



**UPPER UWCHLAN TOWNSHIP
PLANNING COMMISSION
AGENDA
August 12, 2021
7:00 p.m.**

**LOCATION
Upper Uwchlan Township Building
140 Pottstown Pike, Chester Springs PA 19425**

*Masks / face coverings are optional for fully vaccinated individuals.
Non-vaccinated individuals are requested to wear masks.*

- I. Call To Order
- II. Outdoor Storage Tank Ordinance Amendments – June 2021 Draft

Review and discuss the June 2021 Draft of the Outdoor Storage Tank Ordinance Amendments, which clarifies text in the Use regulations in the Planned Industrial/Office District (PI/O); adds the allowance of outdoor storage tanks for certain materials in the PI/O; adds new regulations for all outdoor storage tanks; adds specific regulations for outdoor storage tanks in the PI/O. Provide comments or recommendation to the Board of Supervisors.
- III. Upper Uwchlan Township Act 537 Plan Update - Draft

Review and discuss the Township Municipal Authority's Updated Act 537 Plan draft, planning for future public sewer needs throughout the Township. Provide comments to the Municipal Authority.
- IV. Approval of Minutes: June 10, 2021 Meeting
- V. Next Meeting Date: September 9, 2021 7:00 PM
- VI. Open Session
- VII. Old Business
 - A. Village Concept Plan update – discussion
 - B. Village Design & Architectural Guidelines update – discussion
- VIII. Adjournment

UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF UPPER UWCHLAN, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 200 OF THE UPPER UWCHLAN TOWNSHIP CODE, AS AMENDED, ENTITLED "ZONING", AMENDING SECTION 200-7 TO ADD A DEFINITION FOR "INERT"; SECTIONS 200-49.K AND 200-49.M(1) TITLED, "USE REGULATIONS FOR THE PI PLANNED INDUSTRIAL/OFFICE DISTRICT; SECTION 200-49.O TO ADD A NEW SUBSECTION 3 THERETO TO PERMIT ABOVEGROUND STORAGE TANKS AS AN ACCESSORY USE IN THE PI-PLANNED INDUSTRIAL/OFFICE DISTRICT; SECTION 200-80.C(2)(c) TO ADD REGULATIONS FOR THE STORAGE OF FUEL AND OTHER EXPLOSIVE MATERIAL; SECTION 200-80 TO ADD A NEW SUBSECTION E TO PROVIDE ADDITIONAL STANDARDS APPLICABLE TO ABOVEGROUND STORAGE TANKS IN THE PI-PLANNED INDUSTRIAL/OFFICE DISTRICT; AND SECTION 200-90.A(5) TO PERMIT ABOVEGROUND STORAGE TANKS AS AN ACCESSORY USE IN THE PI PLANNED INDUSTRIAL/OFFICE DISTRICT.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township, Chester County, Pennsylvania, that Chapter 200 of the Upper Uwchlan Zoning Code, entitled, "Zoning", as amended, shall be amended as follows:

SECTION 1. Section 200-7 shall be amended to add the following definition:

INERT-a nonreactive, nonflammable, noncorrosive material (whether gas, liquid or solid) such as but not limited to argon, helium, krypton, neon, nitrogen and xenon.

SECTION 2. Section 200-49.K shall be amended as follows:

"K. Wholesaling, warehousing and distributing provided there shall be no exterior evidence of such, and, further, no above ground storage tanks shall be allowed on the exterior of the building except as permitted by §200-49.O(3)."

SECTION 3. 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, and, further, no above ground storage tanks shall be allowed on the exterior of the building except as permitted by §200-49.O(3)."

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SECTION 4. Section 200-49.O shall be amended by adding a new subsection (3) which shall provide as follows:

“(3) Aboveground storage tanks for storage of inert gases, non-toxic liquids and non-toxic ~~or~~ solids, water and brine; provided, however, that the storage of any materials and/or substances that meet the definition of a Regulated Substance as that term is defined in 25 Pa. Code Chapter 245.1 shall be prohibited.”

SECTION 5. 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] In addition to any state and/or federal regulatory requirements, ~~T~~the tank installation shall be designed and its construction supervised by a registered professional engineer and the final installation approved by said 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 site plan and details for the tank, including a narrative which describes why a particular site was chosen for the proposed aboveground storage tank, all prepared by a professional engineer. The applicant shall also file a written plan which establishes the safety measures that shall be followed as well as tank operation, inspection frequency and test procedure(s), appropriate coding or labeling of pipes and tanks. Any additional permits or permit applications ~~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 tanks 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 shall be a minimum of 100 feet.
- [3] All ~~commercial~~ above-ground storage tanks shall be either attached to or enclosed within an area that abuts a side or rear of the principal building located on the property.
- [4] All aboveground storage tanks shall have a capacity not to exceed 10,000 gallons per tank, with an aggregate storage capacity of all aboveground storage tanks not to exceed 30,000 gallons.
- [54] The method of storage of fuel and other solids, liquids, and gases any materials and/or substances shall conform to all applicable federal, state, and local regulations, including, but not limited to, the regulations of the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, the Township Fire Code and the Pennsylvania Fire Marshal Department of Labor and Industry, the

Commented [BTS1]: The definition of a Regulated Substance in 25 Pa. Code Chapter 245.1 is quite expansive, but does not include any substances which the PA Department of Environmental Protection deems to not be a threat to human health or the environment. Prohibiting the storage of these substances should ensure that any materials stored are harmless. The material proposed to be stored by the tenants do not fall under the definition of a Regulated Substance.

Commented [BTS2]: There is no regulatory basis for selecting these specific capacities, I'm just trying to avoid the situation wherein a tenant can install a large tank farm.

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Pennsylvania Fire Marshal, and the Township, and including, without limitation, the Pennsylvania Uniform Construction Code, 34 Pa. Code § 401 et seq., the International Fire Code incorporated therein, and Chapter 71 of the Upper Uwchlan Township Code of Ordinances, Construction Codes, Uniform.

- [65] 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.
- [76] ~~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.
- [8] The facility owner and/or operator shall -responsible to- assure that a visual inspection of the tank(s) is performed at least once every 72 hours and shall document that these inspections occur. -
- [79] At least annually, the tanks shall be inspected by a registered professional engineer. ~~the manufacturer of the tanks or the supplier of the material in the tanks~~ and ~~T~~he inspector shall submit a written report to the Township which identifies the storage locations, waste locations and materials and items stored in the storage tanks. If necessary, the Township shall send this report to 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. If requested by the Township or emergency response organizations, the owner shall provide initial and annual training to all first responders so identified and designated by the Township."

Commented [LA3]: Consider also reference so Sections VIII and X of the ASME Boiler and Pressure Vessel Code, which are incorporated by reference in Section 3a.71 of the L&I regs?

Commented [BTS4]: I suggest deleting this language to avoid the situation wherein the manufacturer or supplier sends someone that is not qualified to inspect the tanks. The manufacturer/supplier can still send a professional engineer if they have one on staff.

SECTION 6. Section 200-80 shall be amended by adding a new subsection E. which shall provide as follows:

"E. Aboveground storage tanks in the PI District.

(1) Aboveground storage tanks for storage of inert gases, ~~non-toxic~~ liquids ~~and non-toxic~~ ~~or~~ solids, water and ~~-brine~~, subject to the prohibition on storage of any materials and/or substances that meet the definition of a Regulated Substance in 25 Pa. Code Chapter 245.1-as discussed in Section 4, shall be enclosed with a fence or wall compatible with the architectural style employed on the lot in order to completely screen the aboveground storage tanks from view of any public right-of-way and any adjacent uses. The fence or wall shall not exceed the lesser of 20 feet in height or the height of the principal building on the lot. Fences and walls shall be erected in accordance with § 200-88 of this chapter, except that the requirements of this subsection shall apply to fences and walls installed to screen aboveground storage tanks in the PI District in lieu of Section 200-88.A.

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(2) When the lot containing the aboveground storage tank abuts a lot zoned residential or a lot containing a residential use, the aboveground storage tank shall be set back a minimum of -200 feet from the lot line.

(3) When the lot containing the aboveground storage tank abuts a lot zoned residential or a lot containing a residential use, the aboveground storage tank shall not be located on any side of the building that faces the lot zoned residential or a lot containing a residential use.

~~(3)~~(4) All aboveground storage tanks shall have a capacity not to exceed 10,000 gallons per tank, with an aggregate storage capacity of all aboveground storage tanks not to exceed 30,000 gallons.

~~(4)~~(5) In addition to any state and/or federal requirements, ~~the~~ the tank installation shall be designed and its construction supervised by a registered professional engineer and the final installation approved by said 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 site plan and details for the tank, including a narrative which describes why a particular site was chosen for the proposed aboveground storage tank, all prepared by a professional engineer. The applicant shall also file a written plan which establishes the safety measures that shall be followed as well as tank operation, inspection frequency and test procedure(s), appropriate coding or labeling of pipes and tanks. Any additional permits or permit applications required by state or federal agencies for the construction of the tank shall also be submitted to the Township at the same time.

~~(5)~~(6) The aboveground storage tank shall be either attached to or enclosed within an area that abuts a side or rear of the principal building located on the property.

~~(7)~~ The method of storage 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, ~~the Township Fire Code and the Pennsylvania~~ Department of Labor and Industry, the Pennsylvania Fire Marshal, and the Township, and including, without limitation, the Pennsylvania Uniform Construction Code, 34 Pa. § 401 et seq., the International Fire Code incorporated therein, and Chapter 71 of the Upper Uwchlan Township Code of Ordinances, Construction Codes, Uniform Fire Marshall.

~~(6)~~(8) 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.

~~(9)~~ Any 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.

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(7)(10) The facility owner and/or operator is ~~shall -responsible to-~~ assure that a visual inspection of the tank(s) is performed at least once every 72 hours and shall document that these inspections occur.-

(8)(11) At least annually, the tanks shall be inspected by a registered professional engineer, ~~the manufacturer of the tanks or the supplier of the material in the tanks~~ and the inspector shall submit a written report to the Township which identifies the storage locations, waste locations and materials and items stored in the storage tanks. If necessary, the Township shall send this report to 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. If requested by the Township or emergency response organizations, the owner shall provide initial and annual training to all first responders so identified and designated by the Township."

SECTION 7. Section 200-90.A(5) shall be amended as follows:

"(5) Aboveground storage tanks are allowed only in the C-3 Highway Commercial Zoning District, the LI Limited Industrial District or as an accessory use in the PI Planned Industrial/Office District as established by this chapter and in all cases, shall comply with all applicable provisions of § 200-80 of this chapter."

SECTION 8. 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 9. 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 10. Effective Date. This Ordinance shall become effective in five days from the date of adoption.

ENACTED AND ORDAINED this ____ day of _____, 2021.

ATTEST:

**UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS**

Gwen A. Jonik, Secretary

Sandy M. D'Amico, Chair

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Jamie W. Goncharoff, Vice-Chair

Jenn F. Baxter, Member

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Summary of Edits to Zoning Ordinance for Storage Tanks

Section 1: Amends §200-7 by adding a definition for “inert”.

Section 2: Amends the use regulations for the PI District (§200-49) in paragraph K which allows wholesaling, warehousing and distributing as a by right use in the PI District to remove the phrase which prohibits “bulk storage of liquid or gaseous fuels or chemicals except for immediate consumption on the premises” and replaces such language with “no above ground storage tanks shall be allowed on the exterior of the building except as permitted by §200-49.O(3).”

Section 3: Amends the use regulations for the PI District (§200-49) in paragraph M which allows manufacturing and processing by conditional use in the PI District to remove the phrase which prohibits “bulk storage of liquid or gaseous fuels or chemicals except for immediate consumption on the premises” and replaces such language with “no above ground storage tanks shall be allowed on the exterior of the building except as permitted by §200-49.O(3).”

Section 4: Amends §200-49.O by adding a new subparagraph (3) to allow as an accessory use in the PI District:

“Aboveground storage tanks for storage of inert gases, non-toxic liquids and non-toxic solids, water and brine; provided, however, that the storage of any materials and/or substances that meet the definition of a Regulated Substance as that term is defined in 25 Pa. Code Chapter 245.1 shall be prohibited.”

[Note: This language was suggested by special counsel.]

Section 5: Amends §200-80.C(2)(c) which regulates the storage of fuel and other explosive materials to add the following new regulations for aboveground storage tanks.

[1] In addition to any state and/or federal regulatory requirements, the tank installation shall be designed and its construction supervised by a registered professional engineer and the final installation approved by said 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 site plan and details for the tank, including a narrative which describes why a particular site was chosen for the proposed aboveground storage tank, all prepared by a professional engineer. The applicant shall also file a written plan which establishes the safety measures that shall be followed as well as tank

operation, inspection frequency and test procedure(s), appropriate coding or labeling of pipes and tanks. Any additional permits or permit applications 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 aboveground storage tanks 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 shall be a minimum of 100 feet.

[3] All aboveground storage tanks shall be either attached to or enclosed within an area that abuts a side or rear of the principal building located on the property.

[4] All above ground storage tanks to have a capacity not to exceed 10,000 gallons per tank with an aggregate storage capacity of all above ground storage tanks not to exceed 30,000 gallons.

[5] The method of storage of any materials and/or substances shall conform to all applicable federal, state, and local regulations, including, but not limited to, the regulations of the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Labor and Industry, the Pennsylvania Fire Marshal, and the Township, and including, without limitation, the Pennsylvania Uniform Construction Code, 34 Pa. Code § 401 *et seq.*, the International Fire Code incorporated therein, and Chapter 71 of the Upper Uwchlan Township Code of Ordinances.

[6] 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.

[7] Material Safety Data Sheets for the materials stored in the tanks shall be on file with the Township Zoning Officer.

[8] The facility owner and/or operator shall assure that a visual inspection of the tank(s) is performed at least once every 72 hours and shall document that these inspections occur.

[9] At least annually, the tanks shall be inspected by a registered professional engineer. The inspector shall submit a written report to the Township which identifies the storage locations, waste locations and materials and items stored in the storage tanks. If necessary, the Township shall send this report to 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. If requested by the Township or emergency response organizations, the owner shall provide initial and annual training to all first responders so identified and designated by the Township.

Section 6: Adds a new subparagraph E to §200-80 to add specific regulations for above ground storage tanks in the PI district.

Above ground storage tanks in the PI District will be limited to storage of inert gases, non-toxic liquids and non-toxic solids, water and brine. No substances that meet the definition of a “Regulated Substance” based on the PA Code will be permitted to be stored in an above ground storage tank in the PI district.

Section 7: Amends §200-90.A which are the regulations for storage tanks to make it clear that above ground storage tanks are permitted in the C-3 and LI District and as an accessory use in the PI District.



THE COUNTY OF CHESTER



COMMISSIONERS
Marian D. Moskowitz
Josh Maxwell
Michelle Kichline

Brian N. O'Leary, AICP
Executive Director

PLANNING COMMISSION
Government Services Center, Suite 270
601 Westtown Road
P. O. Box 2747
West Chester, PA 19380-0990
(610) 344-6285 Fax (610) 344-6515

July 2, 2021

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

Re: Zoning Ordinance Amendment - Above Ground Storage Tanks in the PI/O District; Storage Tank Standards
Upper Uwchlan Township - ZA-06-21-16774

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 June 15, 2021. We offer the following comments to assist in your review of the proposed Zoning Ordinance amendment.

DESCRIPTION:

1. Upper Uwchlan Township proposes the following amendments to its Zoning Ordinance:
 - A. Define "inert" (in the context of gas, liquid or solid contained in a storage tank);
 - B. Regulate above-ground storage tanks in the PI-Planned Industrial/Office District as accessory uses;
 - C. Add regulations for above-ground storage tanks, including tank size limits (10,000 gallons; not more than three per property), locational and setback requirements, construction code requirements, safety measures, annual inspections by a professional engineer, and other provisions.

LANDSCAPES:

2. The PI-Planned Industrial/Office District, within which regulations relating to above-ground storage tanks are to be amended, is generally located within the **Suburban Center Landscape** designation of [Landscapes3](#), the 2018 County Comprehensive Plan. The vision for the **Suburban Center Landscape** is regional economic, population and transportation centers with varying land uses, accommodating substantial future growth of medium to high intensity. Repurposing obsolete structures and sites and encouraging sustainable development will be critical as suburban centers grow, and transportation infrastructure and amenities will need to expand to create an integrated multimodal network. The proposed amendment consistent with the objectives of the **Suburban Center Landscape**.

Page: 2

Re: Zoning Ordinance Amendment - Above Ground Storage Tanks in the PI/O District; Storage Tank Standards

Upper Uwchlan Township - ZA-06-21-16774

COMMENTS:

3. The provisions of this amendment reference various Pennsylvania Uniform Construction Code requirements; we suggest that the Township Engineer verify that the references are correct and appropriate.
4. The locational and setback requirements are anticipated to adequately protect adjacent residential areas from any potential adverse effects of the above-ground storage tanks. The Township may wish to specify that above-ground storage tanks should be grouped together, if permitted by the relevant construction and safety codes, so they can be more effectively screened.

RECOMMENDATION: Upper Uwchlan Township should follow the recommendations of the Township Engineer 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,

A handwritten signature in black ink that reads "Wes Bruckno". The signature is written in a cursive, flowing style.

Wes Bruckno, AICP
Senior Review Planner

**UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF UPPER UWCHLAN, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 200 OF THE UPPER UWCHLAN TOWNSHIP CODE, AS AMENDED, ENTITLED “ZONING”, AMENDING SECTION 200-7 TO ADD A DEFINITION FOR “INERT”; SECTIONS 200-49.K AND 200-49.M(1) TITLED, “USE REGULATIONS FOR THE PI PLANNED INDUSTRIAL/OFFICE DISTRICT; SECTION 200-49.O TO ADD A NEW SUBSECTION 3 THERETO TO PERMIT ABOVEGROUND STORAGE TANKS AS AN ACCESSORY USE IN THE PI-PLANNED INDUSTRIAL/OFFICE DISTRICT; SECTION 200-80.C(2)(c) TO ADD REGULATIONS FOR THE STORAGE OF FUEL AND OTHER EXPLOSIVE MATERIAL; SECTION 200-80 TO ADD A NEW SUBSECTION E TO PROVIDE ADDITIONAL STANDARDS APPLICABLE TO ABOVEGROUND STORAGE TANKS IN THE PI-PLANNED INDUSTRIAL/OFFICE DISTRICT; AND SECTION 200-90.A(5) TO PERMIT ABOVEGROUND STORAGE TANKS AS AN ACCESSORY USE IN THE PI PLANNED INDUSTRIAL/OFFICE DISTRICT.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township, Chester County, Pennsylvania, that Chapter 200 of the Upper Uwchlan Zoning Code, entitled, “Zoning”, as amended, shall be amended as follows:

SECTION 1. Section 200-7 shall be amended to add the following definition:

INERT-a nonreactive, nonflammable, noncorrosive material (whether gas, liquid or solid) such as but not limited to argon, helium, krypton, neon, nitrogen and xenon.

SECTION 2. Section 200-49.K shall be amended as follows:

“K. Wholesaling, warehousing and distributing provided there shall be no exterior evidence of such, and, further, no above ground storage tanks shall be allowed on the exterior of the building except as permitted by §200-49.O(3).”

SECTION 3. 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, and, further, no above ground storage tanks shall be allowed on the exterior of the building except as permitted by §200-49.O(3).”

SECTION 4. Section 200-49.O shall be amended by adding a new subsection (3) which shall provide as follows:

“(3) Aboveground storage tanks for storage of inert gases, non-toxic liquids and non-toxic solids, water and brine, provided, however, that the storage of any materials and/or substances that meet the definition of a Regulated Substance as that term is defined in 25 Pa. Code Chapter 245.1 shall be prohibited”

SECTION 5. 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] In addition to any state and/or federal regulatory requirements, the tank installation shall be designed and its construction supervised by a registered professional engineer and the final installation approved by said 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 site plan and details for the tank, including a narrative which describes why a particular site was chosen for the proposed aboveground storage tank, all prepared by a professional engineer. The applicant shall also file a written plan which establishes the safety measures that shall be followed as well as tank operation, inspection frequency and test procedure(s), appropriate coding or labeling of pipes and tanks. Any additional permits or permit applications 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 aboveground storage tanks 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 shall be a minimum of 100 feet.
- [3] All aboveground storage tanks shall be either attached to or enclosed within an area that abuts a side or rear of the principal building located on the property.
- [4] The method of storage of any materials and/or substances shall conform to all applicable federal, state, and local regulations, including, but not limited to, the regulations of the U.S. Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Labor and Industry, the Pennsylvania Fire Marshal, and the Township, and including, without limitation, the Pennsylvania Uniform Construction Code, 34 Pa. Code § 401 *et seq.*, the International Fire Code incorporated therein, and Chapter 71 of the Upper Uwchlan Township Code of Ordinances.

- [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] Material Safety Data Sheets for the materials stored in the tanks shall be on file with the Township Zoning Officer.
- [7] The facility owner and/or operator shall assure that a visual inspection of the tank(s) is performed at least once every 72 hours and shall document that these inspections occur.
- [8] At least annually, the tanks shall be inspected by a registered professional engineer. The inspector shall submit a written report to the Township which identifies the storage locations, waste locations and materials and items stored in the storage tanks. If necessary, the Township shall send this report to 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. If requested by the Township or emergency response organizations, the owner shall provide initial and annual training to all first responders so identified and designated by the Township."

SECTION 6. Section 200-80 shall be amended by adding a new subsection E. which shall provide as follows:

"E. Aboveground storage tanks in the PI District.

- (1) Aboveground storage tanks for storage of inert gases, non-toxic liquids and non-toxic solids, water and brine, subject to the prohibition on storage of any materials and/or substances that meet the definition of a Regulated Substance in 25 Pa. Code Chapter 245.1, shall be enclosed with a fence or wall compatible with the architectural style employed on the lot in order to completely screen the aboveground storage tanks from view of any public right-of-way and any adjacent uses. The fence or wall shall not exceed the lesser of 20 feet in height or the height of the principal building on the lot. Fences and walls shall be erected in accordance with § 200-88 of this chapter, except that the requirements of this subsection shall apply to fences and walls installed to screen aboveground storage tanks in the PI District in lieu of Section 200-88.A.
- (2) When the lot containing the aboveground storage tank abuts a lot zoned residential or a lot containing a residential use, the aboveground storage tank shall be set back a minimum of 200 feet from the lot line.
- (3) When the lot containing the aboveground storage tank abuts a lot zoned residential or a lot containing a residential use, the aboveground storage tank shall not be located on any side of the building that faces the lot zoned residential or a lot containing a residential use.

- (4) All aboveground storage tanks shall have a capacity not to exceed 5,000 gallons per tank, with no more than three aboveground storage tanks per property.
- (5) In addition to any state and/or federal requirements, the tank installation shall be designed and its construction supervised by a registered professional engineer and the final installation approved by said 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 site plan and details for the tank, including a narrative which describes why a particular site was chosen for the proposed aboveground storage tank, all prepared by a professional engineer. The applicant shall also file a written plan which establishes the safety measures that shall be followed as well as tank operation, inspection frequency and test procedure(s), appropriate coding or labeling of pipes and tanks. Any additional permits or permit applications required by state or federal agencies for the construction of the tank shall also be submitted to the Township at the same time.
- (6) The aboveground storage tank shall be either attached to or enclosed within an area that abuts a side or rear of the principal building located on the property.
- (7) The method of storage 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, the Pennsylvania Department of Labor and Industry, the Pennsylvania Fire Marshal, and the Township, and including, without limitation, the Pennsylvania Uniform Construction Code, 34 Pa. § 401 *et seq.*, the International Fire Code incorporated therein, and Chapter 71 of the Upper Uwchlan Township Code of Ordinances.
- (8) 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.
- (9) Safety Data Sheets for the materials stored in the tanks shall be on file with the Township Zoning Officer.
- (10) The facility owner and/or operator shall assure that a visual inspection of the tank(s) is performed at least once every 72 hours and shall document that these inspections occur.
- (11) At least annually, the tanks shall be inspected by a registered professional engineer and the inspector shall submit a written report to the Township which identifies the storage locations, waste locations and materials and items stored in the storage tanks. If necessary, the Township shall send this report to 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. If requested by the

Township or emergency response organizations, the owner shall provide initial and annual training to all first responders so identified and designated by the Township.”

SECTION 7. Section 200-90.A(5) shall be amended as follows:

“(5) Aboveground storage tanks are allowed only in the C-3 Highway Commercial Zoning District, the LI Limited Industrial District or as an accessory use in the PI Planned Industrial/Office District as established by this chapter and in all cases, shall comply with all applicable provisions of § 200-80 of this chapter.”

SECTION 8. 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 9. 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 10. Effective Date. This Ordinance shall become effective in five days from the date of adoption.

ENACTED AND ORDAINED this ____ day of _____, 2021.

ATTEST:

**UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS**

Gwen A. Jonik, Secretary

Sandy M. D’Amico, Chair

Jamie W. Goncharoff, Vice-Chair

Jenn F. Baxter, Member



UPPER UWCHLAN TOWNSHIP

Planning Commission Meeting

June 10, 2021

7:00 p.m.

Minutes

Draft

LOCATION: This was a hybrid meeting, held in person at the Township Building, 140 Pottstown Pike, Chester Springs PA 19425 and via Zoom audio/video conferencing.

In attendance:

Members: Sally Winterton, Chair; Joe Stoyack, Vice-Chair; David Colajezzi (remote), Jim Dewees, Stephen Fearn, Ravi Mayreddy (remote), Jim Shrimp

Aaron Stoyack (remote), Historical Commission Liaison
Mary Lou Lowrie, P.E., Gilmore & Associates
Gwen Jonik, Planning Commission Secretary

Chair Sally Winterton called the meeting to order at 7:00 p.m. A quorum was present. Six citizens were in attendance.

Approval of Minutes

Joe Stoyack moved, seconded by Jim Dewees, to approve as presented the minutes of the Planning Commission's May 13, 2021 meeting. The motion carried unanimously.

260 Moore Road Conditional Use / Adaptive Reuse Application – Project Introduction

Brook Gillespie, John Fish of Barn on Moore LLC and Dave Bolger, their solicitor, attended and introduced the proposed adaptive reuse of an existing, currently vacant barn on Moore Road. The structure is on the Township's historical resource inventory. The proposed uses include a coffee bar (occupancy @ 20, 7:00 am – 1:00 pm) on the upper floor and 3 small, individual offices on the lower floor. The coffee bar would want to maintain the existing look in the coffee bar. They propose a small addition on the south side of the barn and will provide 15 parking spaces for the coffee shop patrons and 6 for the office tenants; will keep the barnyard grassy for less impervious coverage; introduced the project to the Historical Commission May 24 and they had no issue with the uses but are interested in what is proposed for the exterior. A site visit was suggested, and the Planning Commission can also attend. The Historical Commission's comments are necessary for the Board to consider during adaptive reuse approval. Waivers are requested from providing the following studies/analysis: traffic impact, fiscal, recreation, and site analysis. They'll provide site analysis on the land development plan. Steep slopes restrict the parking. Discussion included:

- the coffee bar will increase traffic;
- parking is at a minimum and the ADA spaces should not be included in the total count;
- the coffee shop is being proposed along the lines of a Bed & Breakfast, which is an allowable use in this R-2 Residential Zoning District;
- the coffee bar would offer a relaxed, community atmosphere, not fast food, and the space could be available for small groups outside regular hours;

Joe Stoyack moved, seconded by Jim Dewees, to recommend that the Board of Supervisors proceed to hold a Conditional Use Hearing and consider the following 6 conditions:

1. The recreation and fiscal plans can be waived;

2. Instead of a traffic impact study, the township traffic engineer should conduct a traffic assessment after the coffee shop has been operating for at least 3 months and provide an analysis. The property owner will mitigate any traffic issues as determined and required by the Township;
3. The Historical Commission's comments will be included for consideration, and their review and recommendations are in lieu of the historic impact study;
4. the site analysis requirements will be shown on the site plan drawings;
5. the Board of Supervisors is to determine if the coffee shop use is consistent with the "bed and breakfast" use allowed in the Zoning District;
6. the reduced parking for the office uses is acceptable but the Planning Commission suggests 1-2 additional spaces for the coffee shop use; the ADA spaces should not be counted in the total.

Jeffrey Snodgrass Preliminary/Final Lot Consolidation Plan

Rob Hulnick, representing Mr. Snodgrass, attended to present a reverse subdivision / lot consolidation plan for 2 adjacent parcels, 5+ acres each, on Krauser Road, both owned by Mr. Snodgrass. There is 1 house and horse pasture. Mr. Snodgrass wants to enlarge his pasture; he has no plans to develop the property. A pole barn might be the only improvement.

Jim Dewees moved, seconded by Joe Stoyack, to recommend to the Board of Supervisors that they approve the Plan consolidating the 2 adjoining parcels. The motion carried unanimously.

Toll Brothers / Greenridge Road Sketch Plan

Alyson Zarro, Esq., Andrew Semon of Toll Brothers and Justin Barnett of ESE Planning attended to present a sketch plan for 63 single family homes on a 64-acre property on Greenridge Road, near Font Road. A sketch plan is an informal plan; Toll was seeking the Commission's thoughts on the plan.

The parcel has steep slopes, which would require a formal plan to go through a conditional use process. Lots would be served by public water and sewer. Proposing Lauren Lane, from Stonehedge Drive, as the main access and the existing driveway would be for emergency access and a walking trail, which the HOA would maintain. Rough traffic counts are 50 trips during peak hour a.m. and 65 trips peak hour p.m. There are wetlands on the property. Open space requirements are 40%; 49% (32 acres) is provided, including storm water management facilities and a 5-acre treated wastewater drip disposal field. Proposed sewer connection to Route 100 treatment facility and disposal in existing fields or returned to the site. The homes will be similar to those in Chester Springs Crossing, with driveways and garages. The 32' cartway could accommodate parking on one side but may reduce width to reduce impervious coverage.

Commission members expressed concerns with the following:

1. They do not like the use of Stonehedge Drive/Lauren Lane as the main access and suggested Toll explore using the existing driveway as the main access, even though it involves steep slopes;
2. Traffic volume and safety; traffic counts should be conducted when school is in session;
3. Recreation area(s) should be provided;
4. Would use of existing sanitary sewer disposal fields jeopardize the capacity for previously planned projects;

No action was taken as this is a sketch plan. Toll Brothers will try to address the Commission's comments in their presentation of this sketch to the Board of Supervisors at their June 21, 2021 meeting.

Open Session

Joe Stoyack noted that a first step in updating the Village Concept Plan and the Village Design & Architectural Guidelines is for the Township to involve/engage consultants to updating plans such as the Master Trail Plan and the Village Transportation Plan.

Sally Winterton questioned when the Township would again host events, such as the Block Party and the electronics waste drop-off. She commented that a gathering will be planned with Village shop owners and businesses to see how they are doing and develop ideas to promote them and the community, etc.

Adjournment

Jim Dewees moved to adjourn the meeting at 8:42 p.m. All were in favor.

Respectfully submitted,

Gwen Jonik
Planning Commission Secretary