, Pennsylvania.

2. On or about May 24, 2012 your Petitioner filed a Petition to Amend the Zoning Code of the Township of Radnor together with the proposed Amendment (the "Zoning Amendment") titled Comprehensive Integrated College Development (CICD) to Article XVI of the Zoning Code of the Township of Radnor (the "Township").

3. Your Petitioner has revised the Zoning Amendment a copy of which is attached hereto as Exhibit "A".

4. In particular the revised Zoning Amendment includes the following revisions:

(a) It provides for front yard setbacks along street rights of way, Section D(2)(a);



- (b) It provides for larger side and rear yard setbacks, Section D(2)(a);
- (c) It reduces the maximum height of dormitory buildings from 65 feet to 55 feet and further provides an average height of dormitories not to exceed 45 feet, Section D(2)(c);
- (d) It reduces the maximum height of a parking structure from 65 feet to 38 feet, Section D(2)(c);
- (e) It reduces the maximum height of all other buildings from 65 feet to 60 feet and further provides an average height of all buildings not to exceed 50 feet, Section D(2)(c);
- (f) It revises the off-street parking requirements for the CICD District, Section D(3)(c).

5. If the Amendment is granted Petitioner requests that the Township designate land (the "Designated Property"), better known as the surface parking lots located adjacent to Lancaster Avenue, with an address of 800 Lancaster Avenue, Villanova, Radnor Township, Delaware County, Pennsylvania, as the area for the CICD.

6. The Designated Property consists of approximately 13+/- acres.

7. The Designated Property is bounded by and immediately adjacent to the right-of-way line of Lancaster Avenue (Route 30), an arterial highway on the north; the Norristown High Speed Line of the Southeastern Transportation Authority (SEPTA) on the south; the eastern edge of the easternmost surface parking lot of Villanova University on the south side of Lancaster Avenue on the east; and the SEPTA parking lot on the west.

8. The Designated Property has been used as a surface parking lot for Villanova University.

9. The Designated Property is not adjacent to any single-family residential properties. It is totally surrounded by the property of Villanova University or SEPTA.

10. The purpose of the Zoning Amendment is to provide design and regulatory standards which will mutually benefit the Township and educational institutions by creating student housing designed to move students from the community to on-campus housing and providing for enhanced vibrancy through building, site, and a pedestrian-friendly townscape, while protecting adjacent non-institutional property.

11. In accordance with Article XXV of the Zoning Code of the Township of Radnor, it is requested that a hearing be held to consider the Amendment of the Zoning Code of the Township of Radnor as set forth as Exhibit "A".

WHEREFORE, Your Petitioner respectfully requests that a hearing be held and the Zoning Code of the Township of Radnor be amended as herein set forth.

**Respectfully Submitted By:**

  
**NICHOLAS J. CANIGLIA, ESQUIRE**  
**ATTORNEY FOR PETITIONER**

**ARTICLE XVI**  
**PI PLANNED INSTITUTIONAL DISTRICT**

**§280-68.1. Comprehensive Integrated College Development.**

**A. Purpose; intent of regulations.** It is the intent of these regulations to provide and promote development and redevelopment of land currently used for institutional purposes within the Township. It is the further intent of the Comprehensive Integrated College Development (CICD) to promote a pedestrian-friendly landscape in land currently used for institutional purposes in a sensitive and planned development that preserves the integrity of those neighborhoods in which they are situated. In conformity with the Radnor Township Comprehensive Plan these regulations provide for the sound planning of institutional property and limit the expansion of institutional use to areas within the present limits of campus areas. These regulations are intended to provide design and regulatory standards for educational institutional facilities which will mutually benefit the Township and the institution, including the creation of student housing designed to move students from residing in the community to on-campus housing, and providing for enhanced vibrancy through building, site, and a pedestrian-friendly townscape, which enhances the benefit to the community and the institution while protecting adjacent non-institutional property.

**B. Definition.** A Comprehensive Integrated College Development is the use of any Building or Structure, or a combinations of Buildings and Structures, for any one or more of the uses set forth in §280-68.1D(1).

**C. Designation.** Comprehensive Integrated College Development shall be permitted in those areas of a college or university requested by the institution and designated by the Township limited to an aggregate Lot Area greater than ten (10) acres and no more than twenty (25) acres. The CICD may consist of more than one contiguous parcel or lot. Whenever there is conflict or inconsistency between the Planned Institutional District's regulations and other definitions and regulations of the Zoning Code or the Subdivision and Land Development Ordinance, Chapter 255, the regulations set forth in this §280-68.1 shall govern notwithstanding anything to the contrary in the Zoning and Subdivision and Land Development ordinances of the Township of Radnor.

**D. Regulations.**

**(1) Use regulations.** The following regulations shall govern the use of property and shall permit a Building, a Structure, or a combination of Buildings and Structures to be erected, used, or occupied for any one or more of the following purposes when authorized as a conditional use by the Board of Commissioners provided the proposed uses shall meet all of the specific standards and regulations set forth in §280-68.1D(2) and §280-68.1D(3):

(a) College or university uses for any of the following purposes:

- [1] Academic classrooms, academic research, administrative offices, auditorium or theatre.
- [2] Dormitory, dining, and other recreational/social facilities designed to provide services to the college/university community.
- [3] Townhouses, apartments or other dwelling units and accommodations for housing as well as other recreational/social facilities designed to provide services to the college/university community.
- [4] Surface parking and Parking Structure.

(b) Retail uses limited to the following:

- [1] Clothing shop, book store, variety store to include food items, bakery, ice cream shop, drug store, specialty shop, or similar use providing sales and services to customers.
- [2] Personal service shop, including a barbershop, beautician, salon, or clothes cleaning.
- [3] Restaurant or similar establishment not to include Drive-thru facilities.
- [4] Bank or similar financial institution not to include Drive-thru facilities.
- [5] Indoor amusement arcade.

Although these retail uses shall be open to the public, the use shall be designed as part of the college/university and intended primarily to serve the college/university community including students, employees, alumni, and visitors.

(c) Accessory Uses customarily incidental to the foregoing permitted uses.

**(2) Area/Yard/Setback/Coverage/Height Regulations.**

- (a) **Setbacks.** No Building or permanent Structure shall be located less than 30 feet from the street line of an arterial Street which is owned on both sides by the same institution and less than 15 feet from the street line of any other public street owned on both sides by the same institution, except that (1) no Building shall be located less than 10 feet from the street line of any public Street which is owned on both sides by the same institution for a Building used primarily for theatre use, and (2) no Building or Structure shall be located less than 5 feet from the street line of any public Street which is owned on both sides by the same institution for a Building or Structure used primarily as a Parking Structure. There shall be no required setbacks along any private street owned on both sides by the same institution. No Building or permanent Structure shall be located less than 60 feet from any side or rear property line currently devoted to a non-residential use, except that no Building or Structure shall be located less than 5 feet from a side or rear property line currently devoted to a non-residential use for a Building or Structure used primarily as a Parking Structure. For purposes of the CICD a property line shall include any railway right of way and

a non-residential use shall be any use other than a use by a Family as defined in the Zoning Code. Where the proposed CICD consists of more than one lot or parcel, there shall be no required setbacks to Buildings or other Structures within the lots or parcels included in the CICD, provided an easement agreement or declaration of covenants, conditions and restrictions enables the lots or parcels comprising the CICD to function as one integrated development.

- (b) **Building Area and Impervious Coverage.** Not more than 30% of the total Lot Area comprising the CICD may be occupied by Buildings; provided, however, where the CICD abuts an arterial Street the building coverage shall not exceed 50%. Not more than 45% of the total Lot Area comprising the CICD may be covered by impervious surfaces. If the CICD abuts an arterial Street the impervious coverage shall not exceed 60%; provided, however, if the impervious coverage exceeds 60% at the time of the enactment of this CICD Ordinance then the impervious coverage may be equal to, but shall not exceed, the existing impervious coverage at the time of the enactment of this CICD Ordinance.
- (c) **Height requirements.** Where the proposed CICD abuts an arterial Street no single Building or Structure shall exceed a height of 60 feet and 5 stories and the average height of all buildings in the CICD shall not exceed 50 feet, but in no event shall a Building containing a dormitory exceed a height of 55 feet and 5 stories with an average height of all dormitory buildings not to exceed 45 feet. No Parking Structure shall exceed a height of 38 feet. Chimneys, antennas, uninhabited towers, spires and parapets, elevator, stairs, equipment penthouses, fly lofts, and roof mounted HVAC shall not be included in measuring height. Roof mounted HVAC equipment shall be screened from visibility from the public cartway.
- (d) **Riparian Buffer.** No Structure or Accessory Structure shall be located within thirty-five (35) feet from the edge of a pond or from the bank of a perennial or intermittent stream. The regulations set forth in Article XVIII, Riparian Buffer Conservation District, of the Zoning Code shall apply to this provision as if set forth herein in full.
- (e) **Buffer Planting Strip.** No buffer planting strip or screening shall be required along any property line which is used for non-residential purposes.

### **(3) Special Regulations.**

- (a) **Building length and spacing.**
  - [1] The greatest dimension in length or depth of a Building or permanent Structure shall be three hundred fifty (350) feet provided, however, that the length or depth of a Building may exceed the maximum length or depth if the façade of the

Building is visibly offset at an angle of ninety (90°) degrees for a minimum of two (2) feet in depth.

[2] The distance between any two Buildings or permanent Structures shall be not less than 30 feet.

[3] Where the proposed CICD abuts an arterial Street there shall be no limitation on the width of a building or the aggregate widths of buildings fronting on a Street.

(b) All applications for development shall be subject to review by the Design Review Board in accordance with architectural standards set forth in Chapter 150 of the Township Code.

(c) Off-Street Parking and Loading requirements. The number of parking spaces required shall not be less than the minimum requirements of this subsection.

[1] Theatre or auditorium: one space per four fixed seats in the largest assembly room.

[2] There shall be no parking requirements for other uses and no off-street loading requirements.

[3] Parking areas, driveways, service or interior roadways shall be permitted within all yard setbacks with no requirement of a minimum distance from the right of way.

[4] There shall be no limitation on the number of accessways to any Street, on the frontage of Buildings on a Street, or on the location of accessways from an intersection.

[5] Surface parking spaces shall be no less than nine (9) feet by eighteen (18) feet. Parking spaces in any Parking Structure shall be no less than eight feet six inches (8'6") by eighteen (18) feet.

[6] The required off-street parking spaces may be located within the boundaries of the CICD or on other lands of the institution within the Township.

(d) 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. Trash collection areas shall be screened on three sides. Chain link fencing shall not be used as a dumpster screen. The screening shall be at least two feet taller than the dumpster but no fence or wall shall exceed six feet in height.

(e) Institutional Long Range Development Plans shall be provided in accordance with section 280-72 of the Zoning Code.







**ORDINANCE NO. 2012-11**

**RADNOR TOWNSHIP**

**AN ORDINANCE OF RADNOR, DELAWARE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 280, ZONING, OF THE CODE OF THE TOWNSHIP OF RADNOR, ADDRESSING HEIGHTS OF ATHLETIC FIELD LIGHT STANDARDS IN THE PLU (PUBLIC LAND USE) DISTRICT.**

**P R E A M B L E**

*The Radnor Township Board of Commissioners does hereby ENACT and ORDAIN, as follows:*

**Section 1.**

Article XVIII, Section 280-86, Area and height regulations, subsection E. is revised as follows:

- E.** Building height. No building or structure shall exceed three stories or 38 feet, except for sports field lighting on Township property which has been approved by the Board of Commissioners, at its discretion, and is subject to the following:
- (1) Maximum height of the light standard shall not exceed 85 feet.
  - (2) Lights shall not exceed a maximum foot-candle reading at the property line in excess of 0.2 fc (footcandles); unless otherwise approved by the Board of Commissioners.
  - (3) Light fixtures shall be shielded to reduce light spillage beyond the extent of the property line.
  - (4) Light fixtures shall be positioned so that the emanating light does not shine into streets in such a manner as to interfere with or distract a driver's vision and/or directly onto adjacent properties.
  - (5) Lights shall be turned on no earlier than dusk and turned off no later than 10:30 p.m., unless otherwise approved by the Township.
  - (6) Notice of the proposed lighting project shall be provided to adjacent property owners within 500 feet of the subject site.

**Section 2. Repealer.**

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

**Section 3. Severability.**

