



**UPPER UWCHLAN TOWNSHIP
PLANNING COMMISSION
AGENDA
August 13, 2020
7:00 p.m.**

LOCATION: This meeting will be held **virtually**. Any member of the public interested in participating in the meeting should email the Township at gjonik@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.

- I. Call To Order
- II. Ordinance Amendments
Review draft outdoor storage tank ordinance amendment.
- III. Approval of Minutes: July 9, 2020 Meeting
- IV. Next Meeting Date: September 10, 2020 7:00 PM
Location: Will be noted on the website www.upperuwchlan-pa.gov
- V. Open Session
- VI. Adjournment

Buckley, Brion, McGuire & Morris LLP
ATTORNEYS AT LAW

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MEMORANDUM

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|----------|---|
| To: | Upper Uwchlan Township Planning Commission |
| From: | Kristin S. Camp, Esquire |
| Date: | July 24, 2020 |
| Subject: | Follow-up on Zoning Amendment for Outdoor Storage Tanks |

Commissioners:

I wanted to follow-up from our conversation at the July meeting concerning the attached zoning ordinance amendment regulating outdoor storage tanks. The following policy decisions should be addressed by the Planning Commission concerning the regulation of outdoor storage tanks and the draft ordinance.

- 1) **Outdoor Storage Tanks in C-3 District.** Do you want to eliminate outdoor storage tanks as an allowable accessory use in the C-3 Highway Commercial Zoning District? In an email from Cary Vargo dated February 8, 2016, Cary suggested that the Planning Commission supported eliminating outdoor storage tanks in the C-3 District based on the vision for future development in the Village of Eagle and the area of Pottstown Pike/Font Road and Fellowship Road. (See attached email). Is this still the Planning Commission's desire? The current draft amendment still allows outdoor storage tanks in the C-3 District. After the last meeting I asked Al Gaspari if he was aware of any existing outdoor storage tanks located in the C-3 zoning district and he advised that there are tanks at the Styer Propane located at 520 Pottstown Pike. The use of this property is a nonconforming use that predates the zoning ordinance. Al is not aware of other outdoor storage tanks in the C-3 District. He did mention he is aware of outdoor storage tanks in the LI and PI Districts.
- 2) **Setback for outdoor storage tanks.** I added a new minimum setback of 100 feet for any outdoor storage tank where the lot abuts a residential use or residential district. Neil Fischer from Hankin suggested that the ordinance could also prohibit outdoor storage tanks within any required yard area which for the PI District would be 150 feet. The setbacks differ for the C-3 and LI District so the Planning Commission should decide if it wants a different setback for each district or a common minimum setback.

I understand that this ordinance will be discussed at the August meeting.

From: [Cary Vargo](#)
To: [Gwen Jonik](#)
Subject: Please proof read for content, etc.
Date: Monday, February 8, 2016 10:06:12 AM

Good Morning,

Thank you for your email of inquiry in reference to a proposed zoning change allowing outdoor storage of materials in the LI and PI Zoning Districts. Your correspondence has been noted and has been shared with the Board of Supervisors. Please allow me to communicate what is actually being proposed. The Limited Industrial District (LI) and the Planned Industrial/Office District (PI) are zoning districts in which certain activities are permissible to include manufacturing, research and development, public utilities, printing or publishing, and warehouse and distribution, amongst others. These permissible uses are noted below for your information. These activities have been safely occurring in these zoning districts for many, many years. As part of these activities materials are transported to various facilities, stored, utilized, and then transported from the facilities as either product or waste. The intent of the proposed zoning amendment, allowing outdoor storage of certain materials, is to allow these activities to be accomplished in a safe and efficient manner. I have attached the proposed DRAFT zoning amendment for your review. Please note that the Township is not allowing this activity to go unregulated. The following are highlights of the regulations that are proposed to be put into place which have been drafted to ensure prudent and safe processes:

- ✓ Outdoor storage has been removed from the C3 zoning district based on a review of permitted uses (by right and conditional use) and the vision for future development of the Village of Eagle and the area of Pottstown Pike/Font Road and Fellowship Road.
- ✓ The ordinance requires that design and construction be managed by a registered engineer to include a feasibility study addressing location.
- ✓ It is required that the Township be provided with any and all applicable state and/or federal permits required for outdoor storage tanks, to include renewals.
- ✓ The volume or amounts of allowable storage will be based on the rules and regulations of the DEP, EPA, the International Fire Code, the International Building Code, existing zoning setbacks, and the requirement that all outdoor storage immediately abut the principal use.
- ✓ MSDS sheets for materials being stored are to be on file with the Township. This information will be disseminated to the local emergency responders.
- ✓ The applicant shall prepare and submit to the Township a written program for the safety, system and tank operation, inspection frequency, appropriate coding or labeling of pipes and tanks.
- ✓ At least annually, the operator shall conduct an inspection and a review of storage locations, waste locations, materials, chemicals and items in the storage tanks with the Emergency Management Coordinator of the Township, the Zoning Officer and the Fire Chiefs of the first due emergency response organizations as identified by the Township.

This proposed zoning amendment adds regulation to these commercial activities and provides additional information to the Township on the materials being stored and utilized. This information will be reviewed regularly and shared with the emergency Police, Fire, and EMS responders responsible for providing service to our community. I am available to discuss further if you wish. Thank you again for your interest in your community.

[Limited Industrial \(LI Zoning District\)](#)

§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 and an increased tax base for the Township; 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.

§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. Assembly of office equipment and electrical appliances and supplies; and similar processes not to include the manufacturing of iron, steel, other metals or alloys, or metal processing.
- B. Manufacture of light industrial products from already prepared materials (such as wood, metal, cloth, leather, paper, plastic, glass); manufacture of professional, scientific, or electronic instruments; jewelry; watches, small appliances, and similar products.
[Amended 7-20-2015 by Ord. No. 2015-06]
- C. Research, engineering, or testing laboratories.
- D. Public utility operating facilities.
- E. Printing or publishing establishment.
- F. Office building.
- G. Wholesale warehouse, and distribution.
- H. Churches/religious uses.
[Added 11-15-1999 by Ord. No. 99-07; amended 11-6-2000 by Ord. No. 00-04]

Any one of the following uses when authorized as a conditional use by the Board of Supervisors, subject to § [200-116](#) of this chapter:

[Amended 8-6-1990 by Ord. No. 90-02; 2-3-1997 by Ord. No. 97-02; 7-7-1997 by Ord. No. 97-05; 11-6-2000 by Ord. No. 00-04]

- 1) Surface mining operations.
- 2) Sanitary landfills.
- 3) Junkyard.
- 4) Recycling collection center, excluding processing or transfer station.
- 5) Motor vehicle body or fender repair, including painting or major overhauling.
- 6) 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.
- 7) Indoor health spas, fitness centers, indoor bowling lanes, indoor tennis courts and indoor skating rinks subject to all applicable requirements of the L-1 District and all other requirements of the Township's existing ordinances.
 - 8) Tower-based wireless communication facilities.
[Amended 6-16-2014 by Ord. No. 2014-03]
 - 9) 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.
[Added 5-17-2004 by Ord. No. 04-02A]
 - 10) Municipal or public uses; governmental or public utility building or uses.
[Added 4-21-2014 by Ord. No. 2014-01]

Planned Industrial/Office District (PI Zoning District)

§200-48 Purpose

It is the intent of the PI District to provide and require unified and organized arrangement of buildings, service and parking areas, together with adequate circulation and designated open space, all planned and designed as integrated units, in a manner as to provide and constitute efficient, safe, convenient and attractive planned campus-like office park, corporate center, hotels/conference center and other appropriate uses. It is also the intent of the PI District to promote large unified developments which have direct access on a major highway, while discouraging the application of this district in areas of the Township which cannot support the above stated intentions. All ground considered for this district must be in single ownership. The requirement for a plan will provide the Board of Supervisors with a means to review proposals and permit the development of those facilities which, in addition to demonstrating a contribution to the community and the region, would incorporate design innovations in building and landscaping so no adverse impacts of any kind would occur. The development plan shall reflect sensitivity in the designation of areas for different uses that will allow for homogenous uses to be contiguous.

§200-49 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. Manufacturing, assembling and/or servicing electronic equipment only.
- B. Passenger station for public transportation; electric substation; telephone central office.
- C. Hotel and/or conference center where a conference center is designed as a building or series of buildings, designed and used as a professional meeting and training facility and may include conference rooms, recreational facilities, restaurants, sundries shops and other accessory facilities; a minimum of five acres shall be required for this use.
- D. Offices or office building for administrative, executive and professional activity, and similar activities involving the performance or rendering of professional service, such as a bank, financial institution, the sale of real estate and business office including the showing of samples, sale promotion and demonstration of equipment, provided, however, that no merchandise shall be warehoused on the premises for sale, exchange or delivery thereon, and further provided that nothing herein preclude

sale or manufacturers' representatives from arranging for the sale of merchandise manufactured, fabricated or warehoused at, or delivered to, locations outside of the PI District.

- E. Restaurant, cafeteria or recreational facilities designed for the comfort and convenience of employees shall be permitted provided such facilities are located inside the confines of the building and provided further that such facilities are not offered for use by the general public.
 - F. Churches.
 - G. Public uses, structures, or buildings owned or operated by the municipality, a municipal authority organized by the municipality or an authority of which the municipality is a member.
 - H. Indoor recreational facilities containing amenities such as a swimming pool, spa, indoor track, nautilus equipment, handball and racquetball courts and facilities typical of a YMCA facility.
 - I. Laboratory for scientific research and development including animal research provided such animal research is conducted pursuant to the Guiding Principles in the Use of Animals in Toxicology as adopted by Society of Toxicology in July 1989 and revised in March 1999.
[Amended 12-2-2002 by Ord. No. 02-07]
 - J. Day-care centers.
 - K. Wholesaling, warehousing and distributing, provided that there shall be no exterior evidence of such, and, further, no bulk storage of liquid or gaseous fuels or chemicals shall be permitted except for immediate consumption on the premises.
 - L. Existing agriculture.
 - M. 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) Manufacturing and processing provided that there shall be no bulk storage of liquid or gaseous fuel or chemicals except for immediate consumption on the premises and no raw materials or finished products shall be permitted on the exterior of the building.
 - 2) Any other use as determined by the Board of Supervisors to be the same general character as the above permitted uses.
 - 3) A building may exceed the thirty-five-foot height limitation as set forth in § [200-50](#) by conditional use approval; however, in no event shall any building or structure exceed 45 feet in height.
- [Added 10-17-2011 by Ord. No. 2011-06]

Cary B. Vargo

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Upper Uwchlan Township
140 Pottstown Pike
Chester Springs, PA 19425

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Executive Director
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UPPER UWCHLAN TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2020 – DRAFT 7-23-2020

AN ORDINANCE OF THE TOWNSHIP OF UPPER UWCHLAN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE UPPER UWCHLAN TOWNSHIP ZONING ORDINANCE, WHICH IS CODIFIED IN CHAPTER 200 OF THE CODE OF UPPER UWCHLAN TOWNSHIP, SECTION 200-49.K AND 200-49.M(1) TITLED, USE REGULATIONS FOR THE PI PLANNED INDUSTRIAL/OFFICE DISTRICT; SECTION 200-80.C(2)(b) TITLED “STORAGE OF FUEL AND OTHER EXPLOSIVE MATERIALS” TO ALLOW THE STORAGE OF FUEL AND OTHER MATERIALS WITHIN THE PI PLANNED INDUSTRIAL/OFFICE ZONING DISTRICT; AMENDING SECTION 200-80.C(2)(c) TO ADD REGULATIONS FOR COMMERCIAL ABOVEGROUND STORAGE TANKS; AND AMENDING SECTION 200-90.A(5) TITLED “STORAGE TANKS” TO PERMIT ABOVEGROUND STORAGE TANKS WITHIN THE PI PLANNED INDUSTRIAL/OFFICE ZONING DISTRICT.

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,” is hereby amended as follows:

SECTION 1. Section 200-49.K shall be amended as follows:

- “K. Wholesaling, warehousing, and distributing provided there shall be no exterior evidence of such use other than storage tanks permitted by Sections 200– 80 and 200–90 of this chapter.”

SECTION 2. Section 200-49.M.(1) shall be amended as follows:

- “M.(1). Manufacturing and processing provided there shall be no raw materials or finished products permitted on the exterior of the building.”

SECTION 3. Section 200-80.C.(2)(b) shall be amended to state as follows:

- “(b) In the C-3 Highway Commercial Zoning District, the LI Limited Industrial Zoning District and the PI Planned Industrial/Office Zoning District, only, commercial aboveground storage tanks that store and supply fuel and other solids, liquids, and gases subject to the requirements in 200-80.C.(2)(c) below.”

Commented [KC1]: In 2016, it was decided to not allow aboveground storage tanks in the C-3 District. The PC should discuss this.

SECTION 4. Section 200-80.C.(2)(c) shall be amended to state as follows:

“(c) For any new aboveground storage tanks that may be permitted under Subsection C.(2)(b), the following shall apply:

- [1] The tank installation shall be designed and its construction supervised by a registered professional engineer. The applicant shall file, with the Township and at the time of application for a building permit or zoning permit, as may be applicable, a location (site) plan and details for the tank, including a feasibility study describing why a particular site was chosen for the proposed aboveground storage tank, all prepared by the same engineer. The applicant shall also file a written report which establishes the safety measures that shall be followed as well as tank operation, inspection frequency, appropriate coding or labeling of pipes and tanks. Any additional permits required by state or federal agencies for the construction of the tank shall also be submitted to the Township at the same time.
- [2] No commercial aboveground storage tank shall be constructed closer than 50 feet to any property or right-of-way line, **except when the lot with the storage tank abuts a lot zoned residential or with a residential use in which case the setback from the aboveground storage tank shall be a minimum of 100 feet.**
- [3] All commercial aboveground storage tanks shall be either attached to or enclosed within an area that abuts a side of the principal building located on the property.
- [4] The method of storage of fuel and other solids, liquids, and gases shall conform to all applicable federal, state, and local regulations, including, but not limited to, the regulations of the Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, and the Township Fire Code.
- [5] Copies of all current federal or state permits that are required for the aboveground storage tanks shall be on file with the Township Zoning Officer.
- [6] Any Material Safety Data Sheets that must be filed with federal or state agencies for the materials stored in the tanks shall be on file with the Township Zoning Officer.
- [7] At least annually, the owner of the tanks shall conduct an inspection and a review of storage locations, waste locations, materials, chemicals and items in the storage tanks with the Emergency Management Coordinator of the Township, the Zoning Officer and the Fire Chiefs of the first due emergency response organizations as identified by the Township.

Commented [KC2]: Does PC like the added yellow highlighted language?

SECTION 5. Section 200-90.A.(5) shall be amended as follows:

“(5) Aboveground storage tanks shall be permitted only in the C-3 Highway Commercial Zoning District, the LI Limited Industrial Zoning District, and the PI Planned Industrial/Office Zoning District, subject to the provisions of § 200-80 of this chapter.”

SECTION 6. Severability. If any term, condition, or provision of this chapter shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective.

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

SECTION 8. Effective Date. This Ordinance shall become effective five (5) days from the date of enactment.

ENACTED 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
July 9, 2020
7:00 p.m.
Minutes
DRAFT

LOCATION: This was a virtual meeting, held via Zoom audio/video conferencing, in order to minimize public exposure to COVID-19 and maintain social distancing. The meeting Public Notices instructed those interested in participating in the meeting to email or call the Township Secretary for the link and password to join in the meeting.

In attendance:

Bob Schoenberger, Chair; Sally Winterton, Vice-Chair; Jeff Smith, Jim Shrimp, Chad Adams, Jim Dewees, Kristin Camp, Esq. – Buckley Brion McGuire & Morris, Gwen Jonik – Planning Commission Secretary

Bob Schoenberger called the meeting to order at 7:05 p.m. A quorum was present.

There were four citizens in attendance.

Preserve at Marsh Creek Clubhouse Modifications

Kevin McLaughlin of the McKee Group was in attendance and provided several documents to enhance the conversation of the larger clubhouse and additional amenities than what was shown during the project's approval process. A revised plan sheet and exterior pictures showed a 2-level clubhouse, which will include a fitness center, yoga studio, community room, card and billiard rooms, lounge with entertainment spaces, and exterior amenities: pool, tennis court, pickle ball court, bocce ball courts, pavilion with fire pit and a community herb garden.

Discussion included: Toll Brothers is building the single-family dwellings; McKee is building the attached dwellings; the modifications are staying within Codes and don't necessitate returning to the conditional use or land development approval process; there will be at least 1 elevator in the clubhouse; will research whether there's an exterior ramp for ADA access to the rear of the clubhouse without going inside; the Township Engineer and Code Officer will make sure everything is in compliance, including parking / ADA parking; will bike racks be provided; golf carts will not be allowed; homes are selling, though slower than usual, and these amenities are more than what the buyers are being told during the sales process.

Jeff Smith moved that the Board of Supervisors be informed that the Planning Commission has no concerns with McKee's modifications and clubhouse uses, as described this evening, being within the Code for an Active Adult Community, and that during the building permit process, the Township Engineer and building department will work through the finer details. Chad Adams amended the motion to include that compliant ADA parking and accessibility will be verified. Jeff Smith agreed to the amendment, and on a second by Chad Adams, the motion carried unanimously.

Ordinance Amendments

Kristin Camp reviewed the July 8, 2020 revised draft of the Small Wireless Facilities (SWF) Ordinance. The Planning Commission had been concerned with how to measure the equipment. Kim Venzie had provided those regulations as written by the FCC, and the Commission will use that text.

Jeff Smith moved, seconded by Chad Adams, to recommend its approval to the Board of Supervisors. The Motion carried unanimously.

Exempt Agricultural High Tunnels from Storm Water Management. Ms. Camp explained that the State amended (Act 15 of 2018) the Storm Water Management Plan (Act 167 of 1978) to exempt ag high tunnels, as the surface under them is permeable. Municipalities are required to amend our storm water management ordinance to exempt ag high tunnels. The amendment was drafted per the County's model amendment, to comply with Act 15 of 2018.

Chad Adams moved, seconded by Sally Winterton, to recommend approval to the Board of Supervisors. The Motion carried with five (5) in favor and (1) opposed (Deweese).

Outdoor Aboveground Storage Tanks. Ms. Camp introduced a zoning ordinance amendment that would allow for the storage of fuel and other materials within the Planned Industrial/Office zoning district and add regulations for commercial aboveground storage tanks within that same district. Amendments were considered in 2016 in response to a request by a new business in that district, but, did not move forward. Earlier this year, Hankin requested amendments as there are companies interested in locating in Eagleview that have processes where it'd be safer for materials to be in outside storage tanks that are plumbed into the building rather than having to transfer the product from delivery trucks to drums or barrels stored inside. The draft presented this evening blends the 2016 draft with the current request.

Discussion included:

1. 200-49.K. - remove "immediate consumption on the premises" as there are differences of opinion of its meaning; or just remove "immediate"; move "consumption on the premises" from 200-49 Use regulations to 200-80 Outdoor Storage.
2. 200-49.M.(1) – removed "bulk storage of liquid or gaseous fuel or chemicals..."
3. Added Planned Industrial/Office district to 200-80.C.(2)(b) Outdoor Storage regulations
4. Adding safety regulations to 200-80.C.(2)(c)
5. Added districts to 200-90.A.(5)
6. what types of non-conforming tanks are there now, and where?
7. All agree we want to see businesses succeed and have what they need for their processes to be safe and efficient;
8. For hazardous materials, what distance should the setback be from residential property?
Suggested refer to NFPA regulations.

Kristin Camp will contact Al Gaspari for non-conforming tank inventory and revise the draft per tonight's discussion for review at the August Planning Commission meeting.

Approval of Minutes

Sally Winterton moved, seconded by Jim Dewees, to approve as presented the minutes of the Planning Commission's June 11, 2020. The Motion carried unanimously.

Open Session

Gwen Jonik noted the Struble Trail Extension Phase 2 conditional use hearing will be scheduled for August 17, 2020.

Chad Adams commented on the work at the Shryock Paper Mill; Kristin Camp noted that Al Gaspari had reviewed the uses proposed within the building and they're within zoning; she also noted that Mr. Shelton is selling 2+ acres to Natural Lands Trust, who will convey it to the State Park, and those parcels will include the easement for the Trail.

Adjournment

Jim Dewees moved, seconded by Sally Winterton, to adjourn the meeting at 8:12 p.m. All were in favor.

Respectfully submitted,

Gwen A. Jonik
Planning Commission Secretary