



UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE 2024-01

AN ORDINANCE OF THE TOWNSHIP OF UPPER UWCHLAN, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 200 OF THE UPPER UWCHLAN TOWNSHIP CODE TITLED "ZONING" TO ADD DEFINITIONS OF ATHLETIC CLUB, AUTOMOBILE SERVICE ESTABLISHMENT, CONTRACTOR'S ESTABLISHMENT, HOOKAH BAR/LOUNGE, MICROBREWERY, MINI WAREHOUSE/SELF STORAGE, MUNICIPAL USE, OFFICE BUILDING, PERSONAL SERVICE ESTABLISHMENT, AND PUBLIC PLACE OF AMUSEMENT OR RECREATION IN SECTION 200-7; TO AMEND THE DEFINITION OF EDUCATIONAL USE, RECREATION, ACTIVE, RECREATION, PASSIVE, AND DWELLING UNIT IN SECTION 200-7; TO AMEND THE DEFINITION OF RETAIL TRADE TO BE RETAIL STORE IN SECTION 200-7; TO AMEND THE PURPOSE STATEMENT FOR THE C-1 VILLAGE DISTRICT IN SECTION 200-32; TO AMEND THE USE REGULATIONS FOR THE C-1 VILLAGE DISTRICT IN SECTION 200-33; TO AMEND THE USE REGULATIONS FOR THE C-3 HIGHWAY COMMERCIAL DISTRICT IN SECTION 200-39; TO AMEND THE PURPOSE STATEMENT FOR THE LI-LIMITED INDUSTRIAL DISTRICT IN SECTION 200-43; TO AMEND THE USE REGULATIONS FOR THE LI-LIMITED INDUSTRIAL DISTRICT IN SECTION 200-44; TO DELETE SECTION 200-63 TITLED CONVERSION OF DWELLINGS; AND TO AMEND SECTION 200-88.C REGULATING SWIMMING POOLS.

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. The following definitions shall be added to Section 200-7, titled, "Definitions and word usage":

ATHLETIC CLUB- An enterprise operating as a business or club which charges an admission, entry or membership fee or combination thereof, whether owned by a public or private entity, which is open to the public and provides various athletic or health facilities for its members, including but not limited to the following: gymnasium, swimming pool, nautilus, weights and similar conditioning equipment, tennis, handball, racquetball and similar ball courts and similar athletic facilities which are used to promote fitness and good health.

AUTOMOBILE SERVICE ESTABLISHMENT- A facility for the repair, reconditioning and lubrication of motor vehicles and the replacement or installation of motor vehicle parts and

accessories when conducted in a repair shop offering a full range of services including body and fender repair, collision repair service and spray painting.

CONTRACTOR'S ESTABLISHMENT- A commercial use which involves offices and/or the storage of supplies, equipment, machinery and materials for contractors and tradesmen such as builders, masons, carpenters and landscapers. Such use does not include retail sales of products or materials.

HOOKAH BAR/LOUNGE- Any establishment that is dedicated, in whole or in part, to the smoking of a water pipe with a smoke chamber, a bowl, a pipe and a hose, commonly referred to as a "hookah."

MICROBREWERY-A facility where more than 250 barrels and less than 15,000 barrels of malt or brewed beverages are produced on-premises on an annual basis and then sold or distributed for off-premises consumption, which is not a restaurant use. A microbrewery must be licensed by the Pennsylvania Liquor Control Board or any successor agency of the commonwealth.

MINI WAREHOUSE-SELF STORAGE- A building or group of buildings that are divided into individual units, each of which unit is available for rent or lease to the public for the self-storage of tangible personal property. Outdoor storage is only permitted in designated locations on the property if approved in the land development plan for such use.

MUNICIPAL USE- Any use conducted by Upper Uwchlan Township, an agency of Upper Uwchlan Township or any authority created by Upper Uwchlan Township for administrative buildings, equipment or material storage, public park or recreational areas, public sewage treatment and/or water supply collection, treatment, storage and/or distribution facilities, stormwater management facilities, public parking garages and lots, public libraries or any similar use owned and operated by Upper Uwchlan Township, an agency of the Township or any authority created by the Upper Township. The definition of "municipal use" expressly excludes any use by any governmental agency or authority other than those of Upper Uwchlan Township.

OFFICE BUILDING- A building used primarily for business services, medical services, professional and personal services, financial services, government functions or for administrative, managerial or clerical functions.

PERSONAL SERVICE ESTABLISHMENT-An establishment that offers a type of service oriented to personal needs of members of the general public, but not one involving either a professional service or the retail or wholesale sales of products. Personal services include but are not limited to a barber, hairdresser, beautician, photographer, tailor, cleaning and pressing establishment, laundromat, shoe repair, household appliance repair, locksmith, massage therapy, pet groomer and similar services.

PUBLIC PLACE OF AMUSEMENT OR RECREATION-Any facility providing recreation and/or amusement to the general public and which may or may not charge an admission or use fee. A public place of amusement or recreation includes, but is not limited to, movie theaters, live theaters, dinner theaters, concert halls, arcades, bowling alleys, amusement

parks, fairgrounds, hockey rinks, roller- or ice-skating rinks, moon bounce facilities, batting cages, public golf courses, driving ranges, miniature golf courses, chip-and-putt golf courses, tennis courts, paddle tennis courts, squash courts, handball courts, facilities providing table games, such as billiards, pool and table tennis or any facility of the same general character.

SECTION 2. The definition of "Educational use" in Section 200-7 titled, "Definitions and word usage", shall be revised as follows:

EDUCATIONAL USE- Land or buildings used for the establishment and maintenance of a public or private secondary or elementary school or other educational institution which is used for the primary purpose of instruction and learning. The term shall exclude driver training schools, heavy equipment training, riding schools and day-care centers.

SECTION 3. The definition of "Retail Trade" in Section 200-7 titled, "Definitions and word usage", shall be revised to be "Retail Store."

SECTION 4. The definitions of Recreation, Active and Recreation, Passive in Section 200-7 titled, "Definitions and word usage", shall be revised as follows:

RECREATION, ACTIVE- Leisure activities which are usually performed with others, often requiring equipment and which take place at prescribed places that require physical alteration to the land area in which they are performed. The term "active recreation" includes but is not limited to swimming pools, tennis courts, baseball and other field sports, golf and playgrounds.

RECREATION, PASSIVE- Recreational pursuits that generally do not require a developed site and which can be carried out with little alteration or disruption to the area in which they are performed. Such uses include, but are not limited to, hiking, biking and picnicking. The use of a paved path or trail for walking or biking shall be considered passive recreation.

SECTION 5. The definition of "Dwelling unit" in Section 200-7 titled, "Definitions and word usage", shall be revised as follows:

DWELLING UNIT- One or more rooms in a building, designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities, with no enclosed space (other than vestibules, entrances or other hallways or porches) in common with any other dwelling unit.

SECTION 6. Section 200-32, titled, "Purpose" for the C-1 Village District shall be amended as follows:

§ 200-32. Purpose.

The regulations for the C-1 Village District are intended to preserve the historical development patterns of the villages of Eagle and Byers Station Historic District, and establish standards for development and coordinated street, parking, landscape improvements and pedestrian amenities, so as to complement the village setting and

provide for safe and convenient access. They are also intended to provide for a variety of uses in a manner which facilitates and promotes pedestrian travel within the village setting.

SECTION 7. Section 200-33, titled "Use Regulations" for the C-1 Village District shall be amended as follows:

§ 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.

SECTION 8. Section 200-39, titled, "Use regulations" for the C-3 Highway Commercial District shall be amended as follows:

§ 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.
- (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.
- (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.
- C. 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.
- D. 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.

SECTION 9. Section 200-43, titled, "Purpose" for the LI-Limited Industrial District shall be amended as follows:

§ 200-43. Purpose. It is the intent of the LI District, as outlined by the Upper Uwchlan Township Comprehensive Plan, to provide for limited industrial and other related intensive activities in the Township, to encourage the establishment of industrial uses which will offer additional employment opportunities to establish reasonable standards governing industrial development to ensure its compatibility with the character of the area and adjacent land uses, and to locate industrial uses within close proximity to major roads in order to provide safe and efficient access by industrial-related traffic.

SECTION 10. Section 200-44, titled, "Use regulations" for the LI-Limited Industrial District shall be amended as follows:

§ 200-44. Use regulations. A building may be erected, altered or used, and a lot may be used or occupied, for any of the following purposes, and no other:

- A. Uses by right.
 - (1) Assembly and manufacture of light industrial products.
 - (2) Medical marijuana grower/processor.
 - (3) Research, engineering, or testing laboratories.
 - (4) Public utility operating facilities.
 - (5) Printing or publishing establishment.
 - (6) Office building.
 - (7) Wholesale sales, storage and distribution in a building or buildings of 20,000 square feet or less.

- (8) Religious uses.
- (9) Public place of amusement or recreation and athletic club in a building of 10,000 square feet or less.
- (10) Mini-warehouse/self storage facility.
- (11) Contractor's establishment.
- (12) Passive recreation.
- (13) Active recreation.

B. Conditional uses. Any one of the following uses when authorized as a conditional use by the Board of Supervisors, subject to § 200-116 of this chapter:

- (1) Surface mining operations.
- (2) Sanitary landfills.
- (3) Junkyard.
- (4) Recycling collection center, excluding processing or transfer station.
- (5) Automobile service establishment.
- (6) Public place of amusement or recreation and athletic club in a building or buildings larger than 10,000 square feet.
- (7) Tower-based wireless communication facilities.
- (8) Adult-oriented use, where located not less than 500 feet from any similar use and from any residence, church, or public or private school or day-care facility.
- (9) Municipal or public uses; governmental or public utility building or uses.
- (10) Wholesale sales, storage and distribution in a building or buildings larger than 20,000 square feet or less.
- (11) Microbrewery.
- (12) The following additional uses shall be permitted when established on a property designated by the Township as a Historic Resource on the Historic Resource Inventory, where historical building(s) shall be adaptively re-used:

- (a) Restaurants.
- (b) Retail sales.

C. Special exception. Any one of the following uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XX of this chapter:

- (1) Any use similar to the above permitted uses not specifically provided for herein, provided that the use meets the performance requirements of § 200-82 of this chapter.

D. Accessory uses. The following accessory uses shall be permitted provided that they are incidental to any of the foregoing permitted uses:

- (1) Customary industrial accessory uses.
- (2) A helicopter landing pad as an accessory use to any of the uses permitted by right, by conditional use or by special exception, when such accessory use is authorized by conditional use procedure and providing that any such accessory use shall comply with the following:
 - (a) No helicopter shall take off or land over areas zoned other than Limited Industrial.
 - (b) No helicopter landing pad shall be located within 1,000 feet of any area zoned other than Limited Industrial.
 - (c) There shall be a minimum front yard setback of 300 feet for any helicopter landing pad.
 - (d) There shall be a minimum side and rear yard setback of 200 feet for any helicopter landing pad.
 - (e) The owner and operator of the facility shall enter into an agreement with the Township with respect to the following: fixing the flight for helicopter taking off and/or landing patterns.
 - (f) All helicopter flights shall comply with FAR 91.119, pertaining to minimum safe altitude.

SECTION 11. Section 200-63, titled, "Conversion of dwellings" shall be deleted and the section number reserved.

SECTION 12. Section 200-88.C shall be amended as follows:

"All swimming pools, excluding portable or aboveground pools less than three feet in depth, shall be completely enclosed by a contiguous fence no less than four feet in height that completely surrounds the pool, that serves as a restricted barrier against trespass. All swimming pool fences shall adhere to applicable Building Code regulations, and shall be maintained in good condition. A dwelling, accessory building, or other structure allowed by this chapter may be used as part of such enclosure. All gates and doors opening through any

swimming pool enclosure shall be equipped with a self-closing and self-latching device for keeping such gate or door securely closed and latched at all times when not in use."

SECTION 13. 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 14. 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 15. Effective Date. This Ordinance shall become effective five (5) days following the enactment as by law provided.

ENACTED AND ORDAINED this 15th day of July, 2024.

ATTEST:

UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS

Gwen A. Jonik
Gwen A. Jonik, Secretary

Jennifer F. Baxter
Jennifer F. Baxter, Chair

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Andrew P. Durkin, Vice-Chair

Sandra M. D'Amico
Sandra M. D'Amico, Member