



UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS
WORKSHOP
March 11, 2025
4:00 p.m.

AGENDA

LOCATION: Township Building, 140 Pottstown Pike, Chester Springs PA 19425

Packet Page #

- | | | |
|------|--|----|
| I. | Call to Order | |
| | A. Salute to the Flag | |
| | B. Moment of Silence | |
| | C. Inquire if any Attendee plans to audio or video record the Workshop | |
| II. | Board/Commission Appointment ~ Municipal Authority | |
| III. | C-1, C-3 Zoning Ordinance Amendments ~ Authorize Advertisement | 2 |
| IV. | Windsor Baptist Church Parsonage Demolition Permit Request
Presentation by Church representatives | 23 |
| V. | Open Session | |
| VI. | Adjournment | |



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MEMORANDUM

To:	Upper Uwchlan Township Board of Supervisors and Planning Commission
cc:	Tony Scheivert Gwen Jonick Dave Leh Anthony Campbell
From:	Kristin S. Camp
Date:	January 16, 2025
Subject:	Explanation of Proposed Zoning Ordinance Amendment for C-1 and C-3 Districts

I was asked to prepare an amendment to various regulations for the C-1 and C-3 Districts to eliminate the power of the Board of Supervisors to make modifications to various area and bulk standards and design regulations by conditional use. I was concerned that these provisions were not consistent with the Municipalities Planning Code which vests with the Zoning Hearing Board, not the Board of Supervisors, the power to grant variances. I understand the Planning Commission reviewed this amendment at the last meeting but did not make a recommendation to the Board. I suggested to Tony that it may be helpful for the Board and Planning Commission to review this Memo to understand the rationale for the ordinance. I have enclosed a redline version of the sections that have been amended and a clean version.

Section 1. Amends §200-33 by removing the Board's power to grant a modification from the design standards in §200-36 by conditional use.

Section 2. Amends §200-34 by removing the Board's power to grant a modification from the design standards in §200-36 by conditional use. Also removes the language which allows the Board to approve a structure taller than 35 feet in the C-1 District by conditional use. Removes the language which allows the Board to approve a building with a floor area greater than 6,000 square feet in the C-1 District by conditional use.

Section 3. Amends §200-35 to require a minimum lot size of 1 acre for lots with on-lot sewer in the C-1 District.

Section 4. Amends §200-36 to remove the Board's power to grant a modification from the design standards in §200-36.

Section 5. Amends §200-36 to remove the Board's power to modify the architectural design standards for buildings in the C-1 by conditional use.

Section 6. Amends §200-39.B to remove the Board's power to require compliance with the design standards in §200-36 for conditional uses in the C-3 District.

Section 7. Amends §200-40 to remove the Board's power to modify applicable area and bulk requirements for the C-3 District by conditional use.

Section 8. Amends §200-40 to require a minimum lot size of 1 acre for lots with on-lot sewer in the C-3 District.

Please let me know if anyone requires further clarification on the purpose of the Ordinance.

Proposed Edits to C-1 Regulations

§ 200-33. Use regulations.

- A. Uses by right. In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied by right, for the following principal purposes, and no other:
 - (1) Office building.
 - (2) Bank or other financial institution.
 - (3) Retail store, provided that no adult-oriented use and no dispensing of gasoline shall be permitted.
 - (4) Personal service establishment
 - (5) Medical marijuana dispensary.
 - (6) Restaurant, drive-through restaurant, but excluding hookah bar/lounge.
 - (7) Bed and breakfast inn.
 - (8) Cultural studio.
 - (9) Municipal uses.
 - (10) Public place of amusement or recreation and athletic club in a building or buildings with 10,000 square feet or less.
 - (11) Passive recreation.
- B. Conditional uses. In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied, for any of the following principal purposes when authorized as a conditional use by the Board of Supervisors, subject to § 200-116 of this chapter. Conditional use approval in the C-1 Village District shall require full compliance with all applicable design standards set forth in § 200-36, except where as a specific condition of approval, the Board provides for modification to such standards upon satisfactory demonstration by the applicant that full compliance is not practicable, based upon a preponderance of evidence.
 - (1) Educational or religious use.
 - (2) Cultural facility.

- (3) Day-care center.
 - (4) Mixed-use dwelling.
 - (5) Adaptive reuse for historic preservation where permitted as a use subject to approval by the Board of Supervisors as a conditional use in accordance with § 200-72.1.
 - (6) Active recreation.
- C. Special exceptions. In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied for any of the following principal uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XX of this chapter.
- (1) Governmental or public utility building or uses.
- D. Accessory uses. In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied for any customary commercial accessory use, subject to all applicable provisions of § 200-62.

§ 200-34. Area and bulk regulations

A. Applicability. The area and bulk regulations set forth in this section shall apply to all lots and/or uses in the C-1 Village Zoning District, ~~except that, where approved by the Board of Supervisors as a conditional use, modification of any applicable area or bulk regulation may be permitted. Where permitted, such modification(s) shall not vary more than 50% from either minimum requirements or maximum allowances otherwise applicable, except as provided in Subsections A(2)(e) and H below.~~

- ~~(1) In approving any area or bulk modification as a conditional use, the Board of Supervisors may stipulate the following:~~
- ~~(a) The proposed lot layout and/or structural design and the modifications necessary to accommodate such design shall be consistent with the purposes of this article;~~
 - ~~(b) The proposed design shall enhance the appearance and function of the overall village area and its streetscapes;~~
 - ~~(c) The proposed design shall not produce lots or pedestrian or vehicular access system(s) that would be impractical or which would adversely affect emergency access;~~

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(d) The applicant shall demonstrate to the Board that the proposed modification(s) will produce equal or better results than could be achieved without the requested modification(s) and that they represent the minimum modification necessary to achieve such results;

(e) Where any modification involves an increase in impervious lot coverage beyond 60%, impervious lot coverage shall in no case exceed 75%, and the Board may require that system(s) be installed to fully recharge into the groundwater system all stormwater runoff from up to the two-year storm generated by any amount of impervious lot coverage that is greater than 60%;

(f) The Board may impose such other conditions as, in its judgment, will secure the objectives and purposes of this article.

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B. Minimum lot area. Every lot shall have an area of not less than 10,000 square feet, except that where public sewage disposal is not provided, the lot shall be of sufficient size to comply with § 200-35 herein.

C. Minimum lot width. Every lot shall not be less than 100 feet in width.

D. Yard regulations.

- (1) A front yard of not less than 20 feet shall be provided on each lot.
- (2) Two side yards of not less than 10 feet each shall be provided on each lot.
- (3) A rear yard of not less than 40 feet shall be provided on each lot.
- (4) There shall be fifty-foot setback from the ultimate right-of-way of the Route 100 Bypass regardless of which yard abuts the Bypass.
- (5) Where greater setbacks do not otherwise apply, all garages, whether attached or detached, shall be set back a minimum of 40 feet from the edge of cartway or from the sidewalk, if any, which ever results in the greater setback, so as to provide space for parking in front of the garage.

E. Coverage regulations.

- (1) Building coverage. Not more than 30% of the area of a lot shall be covered by buildings/structures, except that not more than 15% of the area of a lot shall be occupied by buildings/structures less than 1 1/2 stories in height. For this purpose, one-half story shall mean a roof-story with sufficient height and space within the form of a pitched roof to permit the development of habitable or leasable space, whether or not any actually is proposed.

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- (2) Lot coverage. Not more than 60% of the area of a lot shall be covered by buildings/structures or other impervious materials.
- F. Height restrictions. No structure or principal buildings shall exceed 35 feet in height. *As a condition of conditional use approval, the Board of Supervisors may permit roof structures above the cornice line which exceed the applicable height limit, where the Board agrees that such structures enhance the appearance of the overall design.*
- G. Accessory buildings/structures. No accessory building or structure shall be located within the front yard, nor within 10 feet of any side or rear lot line.
- H. Building size restriction. No individual building shall contain more than 6,000 square feet of total floor area, except where increased square footage above 6,000 is entirely within an additional story or stories above the first floor ~~or where increased square footage above 6,000, and not limited to a 50% increase, is approved subject to conditional use approval and in accordance with all applicable design standards herein. For purposes of this section, an individual building shall be considered as a space or contiguous spaces fully separated from any other building. For purposes of this section, abutting buildings shall be considered as an individual building whether or not separated by permanent walls.~~
- I. Mixed-use dwellings. Buildings containing principal nonresidential uses may also contain one or more residential dwelling units which shall adhere to the following regulations in addition to compliance with the regulations in § 200-34A through H:
- (1) The ground floor, or at a minimum the front portion thereof, shall be used for the principal nonresidential use and the dwelling unit(s) shall be arranged to form an integral part of the remainder of the building. Specifically, residential and nonresidential uses shall each comprise no less than 30% of, nor greater than 70% of, the building's uses.
 - (2) All dwelling units shall have a floor area of not less than 600 square feet.
 - (3) The entrance to a dwelling unit may be shared with another dwelling unit or units but shall be independent of the entrance for the nonresidential use or uses.
 - (4) The parking required for each dwelling unit shall be provided in accordance with Article XV.

§ 200-35. Sewer and water service.

- A. Public sewer and public water are required for any use permitted in this district, if available.
- B. Where public sewer service is not available and cannot reasonably be made available, any lot containing or proposed to contain an individual on-site sewage

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disposal system shall include a minimum contiguous area suitable for on-site sewage disposal and of sufficient size to accommodate disposal of all sewage generated on-site in conformance with all applicable regulation, including provision for a backup disposal system. In no case shall such minimum contiguous area be less than ~~one acre~~^{10,000 square feet}. Use of individual on-site sewage disposal systems shall be contingent upon prior approval of both primary and backup disposal systems.

- C. Where an amendment to the Upper Uwchlan Township Sewage Facilities (537) Plan is necessary to permit development of any particular sewage disposal system, such amendment shall be obtained at the sole risk and cost of the applicant.

§ 200-36. Design standards.

A. Preservation of historic resources.

- (1) Within the C-1 Village District, historic structures and other historical resources, including historic ruins or sites, historic road or other transport traces, paths and trails, and any other historic landscape features, shall be preserved to the greatest degree practicable.
- (2) Within the C-1 Village District, no historic structure shall be removed or demolished except where approved by the Township, upon the recommendation of the Planning Commission and Historical Commission. Township approval of demolition requests shall not unreasonably be withheld where applicant demonstrates that renovation or reuse of subject structure(s) is not practicable.
- (3) The following standards shall apply to the rehabilitation, alteration, or enlargement of any historic resource requiring a building permit, unless such alteration is required solely for purposes of compliance with applicable building code, ADA or other regulation, ~~or where modified by the Board of Supervisors as a condition of conditional use approval:~~
 - (a) Construction plans for the rehabilitation, alteration or enlargement of any historic structure shall be in substantial compliance with the Secretary of the Interior's currently adopted Standards for Rehabilitation, as revised.
 - (b) Authentic period materials and colors shall be utilized on any portion of any historic structure or enlargement thereof visible from any existing or proposed public right-of-way. Appropriate replication of materials may be substituted.
 - (c) Landscape plans shall be submitted with any relevant application committing the applicant to preservation of existing landscape material and/or introduction of new landscape material so as to retain and/or enhance the integrity of the historical landscape setting.

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B. Architectural design.

(1) To the extent practicable, all new construction and/or additions to existing structures within the C-1 Village District shall be designed with either a traditional village architectural character or may be a contemporary expression of traditional styles and forms, respecting the scale, proportion, roof pitch, character, and materials of historic examples in Byers, Eagle and the surrounding area, in accordance with the following standards:

- (a) Where any individual building facade (or adjoining facades which abut flush to the same building line) is visible from any public right-of-way or public space (including internal public spaces within a development) and exceeds 60 feet in length, there shall be a clear dimensional differentiation of roofline (i.e., an obvious difference in height) and/or an offset in facade of at least 10 feet, effectively breaking the single facade into two or more facades each no more than 60 feet in length. ~~Where approved by the Board of Supervisors as a conditional use, single facades greater than 60 feet in length may be permitted, where applicant demonstrates to the satisfaction of the Board that the design of the building and its relationship(s) to surrounding buildings and landscaped areas mitigates any negative impacts of long continuous building facade(s) on the character of the C-1 Village District. Mitigating factors may include design which emulates characteristic historical building forms which typically included relatively long individual facade lengths such as barns, stables, churches, meeting houses, or other public buildings.~~ Building arrangements which rely on repeated use of the same long facade element shall not be approved.
- (b) New construction shall generally have pitched roofs with overhanging eaves. Where flat roofs are provided, they shall be articulated with parapets and cornices. Desired materials on pitched roofs include slate (either natural or man-made), shingle (either wood or asphalt composition), and metal formed to resemble "standing seams." Roof color should reflect local traditional use of color, and shall specifically exclude white, tan, or blue shingles, red clay tiles, and corrugated metal or other corrugated material. The use of fascias, dormers, and gables is encouraged to provide visual interest.
- (c) Exterior wall materials may include stucco, wood clapboard (including vinyl or aluminum imitation clapboard siding), native stone, brick, or other material of a shape, color, and texture similar to that found on historic structures in the vicinity.
- (d) All facilities and equipment for heating/air conditioning, trash collection and compaction, and other structural elements not in keeping with historical architectural themes shall be concealed architecturally or otherwise screened from view from any public right-of-way or public space (including internal public spaces within a development).

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- (2) ~~For all principal and/or accessory uses permitted by special exception, variance or conditional use approval, Applicant shall provide drawings of sufficient detail to illustrate the character of the intended exterior design of structures, including scale, height, roof pitch, relationship between varying facade elements, and principal exterior materials. The Township may require that material samples also be provided. It shall be the burden of the applicant to demonstrate that submitted architectural designs are consistent with, and promote, the purposes and standards set forth for the C-1 Village District.~~
- (3) ~~Where the Board of Supervisors or Zoning Hearing Board, as applicable, determines that architectural design, as presented by applicant, is an essential means by which the proposed use will comply with the purposes and standards set forth for the C-1 Village District, as a condition of approval of any conditional use, special exception or variance, the applicable Board may require adherence to the intended architectural character as proposed by the applicant.~~

C. Pedestrian and vehicular access.

- (1) Pedestrian access within the C-1 Village District shall be designed to provide convenient, safe, and direct access between the various uses within the district and other nearby concentrations of development.
- (2) Trails. Any application for subdivision or land development approval, conditional use approval or special exception approval may be required by the Board of Supervisors or Zoning Hearing Board, as applicable, to construct any trails and/or accessory facilities on the property subject to application which are deemed necessary to implement the Upper Uwchlan Township community trails system relative to such property.
- (3) Vehicular access within the C-1 Village District shall be designed to limit the number of new access points to public roads and to limit potential for turning movement conflict. Where practicable, access to adjoining parcels shall be combined so as to limit potential turning movement and pedestrian movement conflicts.
- (4) Parking areas within the C-1 Village District shall be designed and landscaped so as to appear broken in mass, in proportion to the scale of structural development. Coordination of access to parking areas and shared parking among adjacent uses shall be required wherever practicable. To the extent practicable, parking shall not be provided in the front yard. To the extent that parking areas are visible from public streets, visual impacts shall be mitigated through introduction of landscape screening, landscape walls, use of pedestrian paving materials, or other design means.

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D. Streetscape design. Streetscape landscaping and pedestrian amenities shall be provided as necessary to meet overall village planning objectives and shall be coordinated with adjacent properties. Where appropriate, the Township may require any of the following amenities, including provision for their regular upkeep and maintenance:

- (1) At least one public trash receptacle in each block;
- (2) Public benches of approved design at intervals of no greater than 50 feet on each block;
- (3) At least one bike rack on each block, located in areas where the sidewalk width has been designed to accommodate such features;
- (4) Planting strip(s) no less than five feet in width and planted with shade trees between sidewalks and streets and other vehicular accessways, to the extent feasible;
- (5) Appropriate pedestrian paving materials.

E. Stormwater management. Within the C-1 Village District, all stormwater management facilities shall be designed to optimize the capture of stormwater at the sources of generation, maximize recharge to the subsurface and minimize surface water flow. Guidance for stormwater management shall use the most current best management practices such as those published by the American Society of Engineers, Pennsylvania State University or the Commonwealth of Pennsylvania.

F. For additional regulations applicable to this district, see Article XIV, Supplemental Land Use Regulations, Article XV, Common Regulations, and Article XVI, Signs.

Proposed Edits to C-3 Regulations

§ 200-39. Use regulations.

On any lot or tract in the C-3 Highway Commercial District with direct frontage on Route 100 (Pottstown Pike) and located north of Ticonderoga Boulevard and south of Byers Road, the use regulations set forth in § 200-33 for the C-1 Village District shall apply. On all other lots or tracts in the C-3 Highway Commercial District, the following regulations shall apply:

A. Uses by right. In the C-3 Highway Commercial District, a building may be erected, altered or used, and a lot may be used or occupied by right, for any one, but only one, of the following principal purposes, and no other:

- (1) Office building.

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- (2) Bank or other financial institution.
- (3) Passenger station for public transportation.
- (4) Retail store, provided that no sale or dispensing of gasoline or other fuels and no adult-oriented use shall be permitted.
- (5) Restaurant, drive-through restaurant.
- (6) Personal service establishment.
- (7) Educational or religious use.
- (8) Cultural studio or cultural facility.
- (9) Medical marijuana dispensary.
- (10) Passive recreation.
- (11) Active recreation.

B. Conditional uses. In the C-3 Highway Commercial District, a building may be erected, altered or used, and a lot may be used or occupied, for any one of the following principal purposes when authorized as a conditional use by the Board of Supervisors, subject to § 200-116 of this chapter. ~~At the reasonable discretion of the Board of Supervisors, conditional uses in the C-3 Highway Commercial District may be approved subject to compliance with any applicable design standard(s) set forth in § 200-36.~~

- (1) Any two or more principal uses otherwise permitted by right, conditional use, or special exception as provided herein. As a condition of conditional use approval, the Board of Supervisors may require that any application for a combination of two or more principal uses comply with the provisions of § 200-70 of this chapter, as deemed applicable by the Board.
- (2) Day-care center.
- (3) Hotel or motel.
- (4) Bed-and-breakfast inn.
- (5) Public place of amusement or recreation provided such use is exclusively indoors.
- (6) Sale or dispensing of gasoline as a principal or accessory use.

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- (7) Vehicular sales establishment and sale of farming equipment.
 - (8) Automobile service establishment.
 - (9) Car wash.
 - (10) Adaptive reuse for historic preservation where permitted as a use subject to approval by the Board of Supervisors as a conditional use in accordance with Section 200-72.1.
 - (11) Laboratory for scientific research and development.
 - (12) Hookah bar/lounge.
- B. Special exceptions. In the C-3 Highway Commercial District, a building may be erected, altered or used, and a lot may be used or occupied for any one of the following principal uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XX of this chapter:
- (1) Municipal or public uses; governmental or public utility building or uses.
- C. Accessory uses. In the C-3 Highway Commercial District, a building may be erected, altered or used, and a lot may be used or occupied for any customary commercial accessory use(s) provided that they are incidental to any permitted principal use.

§ 200-40. Area and bulk regulations.

- A. Applicability.
- (1) The area and bulk regulations set forth in this section shall apply to all lots and/or uses in the C-3 Highway Commercial District ~~except that, where approved by the Board of Supervisors as a conditional use, modification of any applicable area or bulk regulation may be permitted. Where permitted, such modification(s) shall not vary more than 50% from either minimum requirements or maximum allowances otherwise applicable.~~
 - (2) ~~In approving any area or bulk modification as a conditional use, the Board of Supervisors may stipulate the following:~~
 - (a) ~~The proposed lot layout and/or structural design and the modifications necessary to accommodate such design shall be consistent with the purposes of this article.~~
 - (b) ~~The proposed design shall enhance the appearance and function of the general area and its streetscapes.~~

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- (c) The proposed design shall not produce lots or pedestrian or vehicular access system(s) that would be impractical or which would adversely affect emergency access.
- (d) The applicant shall demonstrate to the Board that the proposed modification(s) will produce equal or better results than could be achieved without the requested modification(s) and that they represent the minimum modification necessary to achieve such results.
- (e) Where any modification involves an increase in impervious lot coverage beyond 60%, impervious lot coverage shall in no case exceed 75%, and the Board may require that system(s) be installed to fully recharge into the groundwater system all stormwater runoff from up to the two-year storm generated by any amount of impervious lot coverage that is greater than 60%.
- (f) The Board may impose such other conditions as, in its judgment, will secure the objectives and purposes of this article.

- B. Minimum lot area. For any use permitted in this district, every lot shall have an area of not less than 30,000 square feet.
- C. Minimum lot width. For all uses, every lot shall not be less than 100 feet in width.
- D. Yard regulations.
 - (1) A front yard of not less than 50 feet shall be provided on each lot.
 - (2) Two side yards of not less than 25 feet each shall be provided on each lot, except that setback shall be 50 feet where abutting a residential property or a public street or highway.
 - (3) A rear yard of not less than 50 feet shall be provided on each lot.
- E. Coverage regulations.
 - (1) Building coverage. Not more than 30% of the area of a lot or tract shall be covered by buildings/structures.
 - (2) Lot coverage. Not more than 60% of the area of a lot or tract shall be covered by buildings/structures and other impervious materials.
- F. Height restrictions. No structure or principal buildings shall exceed 35 feet in height.
- G. Accessory buildings/structures. No accessory building or structure shall be located within the front yard, nor within 20 feet of any side or rear lot line.

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

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

§ 200-41. Sewer and water service.

- A. Public sewer and water are required for any use permitted in this district, if available.
- B. Where public sewer service is not available and cannot reasonably be made available, any lot containing an individual on-site sewage disposal system shall include a minimum contiguous area suitable for on-site sewage disposal and of sufficient size to accommodate disposal of all sewage generated on-site in conformance with all applicable regulation, including provision for a backup disposal system. In no case shall such minimum contiguous area be less than one acre~~10,000 square feet~~. Use of individual on-site sewage disposal systems shall be contingent upon prior approval of both primary and backup disposal systems.
- C. Where an amendment to the Upper Uwchlan Township Sewage Facilities (537) Plan is necessary to permit development of any particular sewage disposal system, such amendment shall be obtained at the sole risk and cost of the applicant.

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UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE _____ - _____

AN ORDINANCE OF THE TOWNSHIP OF UPPER UWCHLAN, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 200 OF THE UPPER UWCHLAN TOWNSHIP CODE TITLED "ZONING" SECTION 200-33.B TO DELETE LANGUAGE THAT ALLOWED THE BOARD TO MODIFY THE DESIGN STANDARDS IN SECTION 200-36 BY CONDITIONAL USE; SECTION 200-34.A TO DELETE LANGUAGE THAT ALLOWED THE BOARD TO MODIFY THE AREA AND BULK STANDARDS FOR THE C-1 VILLAGE DISTRICT BY CONDITIONAL USE; SECTION 200-34.F TO DELETE LANGUAGE THAT ALLOWED THE BOARD TO MODIFY THE HEIGHT LIMIT BY CONDITIONAL USE IN THE C-1 VILLAGE DISTRICT; SECTION 200-34.H TO DELETE LANGUAGE THAT ALLOWED THE BOARD TO APPROVE AN INCREASED BUILDING SIZE BY CONDITIONAL USE; SECTION 200-35 TO REQUIRE A MINIMUM LOT AREA OF ONE ACRE FOR LOTS IN THE C-1 VILLAGE DISTRICT THAT USE ON-SITE SEWAGE DISPOSAL SYSTEMS; SECTION 200-36.A(3) TO DELETE LANGUAGE THAT ALLOWED THE BOARD TO MODIFY STANDARDS RELATING TO THE PRESERVATION OF HISTORIC RESOURCES BY CONDITIONAL USE; SECTION 200-36.B TO DELETE LANGUAGE THAT ALLOWED THE BOARD TO APPROVE A BUILDING DESIGN WITH FACADES GREATER THAN 60 FEET IN LENGTH BY CONDITIONAL USE; SECTION 200-39.B TO DELETE LANGUAGE THAT ALLOWED THE BOARD TO REQUIRE COMPLIANCE WITH THE DESIGN STANDARDS IN SECTION 200-36 FOR CONDITIONAL USES IN THE C-3 HIGHWAY COMMERCIAL DISTRICT; SECTION 200-40.A TO DELETE LANGUAGE THAT ALLOWED THE BOARD TO MODIFY THE AREA AND BULK REQUIREMENTS FOR LOTS IN THE C-3 HIGHWAY COMMERCIAL DISTRICT BY CONDITIONAL USE AND SECTION 200-41 TO REQUIRE A MINIMUM LOT AREA OF ONE ACRE FOR LOTS IN THE C-3 HIGHWAY COMMERCIAL DISTRICT THAT USE ON-SITE SEWAGE DISPOSAL SYSTEMS.

NOW THEREFORE, 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. Section 200-33, titled, “Use Regulations” for the C-1 Village District, shall be amended by amending subparagraph B as follows:

“B. Conditional uses. In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied, for any of the following principal purposes when authorized as a conditional use by the Board of Supervisors, subject to § 200-116 of this chapter. Conditional use approval in the C-1 Village District shall require full compliance with all applicable design standards set forth in § 200-36.”

SECTION 2. Section 200-34 titled, “Area and bulk regulations” for the C-1 Village District, shall be amended in subparagraphs A, F and H as follows:

“A. Applicability. The area and bulk regulations set forth in this section shall apply to all lots and/or uses in the C-1 Village Zoning District.

...

F. Height restrictions. No structure or principal buildings shall exceed 35 feet in height.

...

H. Building size restriction. No individual building shall contain more than 6,000 square feet of total floor area, except where increased square footage above 6,000 is entirely within an additional story or stories above the first floor.”

SECTION 3. Section 200-35 titled, “Sewer and water service” for the C-1 Village District shall be amended by amending subparagraph B as follows:

“B. Where public sewer service is not available and cannot reasonably be made available, any lot containing or proposed to contain an individual on-site sewage disposal system shall include a minimum contiguous area suitable for on-site sewage disposal and of sufficient size to accommodate disposal of all sewage generated on-site in conformance with all applicable regulation, including provision for a backup disposal system. In no case shall such minimum contiguous area be less than one acre. Use of individual on-site sewage disposal systems shall be contingent upon prior approval of both primary and backup disposal systems.”

SECTION 4. Section 200-36 titled, “Design standards” for the C-1 Village District shall be amended by amending subparagraph A(3) as follows:

“A.(3)The following standards shall apply to the rehabilitation, alteration, or enlargement of any historic resource requiring a building permit, unless such alteration is required solely for purposes of compliance with applicable building code, ADA or other regulation:

- (a) Construction plans for the rehabilitation, alteration or enlargement of any historic structure shall be in substantial compliance with the Secretary of the Interior's currently adopted Standards for Rehabilitation, as revised.
- (b) Authentic period materials and colors shall be utilized on any portion of any historic structure or enlargement thereof visible from any existing or proposed public right-of-way. Appropriate replication of materials may be substituted.
- (c) Landscape plans shall be submitted with any relevant application committing the applicant to preservation of existing landscape material and/or introduction of new landscape material so as to retain and/or enhance the integrity of the historical landscape setting."

SECTION 5. Section 200-36 titled, "Design standards" for the C-1 Village District shall be amended by amending subparagraph B as follows:

"B. Architectural design.

- (1) To the extent practicable, all new construction and/or additions to existing structures within the C-1 Village District shall be designed with either a traditional village architectural character or may be a contemporary expression of traditional styles and forms, respecting the scale, proportion, roof pitch, character, and materials of historic examples in Byers, Eagle and the surrounding area, in accordance with the following standards:
 - (a) Where any individual building facade (or adjoining facades which abut flush to the same building line) is visible from any public right-of-way or public space (including internal public spaces within a development) and exceeds 60 feet in length, there shall be a clear dimensional differentiation of roofline (i.e., an obvious difference in height) and/or an offset in facade of at least 10 feet, effectively breaking the single facade into two or more facades each no more than 60 feet in length. Building arrangements which rely on repeated use of the same long facade element shall not be approved.
 - (b) New construction shall generally have pitched roofs with overhanging eaves. Where flat roofs are provided, they shall be articulated with parapets and cornices. Desired materials on pitched roofs include slate (either natural or man-made), shingle (either wood or asphalt composition), and metal formed to resemble "standing seams." Roof color should reflect local traditional use of color, and shall specifically exclude white, tan, or blue shingles, red clay tiles, and corrugated metal or other corrugated material. The use of fascia, dormers, and gables is encouraged to provide visual interest.
 - (c) Exterior wall materials may include stucco, wood clapboard (including vinyl or aluminum imitation clapboard siding), native stone, brick, or other material

of a shape, color, and texture similar to that found on historic structures in the vicinity.

- (d) All facilities and equipment for heating/air conditioning, trash collection and compaction, and other structural elements not in keeping with historical architectural themes shall be concealed architecturally or otherwise screened from view from any public right-of-way or public space (including internal public spaces within a development).
- (2) Applicant shall provide drawings of sufficient detail to illustrate the character of the intended exterior design of structures, including scale, height, roof pitch, relationship between varying facade elements, and principal exterior materials. The Township may require that material samples also be provided. It shall be the burden of the applicant to demonstrate that submitted architectural designs are consistent with, and promote, the purposes and standards set forth for the C-1 Village District.”

SECTION 6. Section 200-39 titled, “Use regulations” for the C-3 Highway Commercial District shall be amended by amending subparagraph B as follows:

“B. Conditional uses. In the C-3 Highway Commercial District, a building may be erected, altered or used, and a lot may be used or occupied, for any one of the following principal purposes when authorized as a conditional use by the Board of Supervisors, subject to § 200-116 of this chapter.”

SECTION 7. Section 200-40 titled, “Area and bulk regulations” for the C-3 Highway Commercial District shall be amended by amending subparagraph A as follows:

“A. Applicability. The area and bulk regulations set forth in this section shall apply to all lots and/or uses in the C-3 Highway Commercial District.”

SECTION 8. Section 200-40 titled, “Sewer and water service” for the C-3 Highway Commercial District shall be amended by amending subparagraph B as follows:

“B. Where public sewer service is not available and cannot reasonably be made available, any lot containing an individual on-site sewage disposal system shall include a minimum contiguous area suitable for on-site sewage disposal and of sufficient size to accommodate disposal of all sewage generated on-site in conformance with all applicable regulation, including provision for a backup disposal system. In no case shall such minimum contiguous area be less than one acre. Use of individual on-site sewage disposal systems shall be contingent upon prior approval of both primary and backup disposal systems.”

SECTION 9. 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 10. 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 11. Effective Date. This Ordinance shall become effective five (5) days following the enactment as by law provided.

ENACTED AND ORDAINED this _____ day of _____, 2024.

ATTEST:

**UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS**

Gwen A. Jonik, Secretary

Jennifer F. Baxter, Chair

Andrew P. Durkin, Vice-Chair

Sandra M. D'Amico, Member



THE COUNTY OF CHESTER



COMMISSIONERS

Josh Maxwell
Marian D. Moskowitz
Eric M. Roe

Matthew J. Edmond, AICP
Executive Director

PLANNING COMMISSION

Government Services Center, Suite 270
601 Westtown Road
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West Chester, PA 19380-0990

(610) 344-6285 Fax (610) 344-6515

March 4, 2025

Tony Scheivert, Manager
Upper Uwchlan Township
140 Pottstown Pike
Chester Springs, PA 19425

Re: Zoning Ordinance Amendment - Deleting Certain Language in the C-1 And C-3 Districts
Allowing the Supervisors to Modify Conditional Use Area, Bulk and Lot, Historic Preservation,
Design, and Other Standards
Upper Uwchlan Township - ZA-02-25-18429

Dear Mr. Scheivert:

The Chester County Planning Commission has reviewed the proposed Upper Uwchlan Township Zoning Ordinance amendment as submitted pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Section 609(e). The referral for review was received by this office on February 19, 2025. We offer the following comments to assist in your review of the proposed Upper Uwchlan Township Zoning Ordinance amendment.

DESCRIPTION:

1. Upper Uwchlan Township proposes to amend the C-1 Village District and the C-3 Highway Commercial District to generally remove current language allowing the Board of Supervisors to modify certain area, bulk and lot, historic preservation, design and other standards.

COMMENTS:

2. The Pennsylvania "Governor's Center for Local Government Services Department of Community and Economic Development" Special Exceptions, Conditional Uses and Variances Planning Series #7 at:

<https://dced.pa.gov/download/planning-series-07-special-exceptions-conditional-uses-variances/?wpdmld=59696&refresh=67bc8dc3e6d8c1740410307>

discusses conditional uses (and special exceptions), and explains that conditional uses:

"...exist because choosing uses to be permitted by right and prohibited for each zone is too narrow for sound planning. Certain uses or activities that might logically be located in certain districts may need to be carefully sited or controlled. Designation as a conditional use or special exception allows the opportunity to thoroughly examine the proposed land use to determine compliance with the objective standards and criteria, to assure that the public interest is not violated, and to attach any reasonable conditions or safeguards necessary to implement the purpose of the ordinance." (page 4).

Re: Zoning Ordinance Amendment - Deleting Certain Language in the C-1 And C-3 Districts
Allowing the Supervisors to Modify Conditional Use Area, Bulk and Lot, Historic Preservation,
Design and Other Standards
Upper Uwchlan Township - ZA-02-25-18429

Therefore, the Pennsylvania Municipalities Planning Code, Section 913.2(a) allows a board of supervisors to impose reasonable conditions on conditional use applications, i.e., to "...attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of ...the zoning ordinance."

Given the range and complexity of the Township's land uses, structures, historic resources and historic development patterns, flexibility in the administration of land use ordinances can often result in superior designs, innovations, efficiency and better use of scarce land. We suggest that the Board of Supervisors carefully consider whether it is appropriate to retain a reasonable degree of flexibility in reviewing conditional use applications.

An alternative to such flexibility in ordinance language could be to require applicants to appear before the Township Zoning Hearing Board to attempt to achieve the type of flexibility that may otherwise be offered by the Board of Supervisors. However, this alternative will result in extra time and financial expenditures, which may discourage some applicants from attempting to create better designs.

3. Section 300-34.A "Area and bulk regulations" for the C-1 Village District, is proposed to be amended to state that "... The area and bulk regulations set forth in this section shall apply to all lots and/or uses in the C-1 Village Zoning District." However, Section 300-34.A of the Ordinance (which apparently is not to be amended) states "In approving any area or bulk modification as a conditional use, the Board of Supervisors may stipulate the following..." (and guidelines for approving modifications are listed afterwards). It appears that the amendment intends to restrict the Supervisors' discretion in granting modifications, but other portions of Section 300-34.A "Area and bulk regulations" seem to acknowledge such discretion. (Similar general language appears in the proposed amendments to the C-3 Highway Commercial District). The Township Solicitor should determine if this is an actual inconsistency that should be addressed.
4. Sewer and water service regulations in the C-3 Highway Commercial District are to be amended by replacing a single lot area requirement of at least 30,000 square feet lot with language specifying that "...any lot containing an individual on-site sewage disposal system shall include a minimum contiguous area suitable for on-site sewage disposal and of sufficient size to accommodate disposal of all sewage generated on-site in conformance with all applicable regulation, including provision for a backup disposal system. In no case shall such minimum contiguous area be less than one acre." This is an appropriate regulation.

RECOMMENDATION: Upper Uwchlan Township should consider the comments in this letter before acting on the proposed zoning ordinance amendment.

We request an official copy of the decision made by the Upper Uwchlan Township Supervisors, as required by Section 609(g) of the Pennsylvania Municipalities Planning Code. This will allow us to maintain a current file copy of your ordinance.

Sincerely,



Senior Review Planner



Landscape Concepts Review for Windsor Baptist Church

Presented by **Theurkauf Design and Planning:**
Ed Theurkauf & Isabelle Rocca



Concept 1:

Tree-lined Steeple View

Design elements:

- Tree allée with views to church steeple from the road
- Stairs from the intersection to allée
- 2-tiered wall (~2' high each) with vegetated inside
- Wall is directly against trail and ramp
- Street trees above tiered wall
- Round plaza at the parking lot entrance
- Linear paths along axes





Conceptual Church view from intersection



Thank you!

Upper Uwchlan Township Historical Commission

**213 Little Conestoga Road Demolition Permit Application — Final
Recommendations December 3, 2004 and February 4, 2025 Meetings**

From December 3, 2024 and February 4, 2025 Meetings — Prepared by Vivian S. McCardell, Chair Historical Commission

Final Recommendations for December 3, 2024 HC Meeting

Background:

- ▶ Windsor Baptist Church has requested a permit to demolish the historic circa 1875 Windsor Church Parsonage located in the C-1 Village District at the intersection of Park Road and Little Conestoga Road. The related historic circa 1869-1872 Windsor Baptist Church is located nearby on the same tax parcel, but is not part of the demolition request.
- ▶ The historic Windsor Church Parsonage is historic resource #85 on the Township's Historic Resource Inventory and a Class II resource which appears from the road to be in good shape. The historic Windsor Baptist Church is historic resource #84 and also a Class II resource. Both the Parsonage and the Church are historically significant to the Township and the Village of Eagle.
- ▶ Under Section 200-36A(2) of the Township Ordinances, within the C-1 Village District, no historic structure shall be removed or demolished except where approved by the Township, upon the recommendation of the Planning and Historical Commissions and approval requests shall not unreasonably be withheld where applicant demonstrates that renovation or reuse of the structure is not practicable.
- ▶ The Parsonage is an “historic structure” under the third prong of the definition of “historic structure” found in Section 200-7. At this time WBC has not demonstrated that renovation or reuse of the Parsonage is not practicable.
- ▶ We note that in 2020 the Windsor Baptist Church received Conditional Use and Preliminary and Final Land Development Plan approvals to build a large addition to the Church, dependent on various conditions, one of which was providing a 6-ft-wide asphalt path from the property's Park Road access to the intersection of Park Road and Little Conestoga Road (Trail) within five years. If the Trail is not constructed by the deadline, the Township may use escrowed funds to complete the Trail. The historic resource impact statement requirement appears to have been waived for the construction of the addition and would presumably cover building the Trail.
- ▶ We also note that the Trail does not yet appear to have been constructed and the deadline for its construction would fall in next year, 2025.
- ▶ In a September 4, 2020 letter, Windsor Baptist Church requested relief from the Park Road sidewalk improvement decision in the Preliminary Land Development approval, based on various reasons that included the sidewalk was located very near the Parsonage, which has an old foundation, the process of installing a retaining wall for the sidewalk would cut into the earth close to the Parsonage foundation and it was concerned that the retaining wall work might damage the foundation, adding further structural repair costs.

Final Recommendations for December 3, 2024 HC Meeting (con't)

Recommendations to Planning Commission and Township officials, as applicable, regarding the Windsor Baptist Church Demolition Permit Request:

- ▶ The historic circa 1875 Windsor Church Parsonage should not be demolished. The Parsonage is an integral part of the historic Windsor Baptist Church complex and a significant building in the historic Village of Eagle.
- ▶ The demolition of the Parsonage would be a great loss in the Township's effort to preserve the historic nature and character of the Village of Eagle.
- ▶ We recommend that Windsor Baptist Church submit its reason(s) for consideration as to whether the Parsonage's renovation or reuse is impracticable under Section 200-36A(2).
- ▶ We also recommend that the Township reconsider its 2020 Trail requirement and review alternative routes that would preserve the Parsonage.

Final Recommendations from February 4, 2025 HC Meeting

Recommendations to Planning Commission and Township officials, as applicable, regarding the Windsor Baptist Church Demolition Permit Request:

- ▶ The Windsor Baptist Church has submitted a Minimum Total Cost of Itemized Repairs of \$233,800 to renovate or reuse the Parsonage. They assert that this cost makes renovation or reuse of the Parsonage impracticable under Section 200-36A(2).
- ▶ We disagree that this cost makes the renovation or reuse of the Parsonage impracticable under Section 200-36A(2) and recommend that no permit be issued to demolish the Parsonage.

Please note the following additional information:

- “Practicable” is defined in Section 200-7 of the Township ordinances as “Reasonably feasible to perform, technically, physically, and/or economically, as applicable.”
- Grants may be available from the State or County to help offset the cost of rehabilitation and if the Township ultimately decides to issue the demolition permit, options should be explored to move the Parsonage instead.