



UPPER UWCHLAN TOWNSHIP  
PLANNING COMMISSION  
**REVISED AGENDA**  
**September 8, 2022**

~~6:00 p.m. Work Session~~  
7:00 p.m. -- Meeting

**LOCATION**

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

7:00 p.m. Meeting

- I. Call To Order
- II. 270 Moore Road Sketch Plan  
Introduction of an 8-lot Sketch Plan, including the existing home, on 13 acres at 270 Moore Road. Accept Sketch Plan for consultant review.
- III. Outdoor Dining Ordinance Amendment  
Review revised ordinance amending regulations for outdoor dining.  
Make recommendation to the Board of Supervisors.
- IV. Recodification Ordinance  
Review the ordinance to recodify the Township's Codes. Make recommendation to the Board of Supervisors.
- V. Approval of Minutes: August 11, 2022 Meeting
- VI. Next Meeting Date: October 13, 2022 7:00 p.m.
- VII. Open Session  
Act 167 Stormwater Management Ordinance
- VIII. Adjournment



EDWARD B. WALSH & ASSOCIATES, INC.  
*Complete Civil Engineering Design / Consultation Services*  
855 Springdale Drive, Suite 202  
Exton, PA 19341

August 11, 2022

Mr. Tony Scheivert, Township Manager  
Upper Uwchlan Township  
140 Pottstown Pike  
Chester Springs, Pa. 19425

**RE: 270 Moore Road Subdivision Sketch**

Dear Mr. Scheivert:

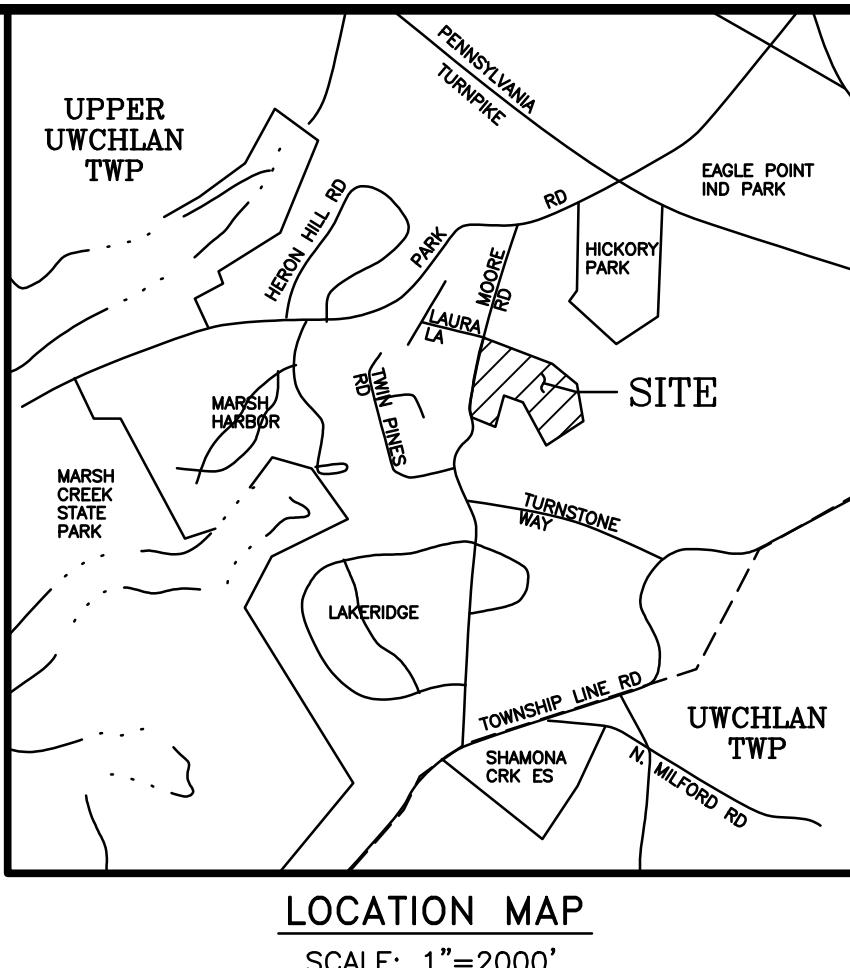
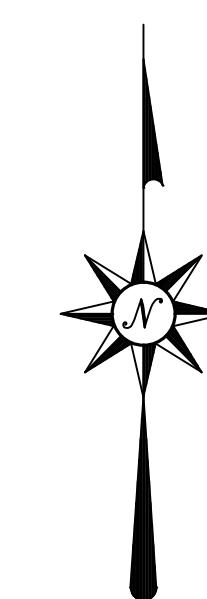
Enclosed please find prints showing a sketch plan for a subdivision being proposed for 270 Moore Road. The project proposes to create eight separate lots including the existing residence. The project would be providing a cul de sac for access to the new lots. I would like to discuss the lot layout and some challenges regarding the proposed road with the Planning Commission. If it is possible to be placed on the next available agenda, it would be appreciated.

Should you have any questions or require any additional information, please do not hesitate to contact me. My direct line is 610-903-0031.

Very truly yours,  
EDWARD B. WALSH & ASSOC., INC.

  
Adam J. Brower, P.E.





**ZONING DATA**  
R-2 RESIDENTIAL ZONING DISTRICT

AREA AND BULK REQUIREMENTS

LOT AREA (MINIMUM)	1.0 ACRES
LOT WIDTH (MINIMUM)	150 FEET
YARD REGULATIONS	
FRONT YARD	50 FEET
SIDE YARD	30 FEET
REAR YARD	40 FEET
BUILDING COVERAGE (MAXIMUM)	15%
IMPERVIOUS COVERAGE (MAXIMUM)	20%
BUILDING HEIGHT (MAXIMUM)	35 FEET

GENERAL NOTES

1. BOUNDARY, EXISTING FEATURES AND TOPOGRAPHIC INFORMATION IS FROM A FIELD SURVEY PERFORMED BY EDWARD B. WALSH & ASSOCIATES, INC. IN JULY 2016.
2. BOUNDARY SURVEY WAS BASED UPON DEEDS OF RECORD. A TITLE REPORT WAS NOT PROVIDED, THEREFORE, THE SURVEY MAY NOT DEPICT ALL RIGHTS, EASEMENTS, ETC. ATTACHED TO THE PROPERTY THAT A CURRENT AND COMPLETE TITLE REPORT MAY DISCLOSE.
3. OWNER OF RECORD: ROBERT T., JR. & AMY P. McHUGH.
4. SITE ADDRESS: 270 MOORE ROAD, GLENMORE, PA 19343.
5. RECORDING INFORMATION: DEED BOOK 9550 PAGE 1416 RECORDED AT THE CHESTER COUNTY RECORDER OF DEEDS, BEING PARCEL 32-3-77.1 AT THE CHESTER COUNTY BOARD OF ASSESSMENTS.
6. VERTICAL DATUM = NAVD 88.
7. LOT AREA = 13.46 ACRES.
8. PLANS OF REFERENCE:
  - FINAL SUBDIVISION PLAN FOR STEPHEN ALAN DEWEES, et ux. PREPARED BY JOHN D. STAPLETON, III, AND RECORDED IN CHESTER COUNTY AS PLAN #4330.
  - FINAL SUBDIVISION PLAN FOR STEPHEN ALAN DEWEES, et ux. PREPARED BY JOHN D. STAPLETON, III, AND RECORDED IN CHESTER COUNTY AS PLAN #7227.
  - MINOR SUBDIVISION PLAN FOR WALTER L. GARVINE PREPARED BY BEIDEMAN & COMSTOCK AND RECORDED IN CHESTER COUNTY AS PLAN #6195.
  - SUBDIVISION PLAN OF WATERFORD EAST PREPARED BY BURSICH ASSOCIATES AND RECORDED IN CHESTER COUNTY AS PLAN #13570.
  - FINAL SUBDIVISION PLAN OF TWIN PINES, PHASE II PREPARED BY LESTER R. ANDES AND RECORDED IN CHESTER COUNTY AS PLAN #10542.

**SKETCH PLAN**  
FOR  
ROBERT AND AMY McHUGH

UPPER UWCHLAN TOWNSHIP	CHESTER COUNTY, PA
Edward B. Walsh & Associates, Inc.	PROJECT #3150
CIVIL ENGINEERS & SURVEYORS	DATE: 8/2/2022
Whiteland Business Park	SCALE: 1" = 60'
855 Springdale Drive, Suite 202	DRAWN: MF
Exton, Pennsylvania 19341	CHECKED: AB
Phone: (610) 903-0060	SHEET: 1 OF 1
Fax: (610) 903-0080	



UPPER UWCHLAN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF UPPER UWCHLAN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 200 OF THE UPPER UWCHLAN TOWNSHIP CODE, AS AMENDED, TITLED "ZONING", BY AMENDING THE DEFINITION OF "DRIVE-THROUGH RESTAURANT" AND "RESTAURANT" IN SECTION 200-7; AMENDING SECTION 200-33.A(1) TO REMOVE THE PROHIBITION OF DRIVE THROUGHS AND WALK UP ATM MACHINES AT A BANK IN THE C-1 DISTRICT; SECTION 200-33.A BY ADDING A NEW SUBPARAGRAPH (7) TO ALLOW A RESTAURANT AND DRIVE-THROUGH RESTAURANT IN THE C-1 DISTRICT AS A BY RIGHT USE; TO DELETE SECTION 200-33.B(4) AND SECTION 200-33.B(8); TO SUBSTITUTE THE TERM RESTAURANT FOR EATING AND DRINKING ESTABLISHMENT IN SECTION 200-39.A(3); TO ADD A NEW SECTION 200-72.2 TITLED "OUTDOOR DINING" TO ADOPT REGULATIONS FOR OUTDOOR DINING; AND SECTION 200-73.H TO SUBSTITUTE THE TERM RESTAURANT FOR EATING AND DRINKING ESTABLISHMENT.

**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.** The definition of "Drive Through Restaurant" in Section 200-7 shall be amended as follows:

**"DRIVE-THROUGH RESTAURANT-** A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, where service to customers is either through an exterior window in the establishment or directly to parked vehicles on the premises".

**SECTION 2.** The definition of "Restaurant" in Section 200-7 shall be amended as follows:

**"RESTAURANT-** A retail establishment furnishing food and beverages to the public for consumption on the premises or for consumption off the premises, or both. Restaurants may be further classified as a "Drive-Through Restaurant".

**SECTION 3.** Section 200-33.A(1) shall be amended as follows:

“(1) Business or professional office, bank or other financial institution.”

**SECTION 4.** Section 200-33.A shall be amended by adding a new subparagraph (7) which shall provide as follows:

“(7) Restaurant, Drive-Through Restaurant.”

**SECTION 5.** Sections 200-33.B(4) and 200-33.B(8) shall be deleted.

**SECTION 6.** Section 200-39.A(3) shall be revised to state as follows:

“(3) Restaurant, Drive-Through Restaurant, confectionery shop, bakery, or other place serving food or beverages.”

**SECTION 7.** A new Section 200-72.2 shall be adopted which shall provide as follows:

**§ 200-72.2. Outdoor Dining.** Outdoor dining may be permitted as an accessory use to a restaurant in the C-1 and C-3 Zoning Districts subject to the following criteria:

A. An area which is on the sidewalk, patio or deck which directly abuts the restaurant may be used for the purpose of furnishing food and beverages outside to the patrons of the restaurant.

B. The outdoor dining area must be a minimum of 50 feet from any boundary of a lot used for a residential use or zoned residential. The outdoor dining area must be a minimum of 10 feet from any lot used for a commercial use or zoned commercial.

C. The outdoor dining area must be separated from all parking areas, streets or driveways by a barrier which is at least four feet in height and no higher than six feet in height. The barrier must prevent patrons of the restaurant from exiting directly onto the parking area, street or driveway adjacent to the outdoor dining area and instead must require the patrons of the restaurant to exit the outdoor dining area in a safe manner, either onto a sidewalk or through another means of ingress and egress which is approved by the Township. The barrier may be a fence, wall, or another suitable barrier approved by the Township which will prevent a hazardous condition and protect the health and safety of the outdoor diners from vehicular traffic on adjacent parking areas, streets or driveways.

D. The area used for outdoor dining must not block any off-street parking, access driveways, accessible walkways, fire lanes or loading areas.

E. Prior to serving food or beverages outdoors, the restaurant must obtain all necessary permits from all governmental and municipal agencies having jurisdiction, including but not limited to the Chester County Health Department and Liquor Control Board.

F. If entertainment is provided in the outdoor dining area, any amplified sound must meet the Township noise regulations and cease by 9:00 p.m. on weekdays and 10:00 p.m. on weekends.

G. The applicant must demonstrate that there is sufficient off-street parking for the area used for outdoor dining based on the requirements in Section 200-73.H.

H. The applicant must demonstrate that by adding additional seating outdoors, they have sufficient sewer capacity.

I. The restaurant shall stop serving customers on or before 10:00 p.m., prevailing time, and clear all tables of food, beverages and customers on or before 11:00 p.m., prevailing time."

**SECTION 8.** Section 200-73.H shall be amended by amending the reference to "Eating and drinking establishment" to be "Restaurant and Drive-Through Restaurant."

**SECTION 9. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 10. Repealer.** All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 11. Effective Date.** This Ordinance shall become effective in five days from the date of adoption.

**ENACTED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

**UPPER UWCHLAN TOWNSHIP  
BOARD OF SUPERVISORS**

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Gwen A. Jonik, Secretary

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Sandra M. D'Amico, Chair

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Jennifer F. Baxter, Vice-Chair

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Andrew P. Durkin, Member

**PROPOSED CODE ADOPTION ORDINANCE**  
for the  
**CODE OF THE TOWNSHIP OF UPPER UWCHLAN, PENNSYLVANIA**  
**July 2022**

GENERAL CODE  
781 Elmgrove Road  
Rochester, New York 14624  
800 836-8834  
[www.generalcode.com](http://www.generalcode.com)

TOWNSHIP OF UPPER UWCHLAN  
COUNTY OF CHESTER, PENNSYLVANIA

ORD. NO. \_\_\_\_\_

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE TOWNSHIP OF UPPER UWCHLAN, COUNTY OF CHESTER, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE

Be it enacted and ordained by the Board of Supervisors of the Township of Upper Uwchlan, County of Chester, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

**ARTICLE I**  
**Adoption of Code**

**§ 1-1. Approval, adoption and enactment of Code.**

Pursuant to Section 1601(d) of the Second Class Township Code [53 P.S. § 66601(d)], the codification of a complete body of legislation for the Township of Upper Uwchlan, County of Chester, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code, and consisting of Chapters 1 through 200, together with an Appendix, is hereby approved, adopted, ordained and enacted as a single ordinance of the Township of Upper Uwchlan, which shall be known and is hereby designated as the "Code of the Township of Upper Uwchlan," hereinafter referred to as the "Code."

**§ 1-2. Effect of Code on previous provisions.**

The provisions of this Code, insofar as they are substantively the same as those of the 2006 Code and the ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Supervisors of the Township of Upper Uwchlan, and it is the intention of said Board of Supervisors that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

**§ 1-3. Inconsistent legislation repealed.**

- A. Repeal of inconsistent ordinances. Except as provided in § 1-4, Legislation saved from repeal; matters not affected by repeal, below, all ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed as of the effective date given in § 1-15; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Township of Upper Uwchlan which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific ordinances. The Board of Supervisors of the Township of Upper Uwchlan has determined that the following ordinances are no longer in effect and hereby specifically repeals the following legislation:
  - (1) Former Chapter 190, Weeds and Noxious Growth, of the 2006 Code, adopted January 17, 1988, by Ord. No. 06-01, as amended January 17, 2006, by Ord. No. 06-01.

**§ 1-4. Legislation saved from repeal; matters not affected by repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to March 21, 2022.
- B. Any right or liability established, accrued or incurred under any legislative provision of the Township prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Township or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Township.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Township or any lawful contract, obligation or agreement.
- F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Township or other instruments or evidence of the Township's indebtedness.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.

- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the Township.
- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the Township or setting the bond of any officer or employee.
- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Township.
- S. Any currently effective ordinance providing for intergovernmental cooperation or establishing an intermunicipal agreement.

**§ 1-5. Inclusion of new legislation prior to adoption of Code.**

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances shall be temporarily placed in the Code until printed supplements are included.

**§ 1-6. Changes and revisions in previously adopted legislation; new provisions.**

- A. Nonsubstantive changes. In compiling and preparing the ordinances of the Township for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances. It is the intention of the Board of

Supervisors that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

- B. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth in Schedule A attached hereto and made a part hereof, are hereby made to various ordinances included in the Code. These changes are enacted to bring provisions into conformity with the desired policies of the Board of Supervisors, and it is the intent of the Board of Supervisors that all such changes be adopted as part of the Code as if the legislation so changed had been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.
- C. Nomenclature changes and revisions.
  - (1) The terms “Justice of the Peace,” “District Justice,” “District Magistrate” and “Magistrate” are changed to read “Magisterial District Judge.”
  - (2) References to the “Department of Community Affairs” are changed to read “Department of Community and Economic Development.”
  - (3) References to the U.S. Department of Agriculture’s “Soil Conservation Service” or “SCS” are changed to read “Natural Resources Conservation Service” or “NRCS,” respectively.
  - (4) References to the “Department of Environmental Resources” are changed to read “Department of Environmental Protection” or “Department of Conservation and Natural Resources” as appropriate.
  - (5) References to the “Department of Public Welfare” are changed to read “Department of Human Services.”
  - (6) The abbreviation “UCC” is changed to read “Uniform Construction Code.”

#### **§ 1-7. Interpretation of provisions.**

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

**§ 1-8. Titles and headings; editor's notes.**

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

**§ 1-9. Filing of copy of Code.**

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Township Secretary and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the Township Secretary, as provided by law, and such certified copy or copies shall remain on file in the office of the Township Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

**§ 1-10. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Board of Supervisors to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

**§ 1-11. Code books to be kept up-to-date.**

It shall be the duty of the Township Secretary or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the Township Secretary for the use of the public. All changes in said Code and all legislation adopted by the Board of Supervisors subsequent to the effective date of this codification which the Board of Supervisors shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

**§ 1-12. Publication of notices.**

The Township Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction of the Code in a newspaper of general circulation in the Township. The enactment and application of this ordinance, coupled with the publication of the notice of introduction, the availability of a copy or copies of the Code for inspection by the public and the

filings of an attested copy of this ordinance with the county, as required by law, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

#### **§ 1-13. Altering or tampering with Code; violations and penalties.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof in any manner whatsoever which will cause the law of the Township to be misrepresented thereby. Any person who violates or permits a violation of this section of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

#### **§ 1-14. Severability.**

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Board of Supervisors that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

#### **§ 1-15. Effective date.**

All provisions of this ordinance and of the Code shall be in force and effect five days after adoption of this ordinance.

ENACTED AND ORDAINED by the Board of Supervisors of the Township of Upper Uwchlan this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Attest:  
UWCHLAN

\_\_\_\_\_  
Township Secretary

TOWNSHIP OF UPPER

BY: \_\_\_\_\_  
Official

**TOWNSHIP OF UPPER UWCHLAN**

**NOTICE OF INTRODUCTION**

**OF PROPOSED CODE ADOPTION ORDINANCE**

Please take notice that a proposed Code Adoption Ordinance was introduced by the Board of Supervisors of the Township of Upper Uwchlan at a regular meeting of the Board of Supervisors held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_. A copy of the proposed Code Adoption Ordinance and the Code may be examined in the office of the Township Secretary. A summary of the proposed Code Adoption Ordinance and a listing of the Table of Contents of the proposed codification are as follows:

**ORD. NO. \_\_\_\_\_**

**AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE TOWNSHIP OF UPPER UWCHLAN, COUNTY OF CHESTER, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE**

This proposed ordinance provides:

- (1) For the approval, adoption and enactment of the codification of a complete body of legislation for the Township of Upper Uwchlan, as revised, codified and consolidated into titles, chapters and sections, such codification being designated as the "Code of the Township of Upper Uwchlan."
- (2) That the provisions of the Code are intended as the continuation of legislation in effect immediately prior to adoption of this ordinance.
- (3) For the repeal of inconsistent ordinances or parts of ordinances of a general and permanent nature which are not included in the Code, except as specifically saved from repeal.
- (4) That certain ordinances, rights and obligations be expressly saved from repeal.
- (5) That ordinances of a general and permanent nature adopted subsequent to preparation of the Code but prior to its adoption are deemed part of the Code.
- (6) For the adoption and ratification of changes and revisions made during preparation of the Code to the previously adopted legislation included therein, and for the inclusion of certain new legislation. Such changes, revisions and new legislation include:
  - (a) Nonsubstantive grammatical and style changes.
  - (b) Nomenclature changes.

- (c) General revision of penalty provisions.
- (d) Adoption and ratification of other substantive changes and revisions made so as to bring provisions included in the Code into conformity with the policies and intent of the Board of Supervisors. Such changes and revisions are specifically enumerated and described in the ordinance.
- (7) For the interpretation of provisions.
- (8) That titles, headings and editor's notes are inserted for the convenience of persons using the Code and are not part of the legislation.
- (9) For the filing of at least one copy of the Code in the office of the Township Secretary where it shall remain for use and examination by the public.
- (10) For the incorporation of future additions, deletions, amendments or supplements into the Code.
- (11) That Code books be kept up-to-date under the supervision of the Township Secretary.
- (12) That notice of introduction of the ordinance and Code be published according to law, and that enactment of the ordinance, coupled with filing of a copy or copies of the Code and publication of such notice, will be deemed due and legal publication of all provisions of the Code.
- (13) For penalties for anyone convicted of altering or tampering with the Code.
- (14) That provisions of the Code and of the ordinance are severable.
- (15) That the effective date of the Code and of the ordinance be \_\_\_\_\_, 20\_\_\_\_.

The chapters included in the codification are as follows (all chapter numbers not listed are reserved for future use).

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141.	Sewers .....	141:1
	Article I      Community On-Lot Sewage Disposal Systems (COLDS)	
	Article II     Route 100 Sanitary Sewer District	
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143.	Small Wireless Facilities.....	143:1
148.	Solid Waste and Recycling .....	148:1
152.	Stormwater Management .....	152:1
155.	Streets and Sidewalks .....	155:1
	Article I      Excavations And Openings	
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162.	Subdivision and Land Development.....	162:1
169.	Taxation .....	169:1
	Article I      Earned Income And Net Profits Tax	
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176.	Vehicles and Traffic.....	176:1
183.	Water .....	183:1
	Article I      Public Water Supply	
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190.	(Reserved) .....	190:1
200.	Zoning .....	200:1

Please take further notice that the Board of Supervisors intends to adopt the proposed Code Adoption Ordinance on \_\_\_\_\_. A copy of the Code Adoption Ordinance proposed for adoption is on file in the office of the Township Secretary, Upper Uwchlan, Pennsylvania, where it is available for inspection during regular office hours.

## **Township of Upper Uwchlan Code Adoption Ordinance**

### **Schedule A Specific Revisions at Time of Adoption of Code**

#### **Chapter 22, Manager.**

Section 22-2 is amended to read as follows:

##### *Section 22-2. Appointment and removal.*

- A. *The Board of Supervisors may by ordinance at any time create the Office of Township Manager and may in like manner abolish the Office. While the Office exists, the Board of Supervisors shall appoint one person to fill the Office. The Township Manager shall serve at the pleasure of the Board of Supervisors, subject to contractual rights that may arise under an employment agreement that may be entered into in accordance with Subsection B.*
- B. *The Board of Supervisors may enter into an employment agreement with the Township Manager. The employment agreement may set forth the terms and conditions of employment, and the agreement may provide that it shall remain in effect for a specified period terminating no later than two years after the effective date of the agreement or the date of the Board of Supervisors' organizational meeting following the next municipal election, whichever shall first occur. An employment agreement entered into pursuant to this subsection may specify conditions under which a Township Manager would be entitled to severance compensation, but in no event shall an employment agreement guarantee employment through the term of the agreement or confer upon the Township Manager any legal remedy based on specific performance.*

#### **Chapter 57, Buildings, Numbering of.**

Section 57-6A is amended as indicated: "...shall have a minimum height of four inches with a minimum stroke width of 0.5 inch and shall be mounted in a secure fashion..."

#### **Chapter 82, Floodplain Management.**

- A. Section 82-9K is amended as indicated: "...shall consider the requirements of 34 Pa. Code and the 2009 IBC and the 2009 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania the Pa. Uniform Construction Code, as adopted by the Commonwealth of Pennsylvania."
- B. Section 82-10C(3)(b) is amended as indicated: "...under 34 Pa. Code, the 2009 IBC or the 2009 IRC, or the latest revision thereof and the Pa. Uniform Construction Code, as adopted by the Commonwealth of Pennsylvania."

- C. Section 82-23A(3) is amended as indicated: "...specifications contained in the Pa. Uniform Construction Code as the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC), or the latest edition thereof adopted by the Commonwealth of Pennsylvania..."
- D. Section 82-23B(5) is amended as indicated: "...specifications contained in the Pa. Uniform Construction Code as the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC), or the latest edition thereof adopted by the Commonwealth of Pennsylvania..."
- E. Section 82-24N is amended to read as follows:

*Uniform Construction Code coordination. The standards and specifications contained in 34 Pa. Code (Chapters 401 to 405), as amended.*
- F. Section 82-27E is amended as indicated: "...the requirements of the Pa. Uniform Construction Code as adopted by the Commonwealth of Pennsylvania Appendix E of the 2009 "International Residential Building Code" or the..."
- G. Section 82-27F is amended "...the installation requirements of the Pa. Uniform Construction Code 2009 IBC and the 2009 IRC, or the latest revision thereto, as adopted by the Commonwealth of..."
- H. Section 82-34C is amended as indicated: "...as amended, and the 2009 IBC and the 2009 IRC Pa. Uniform Construction Code, or most recent revision thereof, as adopted by the Commonwealth of..."

## **Chapter 134 Peddling and Soliciting.**

- A. Section 134-2E is amended as indicated: "...as the term is defined in the statutes of the Commonwealth of Pennsylvania, is waived from registration under this act."
- B. Section 134-2F is amended as indicated: "...for contributions is expressly exempt from fee fees and registration."
- C. Section 134-14 is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.*

## **Chapter 155, Streets and Sidewalks.**

### **Article II, Snow Removal and Winter Parking.**

Section 155-20 is amended as indicated: "...remain free of the hazards of snow and ice. Should the snow and ice on the sidewalk or walkway be frozen so that it cannot be removed without injury to the pavement or damaging the base of the sidewalk, the person having charge of the ice and snow removal shall cause the sidewalk abutting or adjacent

to such premises to be strewn and to be kept strewn with ashes, sand or any suitable abrasive material and shall, as soon thereafter as the weather shall permit, thoroughly clean such sidewalks.”

## **Chapter 162, Subdivision and Land Development.**

- A. Section 162-11D is amended as indicated: “...to the Township Zoning Hearing Board in accordance with ~~§ 909 of the Pennsylvania Municipalities Planning Code~~ 53 P.S. § 10909.1.”
- B. Section 162-65C(1) is amended to change “fiftieth day” to “fifth business day.”
- C. In Attachment 1 of this chapter, Distribution of Plans to Appropriate Agencies:
  - (1) Under Step Item 2, Subsection h. is amended to change the number of copies for the water supply study from 5 to 7.
  - (2) Under Step Item 3, new Subsections f., g., and h. are added to read as follows:

<i>f.</i>	<i>Site analysis and impact plan</i>	<i>15 (min.)</i>	<i>Same distribution as above</i>
<i>g.</i>	<i>Improvement construction plan</i>	<i>15 (min.)</i>	<i>Same distribution as above</i>
<i>h.</i>	<i>Water supply study</i>	<i>7 (min.)</i>	<i>If applicable</i>

## **Chapter 169, Taxation.**

### **Article II, Realty Transfer Tax.**

This article is amended in its entirety to read as follows:

#### ***§ 169-13. Imposition of tax.***

*The Township of Upper Uwchlan adopts the provisions of Article XI-D of the Tax Reform Code of 1971 (72 P.S. § 8101-D et seq.) and imposes a realty transfer tax as authorized under that article subject to the rate limitations therein. The tax imposed under this section shall be at the rate of 1%.*

#### ***§ 169-14. Administration.***

*The tax imposed under § 169-13 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511), as amended, known as the "Local Tax Enabling Act" (53 P.S. § 6901 et seq. and 53 P.S. § 6924.101 et seq.), provided that, if the correct amount of the tax is not paid by the last date prescribed for timely payment, the Township of Upper Uwchlan, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.*

#### ***§ 169-15. Interest.***

*Any tax imposed under § 169-13 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the*

*Act of May 16, 1923 (P.L. 207, No. 153; 53 P.S. § 7101 et seq.), as amended, known as the "Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176; 72 P.S. § 806), as amended, known as the "Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.*

## **Chapter 200, Zoning.**

- A. Section 200-6B is amended as indicated: "...features of the Township that from form its character..."
- B. In § 200-7B:
  - (1) The definition of "family" is amended to read as follows:

*FAMILY - One person or two or more persons related by blood, foster relationship, marriage or adoption, and, in addition, any domestic servants or gratuitous guests thereof; or one or more persons who need not be so related, and, in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder or lodger shall not be considered a member of the family.*
  - (2) Subsection (1) of the definition of "lot area" is amended as indicated: "Any land lying within the Flood Hazard District as defined within Article XIII of this chapter Chapter 82, Floodplain Management, of this Code."
- C. Section 200-9 is amended as indicated: "The location and boundaries of such districts shall be as shown on the map attached to and hereby made a part of this chapter, which map shall be designated the "Zoning Map of Upper Uwchlan Township." The said map, and all the notations, references, and other data shown hereon, shall be as much a part of this chapter as if fully described herein and shall be kept at the Township offices."
- D. In § 200-13, a new Subsection G is added to read as follows:

**G. Group homes.**
- E. In § 200-17, a new Subsection E is added to read as follows:

**E. Group homes.**
- F. In § 200-21, a new Subsection E is added to read as follows:

**E. Group homes.**
- G. In § 200-27, a new Subsection E is added to read as follows:

**E. Group homes.**
- H. Article XIII, Flood Hazard District, of the 2006 Code, as amended, is repealed.
- I. Section 200-64D is amended to change the reference to "§ 200-73E" to "§ 200-73."
- J. Section 200-71F(2)(c) is amended to change "another" to "and the."
- K. Section 200-91A(13) is amended as indicated: "...under state law and in § 200-82F of this chapter Chapter 110, Noise, of this Code, except in emergency..."



UPPER UWCHLAN TOWNSHIP  
PLANNING COMMISSION MEETING  
AUGUST 11, 2022  
7:00 Meeting  
MINUTES  
Draft

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

In attendance:

Sally Winterton, Chair; Joe Stoyack, Vice-Chair; Jim Dewees, Ravi Mayreddy, Jeff Smith, Jim Shrimp, Stephen Fean

Mary Lou Lowrie, P.E., Gilmore & Associates  
Sandy Diffendal for Gwen Jonik, Planning Commission Secretary

Absent: David Colajezzi, Chad Adams

Sally Winterton called the meeting to order at 7:00 p.m. A quorum was present.

595 Fellowship Road - Minor Subdivision Plan

Charles D. and Patricia M. Spackman were present. Andrew Miller arrived after the Spackmans explained their purpose for subdividing their 5-acre property. They want to subdivide the lot to build a house for family. There will be 2 lots, one 3 acre and one 2 acre. That would make part of their property in Upper Uwchlan Township and a part in West Vincent Township. They will need approval from West Vincent Township. Easements have been done to Fellowship Road, and the new house will have its exit onto Route 401. Joe Stoyack commented that it is only a line change for Upper Uwchlan Township. Jeff Smith asked why not cut out the West Vincent part. Andrew Miller explained that there is an irregular property line. There will be one dwelling on the West Vincent part and will not be on-lot septic. Joe Stoyack made a motion to have the Planning Commission recommend that the Board of Supervisors approve the Subdivision application. Jeff Smith seconded. There was no opposition.

461 Font Rod – Minor Subdivision Plan

Adam Brower, E.B. Walsh & Associates, presented an overview at the last Planning Commission meeting held on July 14, 2022, for the property of William & Vicki Stephenson. There was 1 waiver requested which was not to require a site analysis and impact plan, conservation plan or improvements and construction plan as there will be no construction, no improvements, no disturbance. Jeff Smith moved to have the Board of Supervisors grant the waiver and approve the application in accordance with the Gilmore's review letter dated August 4, 2022 to Tony Scheivert. Joe Stoyack seconded. There was no opposition.

### Outdoor Dining Ordinance Amendment

The Outdoor Dining Ordinance was amended by Kristin Camp from Buckley Brion. The Planning Commission members read through the Ordinance to see what changes were made.

There were comments from Stephen Fean and Joe Stoyack regarding the traffic at Starbucks relating to the drive-through.

### EDITS

- Section 5 (4) – Bank drive through; does it require Conditional Use? No, it does not. Joe Stoyack mentioned that the ATM is by-right of the bank.
- Section 7 (3)– There is a double ‘r’ in Restaurant that needs to be corrected. Kristin Camp had a comment on the side asking “Do we want to prohibit all drive-throughs in C-3? At banks and restaurants? Jim Dewees stated that we should not prohibit drive-throughs and the Commission agreed. We do not want to prohibit them.
- Section 8 200-72.2 B –The first sentence should now read: The outdoor dining area must be a minimum of 50 feet from any boundary of a lot.

Gerry Stein from 125 Greenridge Road asked about the decibel level saying when Levante was operating, the music playing was very loud and intrusive to passersby. He was told that there is regulation for decibel levels.

Sally mentioned that the outside dining was a temporary resolution made when COVID-19 was more prevalent. There cannot be a temporary resolution and an Ordinance.

A suggestion was made by Jim Dewees to use township approved fencing and/or barriers to make boundaries.

Sally stated that the subject of Outdoor Dining be tabled until the correct version from Kristin Camp is available at the September meeting.

Joe Stoyack started to discuss re-development and re-zoning. The members of the Board were looking at the Comprehensive Plan update. There have been changes since the original. They would like an opportunity to pull everything together with re-development and zoning. Some action was taken with the overlay districts. The Board wants to move forward with the process.

Are the boundaries in C-1, C-2 and C-3 correct? Are there transition areas between C-3 and L-I?

Joe Stoyack created a spreadsheet and took the ordinances for C-1, C-2, C-3 and L-I and arranged them in tables to make things easier to see. The Board discussed different ways to make the information clearer. They would like to do commercial first, and Joe will do the same for residential. All agreed to do their ‘homework’ and report at the next meeting.

Sally asked for the approval of the minutes from the July 14 meeting. Jim Dewees moved to accept the minutes as presented and Jeff Smith seconded. Jim Shrimp abstained.

The next meeting will be Thursday, September 8. They made August 12 a deadline to send comments to Joe about the Village Concept Plan.

They mentioned that there is a liaison to the Environmental Advisory Council and the Historic Commission. They would like to look for a volunteer liaison to attend Planning Commission ("PC") meetings, present PC actions to those Commissions. They will let Sally know if they know of any volunteers.

They discussed how the Graphite Mine Road and Route 100 switch will affect the Comprehensive Plan. If the swap occurs, Graphite Mine Road could be 4 lanes with left turn lanes. A traffic study will determine what will be done.

A motion to adjourn at 8:15 p.m. was offered by Sally. Jim Dewees seconded. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Sandy Diffendal  
Accounting Associate