

Township of Radnor, PA
Tuesday, December 1, 2015

Chapter 280. Zoning

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.
 - (2) Student home, subject to the general standards and provisions of § 280-115.2.
[Added 3-14-2011 by Ord. No. 2011-10]
- 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.

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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,"^[1] nor intended to provide for planned residential development as described therein.
[1] *Editor's Note: See 53 P.S. § 10702.1 et seq.*

§ 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.^[1]
[1] *Editor's Note: For current provisions, see the Uniform Condominium Act, 68 Pa. C.S.A. § 3101.*
- 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]^[1]

[1] *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.*