



**UPPER UWCHLAN TOWNSHIP
PLANNING COMMISSION
AGENDA
April 2, 2020
7:00 p.m.**

LOCATION: This meeting will now be held **virtually**. Any member of the public interested in participating in the meeting should email the Township at tscheivert@upperuwchlan-pa.gov for a link and a password to join in the meeting. In an effort to minimize public exposure to COVID-19 and maintain social distancing, the meeting will be conducted via webinar. No attendance in-person will be allowed. If you require special accommodation, please call the Township office at 610-458-9400.

Packet Page #

- I. Call To Order
- II. Ordinance Amendments
Review and discuss revised proposed amendments to the C-1 Village and C-3 Commercial Districts regarding restricting residential uses, and definitions. 2, 9
- III. Approval of Minutes: February 13, 2020 Meeting 14
- IV. Next Meeting Date: May 14, 2020
Location: To Be Determined
- V. Open Session
- VI. 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" AND "CULTURAL FACILITY"; 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 PERMITTED BY CONDITIONAL USE, SECTION 200-34 AREA AND BULK REGULATIONS FOR THE C-1 VILLAGE DISTRICT AND TO ADD AREA AND BULK STANDARDS FOR MIXED USE DWELLINGS SUCH 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 PERMITTED BY CONDITIONAL 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 DWELLING STANDARDS FOR SUCH USE; 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:

**CHAPTER 200
ZONING REGULATIONS**

Article II. § 200-7. Definitions.

Add the following defined terms:

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.

CULTURAL FACILITY- a building which has as its primary purpose the advancement and preservation of art, music, theater, dance or any other arts or cultural discipline.

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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” ~~and replace with new (6) “Mixed use dwelling”.~~

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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 units 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~~ny dwelling units shall have a floor area of not less than six hundred (600) square feet.
- (3) ~~The E~~nterance 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.~~

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

For paragraph B. Conditional uses:

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Add a new section (12) as follows:

(12) "Mixed use dwelling".

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

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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 units 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) ~~All~~ny 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.~~

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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).
- 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.

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,

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 - (2) All dwelling units shall have a floor area of not less than six hundred (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 non-residential use or uses.

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

For paragraph B. Conditional uses:

Add a new section (12) as follows:

(12) “Mixed use dwelling”.

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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).”

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(a) Home occupation; professional or business office; cultural studio;; day-care center; 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) Multiple-family dwellings subject to the specific requirements set forth in Subsection D.

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facilities required for the adaptive reuse of the historical property, excepting buildings.

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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 _____, 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

February 13, 2020

7:00 p.m.

Minutes

DRAFT

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

In Attendance:

Bob Schoenberger, Chair; Sally Winterton, Vice-Chair; Joe Stoyack, Bob Davidson, Jim Shrimp, Brett Hand, Jim Dewees, Mary Lou Lowrie, P.E. – Gilmore & Assocs., Gwen Jonik, Planning Commission Secretary

Bob Schoenberger called the meeting to order at 7:01 PM. A quorum was present.

Byers Station Parcel 6C Final Amended PRD Plan – Vantage Point Retirement Living

Alyson Zarro, Esq., Greg Stevens of Vantage Point and Alex Barlow of DL Howell were in attendance. Ms. Zarro explained there's been minimal revision necessary since the Tentative Amended PRD Plan approval; they've been working on acquiring outside Agency approvals. A meeting was held early January with Township staff and consultants to discuss outstanding issues, of which the majority will be addressed, such as the driveway easement for the Butler House. The architecture of the main entrance had been revised to address the concerns of the Planning Commission and the Board of Supervisors. The port cochere is to be a gable roof according to the Tentative PRD Approval and the roofline above it is displayed as a gable or a hip roof. The Board of Supervisors likes the hip roof, as does the Applicant. There will be 3 signs for the property – one at the Byers Road entrance, one on the corner of Byers Road and Graphite Mine Road, and one at the Graphite Mine Road entrance. They'll be up-lit with linear LED, not spotlights, and will comply with Township regulations

Planning Commission members discussed:

1. whether left turn arrows are warranted for Graphite Mine Road traffic turning onto Byers Road, as traffic volume might have increased since the initial traffic study was done for this project.
2. some of the architectural design elements are not symmetrical. Greg Stevens noted it was designed that way to provide a little interest across the expanse.

Joe Stoyack moved, seconded by Sally Winterton, to recommend to the Board of Supervisors Final Amended PRD Plan Approval to the Plans as presented this evening. The Motion carried with six (6) in favor and one (1) opposed (Hand).

Ordinance Amendments

Discussion of amendments regarding residential uses in the C-1 and C-3 Commercial Districts and to a definition for "cultural facility" included: the "mixed use dwelling" use is to be allowed ONLY through conditional use in the C-1 and C-3 Districts, and residential uses should be prohibited in the base zoning of all non-residential districts, if it isn't already prohibited. The

definition for the term “cultural facility” was discussed, and the members decided on the following: “Cultural Facility”. A cultural facility is a building which has as its primary purpose the advancement and preservation of art, music, theater, dance, or any other arts or cultural discipline.”

Brett Hand moved, seconded by Joe Stoyack, to recommend that the “cultural facility” definition above be reviewed by the Township Solicitor and added to the Zoning Ordinance definitions. The Motion carried with six (6) in favor and one (1) opposed (Deweese).

The March Commission meeting may include the review of current outdoor storage tank regulations and parking. They’d like to encourage shared parking among businesses without requiring conditional use or special approval.

Approval of Minutes

Joe Stoyack moved, seconded by Jim Dewees, to approve as presented the minutes of the January 9, 2020 Planning Commission meeting. The Motion carried unanimously.

Bob Schoenberger announced the Planning Commission’s next meeting is March 12, 2020 at the temporary Township Office. Gwen Jonik noted the April meeting date, and the Office may be moving back to the renovated township building by then.

Open Session

There were no comments offered.

Adjournment

Jim Dewees moved, seconded by Sally Winterton, to adjourn the meeting at 8:13 PM. All were in favor.

Respectfully submitted,

Gwen A. Jonik
Planning Commission Secretary