



**UPPER UWCHLAN TOWNSHIP
PLANNING COMMISSION
AGENDA**
January 9, 2020
7:00 p.m.

Location: Temporary Township Office
415 Eagleview Boulevard, Suite 116
Exton PA 19341

	Packet Page Number
I. Call To Order	
II. Reorganization for 2020 Nominate and Elect Chair, Vice-Chair, Secretary	
III. Exterior Material Samples View the exterior materials samples for Windsor Baptist Church and Profound Technology	
IV. Ordinance Amendments Review and discuss proposed amendments to the Adaptive Reuse of Historic Structures Ordinance, restricting residential uses in commercial, limited industrial and planned industrial districts, and to the Zoning Ordinance regarding sign lighting.	2 8
V. Approval of Minutes: December 12, 2019 Meeting	10
VI. Next Meeting Date: February 13, 2019	
VII. Open Session	
VIII. Adjournment	



UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 200 OF THE UPPER UWCHLAN TOWNSHIP CODE, TITLED, "ZONING" SPECIFICALLY BY: AMENDING SECTION 200-7 TO ADD THE DEFINED TERM "MIXED USE DWELLING"; AMENDING SECTION 200-33. USE REGULATIONS FOR THE C-1 VILLAGE DISTRICT TO DELETE SINGLE-FAMILY DETACHED DWELLING, SINGLE-FAMILY SEMI-DETACHED DWELLING, AND TWO-FAMILY DWELLING AND GROUP HOME S AS PERMITTED USES, TO DELETE MULTIPLE-FAMILY DWELLINGS AS USES PERMITTED BY SUBJECT TO CONDITIONAL USE AND, TO ADD MIXED USE DWELLING AS A PERMITTED USE, SECTION 200-34 AREA AND BULK REGULATIONS FOR THE C-1 VILLAGE DISTRICT AND TO ADD AREA AND BULK STANDARDS FOR MIXED USE DWELLINGSSUCH USE; AMENDING SECTION 200-39 USE REGULATIONS FOR THE C-3 HIGHWAY COMMERCIAL DISTRICT TO DELETE SINGLE-FAMILY DETACHED, SINGLE-FAMILY SEMI-DETACHED, TWO-FAMILY DWELLING AND RESIDENTIAL DWELLING UNIT(S) INCLUDING MULTIPLE-FAMILY DWELLINGS LOCATED WITHIN THE SAME BUILDING AS AND ON A FLOOR OR FLOORS ABOVE ANY PERMITTED PRINCIPAL USE AS USES PERMITTED BY SPECIAL EXCEPTION AND, TO ADD AND MULTIPLE-FAMILY DWELLINGS AS USES PERMITTED BY CONDITIONAL USE, TO ADD MIXED USE DWELLING AS A PERMITTED USE, SECTION 200-40 AND TO ADD AREA AND BULK REGULATIONS FOR THE C-3 HIGHWAY COMMERCIAL DISTRICT TO ADD AREA AND BULK REQUIREMENTS FOR A MIXED USE DWELLINGSTANDARDS FOR SUCH USE; AND AMENDING SECTION 200-72.1 TO DELETE RESIDENTIAL USES AS A PERMITTED ADAPTIVE REUSE OF HISTORIC BUILDINGS AND STRUCTURES IN THE C-1 VILLAGE DISTRICT AND THE C-3 HIGHWAY COMMERCIAL DISTRICT; AND AMENDING SECTION 200-72.1 TO ADD A REVIEW ROLE FOR THE UPPER UWCHLAN TOWNSHIP HISTORIC COMMISSION FOR PROPOSED ADAPTIVE REUSE APPLICATIONS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township, as follows:

SECTION 1. Chapter 200 of the Upper Uwchlan Township Code, titled "Zoning," shall be amended to provide as follows:

Commented [KC1]: Do you want it permitted use or by special exception? It is written in the section under special exception.

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CHAPTER 200 ZONING REGULATIONS

Article II. § 200-7. Definitions.

Add the following defined term:

MIXED USE DWELLING - Dwelling unit(s) above or behind a non-residential use within the same building, physically separated from any other dwelling unit. Each unit has independent access to the outside, however, in some cases access may be accomplished by a common hallway in accordance with building codes and fire regulations. The outside access shall be separate from the access for the associated non-residential use.

Article VIII. C-1 Village District.; § 200-33. Use regulations.

For paragraph A. Uses by right.

Delete (5) "Single-family detached dwelling, single-family semidetached dwelling, two-family dwelling and group home" and replace with new (5) "Mixed use dwelling".

For paragraph B. Conditional uses.

Delete (6) "Multiple-family dwellings".

Article VIII. C-1 Village District.; § 200-34. Area and bulk regulations.

Add a new section I. as follows:

"I. Mixed use dwellings. Buildings containing principal non-residential uses may also contain one (1) or more residential dwelling unit which shall adhere to the following regulations in addition to compliance with the regulations in § 200-34.A through H:

- (1) The ground floor, or at a minimum the front portion thereof, shall be used for the principal non-residential use and the dwelling unit(s) shall be arranged to form an integral part of the remainder of the building. Specifically, residential and non-residential uses shall each comprise no less than thirty (30) percent of, nor any greater than seventy (70) percent of, the building's uses.
- (2) All~~Any~~ dwelling units shall have a floor area of not less than six hundred (600) square feet.
- (3) The ~~E~~ entrance to any dwelling unit may be shared with another dwelling unit or units, but shall be independent of the entrance for the non-residential use or uses.
- (4) The parking required for each dwelling unit shall be provided in accordance with Article V.

(5) Where the dwelling units are to be created above the ground floor, requisite approvals such as interior layout and emergency exits, shall be obtained from the Pennsylvania Department of Labor and Industry, and copies of said approvals shall be provided to the local fire company upon receipt of such approval."

Article X. C-3 Highway Commercial District; § 200-39. Use regulations.

For paragraph C. Special exceptions:

Delete (3) "Single-family detached-dwelling, single-family semidetached-dwelling, or two-family dwelling" and replace with new (3) "Mixed use dwelling"; and

Commented [KC2]: Is it your intention to add this use as a special exception or conditional use?

Delete (4) "Residential dwelling unit(s) including multiple-family dwellings located within the same building as and on a floor or floors above any permitted principal use(s).

Article X. C-3 Highway Commercial District; § 200-40. Area and bulk regulations.

Add a new section H. as follows:

"H. Mixed use dwellings. Buildings containing principal non-residential uses may also contain one (1) or more residential dwelling unit which shall adhere to the following regulations in addition to compliance with the regulations in § 200-40.A through G:

- (1) The ground floor, or at a minimum the front portion thereof, shall be used for the principal non-residential use and the dwelling unit(s) shall be arranged to form an integral part of the remainder of the building. Specifically, residential and non-residential uses shall each comprise no less than thirty (30) percent of, nor any greater than seventy (70) percent of, the building's uses.
- (2) Allny dwelling units shall have a floor area of not less than six hundred (600) square feet.
- (3) The Entrance to any dwelling unit may be shared with another dwelling unit or units, but shall be independent of the entrance for the non-residential use or uses.
- (4) The parking required for each dwelling unit shall be provided in accordance with Article V.
- (5) Where the dwelling units are to be created above the ground floor, requisite approvals such as interior layout and emergency exits, shall be obtained from the Pennsylvania Department of Labor and Industry, and copies of said approvals shall be provided to the local fire company upon receipt of such approval."

Article XIV. Supplemental Land Use Regulations; Section 200-72.1. Adaptive Reuse for Historic Preservation

Replace § 200-72.1 Adaptive reuse for historic preservation with the following new section:

“§ 200-72.1 Adaptive reuse for historic preservation.”

Any identified historic structure located on a tract listed in the Historic Resources Inventory of Upper Uwchlan Township, as may be amended from time to time, may be adaptively reused for purposes of viable ongoing preservation of the historic property, subject to the following regulations:

A. Adaptive reuse permitted by right.

- (1) In the C-1, C-2, C-3, LI and PI Zoning Districts. Adaptive reuse opportunities by right, where not already permitted in the underlying base zoning district, may include but are not limited to the following:
 - (a) Home occupation; professional or business office; cultural studio; **cultural facility**; day-care **center facility**; bed-and-breakfast; and other uses of a similar nature and similar community impact.
- (2) In the R-1, R-2, R-3 and R-4 Zoning Districts. Adaptive re-use opportunities by right, where not already permitted in the underlying base zoning district, may include home occupation and no-impact home-based businesses subject to the specific requirements set forth in §§ 200-62.B.(4).

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B. Adaptive reuse permitted subject to conditional use approval upon review and recommendation of the Upper Uwchlan Township Historical Commission. Where approved by the Board of Supervisors as a conditional use in accordance with §§ 200-116 and 200-117 and the standards set forth herein:

- (1) In the R-1, R-2, R-3 and R4 Zoning Districts:
 - (a) Professional or business office; cultural studio; **cultural facility**; day-care **center facility**; bed-and-breakfast; and other uses of a similar nature and similar community impact.
 - (b) Multiple-family dwellings subject to the specific requirements set forth in Subsection D.
- (2) In any Zoning District, adaptive reuse of any structure as an additional principal use otherwise permitted pursuant to the base zoning provisions or the additional uses permitted under this section, on the same lot as any other permitted principal use.

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C. Modifications to area and bulk regulations otherwise in effect. The area and bulk regulations of the district within which the property is located shall apply to both principal and accessory structures, except that otherwise applicable area and bulk regulations

may be modified upon review by the Historical Commission and where approved by the Board of Supervisors as a conditional use subject to the following:

- (1) Applicable lot area, lot dimension, or yard requirements for plans affecting adaptive reuse of existing structures and permitted additions or additional structures on historic properties may be modified a maximum of 50%, unless greater modification may be permitted for an existing nonconforming structure.
- (2) In all cases, such modifications may be permitted to reduce otherwise applicable requirements to the minimum degree necessary to accommodate proposed plan(s) for adaptive reuse.

D. Specific requirements for adaptive reuse for multiple-family dwellings.

- (1) Each proposed multiple-family dwelling unit shall have a minimum floor area of 600 square feet unless a reduction in floor area to not less than 400 square feet is approved requested at the time of by conditional use approval.
- (2) Individual dwelling units may be sold as separately owned units, e.g., "condos" or may be held in common ownership as rental units.
- (3) Where any elements of the parcel subject to subdivision and land development are to be held in common, including open space and stormwater management facilities, an association shall be formed to manage any such elements, and the declaration of such association shall be subject to review and approval of the Township Solicitor as part of the land development application.
- (4) Existing structural footprints shall not be extended or enlarged, except to add detached and attached accessory garages, storage areas, outdoor patios and covered terraces. Alterations to existing buildings may also be made to provide for new points of entry to facilitate direct access to individual dwelling units. All such alterations shall be subject to conformance with stormwater management regulation or any other regulation applicable at the time of the proposed alteration(s) and shall be compatible with the historical architectural context of the existing historic structures. Alteration(s) of existing facades as viewed from any public street shall be subject to conditional use approval upon the review and recommendation of the Upper Uwchlan Township Historical Commission.
- (5) A landscaped buffer area, providing for a diffused visual screen, of a minimum of 10 feet in width shall be provided along any lot line which abuts a single-family detached dwelling. Existing woodlands and hedgerows shall be considered sufficient to meet buffer requirements. The landscaped buffer area may be occupied by reserve sewage disposal

areas, utility crossings, access drives, excluding parking areas, or other facilities required for the adaptive reuse of the historical property, excepting buildings.

(6) Fire Lanes as required by § 200-76 are not required if, as determined by the Township Engineer, adequate fire access exists and is compliant with applicable building and/or fire codes.

SECTION 2. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective in five days from the date of adoption.

ENACTED AND ORDAINED this _____ day of _____, 2019.

ATTEST:

**UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS**

Gwen A. Jonik, Township Secretary
Chair

Guy A. Donatelli Sandra M. D'Amico,

D'Amico, Vice-Chair

Jamie W. Goncharoff Sandra M.

Member

Jamie W. Goncharoff Jennifer F. Baxter,



UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

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ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 200 OF THE UPPER UWCHLAN TOWNSHIP CODE TITLED, "ZONING" TO AMEND THE DEFINITION OF "SIGN, OUTDOOR ADVERTISING BILLBOARD" IN SECTION 200-7 AND TO AMEND SECTION 200-94.F, 200-94.S, 200-98.I(4) AND 200-98.I(5) TO AMEND CERTAIN REGULATIONS PERTAINING TO LIGHTING OF SIGNS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township, that Chapter 200 of the Upper Uwchlan Township Code, titled, "Zoning" shall be amended as follows:

SECTION 1. The definition of "SIGN, OUTDOOR ADVERTISING BILLBOARD" in Section 200-7 shall be amended as follows:

"SIGN, OUTDOOR ADVERTISING BILLBOARD- A large sign intended to display one or more advertisements, whose area shall not exceed 700 square feet and whose height from grade to top of sign face is no greater than 30 feet. Such signs shall meet all provisions in § 200-98.I."

SECTION 2. Section 200-94.F shall be amended as follows:

"No commercial building in any residential district including multiple-family dwellings and apartments shall have signage that is internally illuminated, or externally illuminated by such means as neon, strip, floodlighting or spot lighting."

SECTION 3. Section 200-94.S shall be amended as follows:

"No signs have flashing lights, nor shall artificial light or any reflecting device interfere with or compete for attention with a traffic signal or create a visual nuisance. All illuminated signs as allowed by this article shall be consistent with the lighting requirements of § 162-58 of Chapter 162, Subdivision and Land Development, and all other applicable ordinances."

SECTION 4. Section 200-98.I(4) shall be amended to add the following sentence at the end of the existing language:

"Internally illuminated signs shall have sources that do not exceed 3000K with sign face in all white mode."

SECTION 5. Section 200-98.I(5) shall be amended to add the following sentence at the end of the existing language:

"Internally illuminated signs shall have the ability to be dimmed in the event the Township determines they do not comply with the standards in this Article."

SECTION 6. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 7. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 8. Effective Date. This Ordinance shall become effective in five days from the date of adoption.

ENACTED AND ORDAINED this _____ day of _____, 2020.

ATTEST:

**UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS**

Gwen A. Jonik, Township Secretary

Sandra M. D'Amico, Chair

Jamie W. Goncharoff, Vice-Chair

Jennifer F. Baxter, Member



UPPER UWCHLAN TOWNSHIP
Planning Commission Meeting
December 12, 2019
7:00 p.m.
Minutes
DRAFT

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LOCATION: Temporary Township Administration Office
415 Eagleview Boulevard, Suite 116, Exton PA 19341

In Attendance:

Bob Schoenberger, Sally Winterton, Chad Adams, Jeff Smith, Brett Hand, Bob Davidson, Gwen Jonik – Planning Commission Secretary

Bob Schoenberger called the meeting to order at 7:03 p.m. A quorum was present.

Windsor Baptist Church

Phil Marks – Windsor Baptist and Dale Yoder – Architect, attended. Mr. Marks presented drawings of the church and proposed building addition, which had been revised according to the design feedback provided by the Township Historical Commission and Planning Commission. The drawings for the proposed addition show closed gable trusses, the entryway roof is higher than the previous version, narrower width windows, stone materials with whiter stucco above, and there will be smaller scale landscaping. Samples of the stone, stucco color, and trim color were presented.

Discussion included the following points:

1. carry the stone materials at 32" high along the entire back of the addition
2. try to find a more traditional style of stone placement, with mortar between the stones instead of stacked stones
3. exterior lighting hasn't yet been determined
4. the "black fox" trim color is for use on the existing building

The Commission members present favor the coloring and materials displayed this evening. Brett Hand will encourage the Historical Commission members to stop by the office to view these materials over the next few weeks as they're not scheduled to meet until late January.

Alternative Energy Systems Ordinance Amendments

Revised drafts of the Alternative Energy System ordinance amendments were distributed and discussed. The amendments include additions of definitions for individual, community and virtual net metering, additions to permitted systems, and revisions to the sections regarding compliance, general provisions, solar energy systems – including eliminating aesthetic requirements, geothermal systems, and decommissioning of systems. Discussion included that as new technology and types of systems become available that aren't addressed in this Ordinance, they should have to be reviewed and acquire special approval until the Ordinance can be revised to include them. Due to the time sensitivity of the current amendments, the Commission favored this draft and will revisit it early next year to incorporate language covering new systems/technology. Gwen Jonik will request this of the Township Solicitor.

Jeff Smith moved to recommend approval of the Draft Ordinance, dated December 9, 2019, with it being noted to the Board of Supervisors that the Ordinance may be revised next year to include language covering new technologies not currently covered by this Ordinance. A brief discussion of

ground-mounted solar arrays and storm water followed. The conclusion was that an increase in impervious surface was probably calculated through the building permit process. Sally Winterton seconded and the Motion carried unanimously.

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The January 9, 2020 meeting will include discussion of the proposed amendments to the Adaptive Reuse of Historic Structures Ordinance and provisions restricting residential uses in commercial districts, and the consultants' reviews of the Vantage Point Retirement Living (Byers Station Parcel 6C) Final PRD Plans.

Approval of Minutes

Jeff Smith moved, seconded by Sally Winterton, to approve as presented the minutes of the November 14, 2019 Planning Commission meeting. The Motion carried unanimously.

Open Session

Gwen Jonik noted that Sally Winterton, Jeff Smith and Chad Adams have expressed interest in being reappointed to the Planning Commission.

Adjournment

Sally Winterton moved, seconded by Jeff Smith, to adjourn the meeting at 7:53 p.m. All were in favor.

Respectfully submitted,

Gwen A. Jonik
Planning Commission Secretary