

Township of Uwchlan, PA  
Tuesday, April 24, 2012

## Article 4. Zoning Map and Zoning Districts

### § 401. Official Zoning Map.

The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ordinance, together with all future notations, references, and amendments.

401.1 Identification of Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Board of Supervisors and attested to by the Secretary of that Board, together with the date of the adoption of this ordinance.

401.2 Changing the Official Zoning Map.

If, in accordance with the provisions of this ordinance and the Pennsylvania Municipalities Planning Code, *Editor's Note: See 53 P.S. § 10101 et seq.* as amended, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Board of Supervisors.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance or any state law, if applicable. All changes shall be noted on the Official Zoning Map by date with a brief description of the nature of the change.

401.3 Location of official map. The Official Zoning Map shall be located in a place, as designated by the Board of Supervisors, and shall be the final authority as to the current zoning status of land and water areas in the Township, regardless of unofficial copies, which may have been made or published from time to time.

401.4 Replacement of Official Zoning Map.

- a. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereto.
- b. The new Official Zoning Map shall be identified by the signatures of the Board of Supervisors, attested by the Secretary of the Board, and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. 94-11 of Uwchlan Township, Chester County, Pennsylvania. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. 1).*"
- c. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

### § 402. Classes of districts.

For the purpose of this ordinance, the Township is hereby divided into districts which shall be designated as follows:

R-A	Rural Agricultural
R-R	Rural Residential
R-1	Low Density Residential District
R-2	Medium Density Residential District
PC	Planned Commercial District
PC-2	Planned Commercial District
PIC	Planned Industrial-Commercial District
PCID	Planned Commercial Industrial Development District
PI	Planned Industrial District
FP	Floodplain District (Overlay)
PSFD	Planned Single Family Development (Overlay)
ROSO	Residential Open Space Option (Overlay)

#### **§ 403. Interpretation of district boundaries.**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

403.1 Designation of district boundaries. Boundaries indicated as approximately following the center line of streets, highways, alleys, railroad rights-of-way, streams, existing lot lines, as they exist on a recorded deed or plan of record in the County Recorder of Deeds' office, or Municipal boundary lines shall be construed to follow such features indicated. Where boundaries are indicated as being approximately perpendicular to the right-of-way line of a street, highway or alley, such boundary shall be construed as being perpendicular thereto. Where a District boundary line does not follow such a line, position is shown on said Zoning Map by reference to an ordinance describing such lines or by a specific dimension expressing its distance, in feet, from a street right-of-way line or other boundary line as indicated and running parallel thereto.

403.2 Determination of location of boundaries. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or if uncertainty exists as to the true location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto.

403.3 Overlay districts.

In the case of the Floodplain District, rules for interpretation of district boundaries are contained in § 510.

In the case of planned single-family development, the provisions of § 613 shall apply.

In the case of the residential open space option, the provisions of § 609 shall apply.

403.4 Adult entertainment uses as defined herein shall be permitted only in the PI Planned Industrial District as defined and regulated pursuant to § 509 of this ordinance. Any building containing an adult

entertainment use must be located, in its entirety, in conformance with the use, setback, and separation distance regulations applicable to the adult entertainment use. *Editor's Note: See Ch. 77, Adult Entertainment.*

[Added 9-14-1998 by Ord. No. 98-14]

## 501.5 Uses permitted by special exception.

- a. Hospitals and other health care institutions.
- b. Educational uses, exclusive of correctional or penal institutions.
- c. Private clubs for swimming, golf, riding, or other recreation, provided that the principal activity shall not be one which is customarily carried on as a business, and further provided that all services shall be for members and their guests only.

## 501.6 Minimum lot size.

	On-Site Water and On-Site Sewage Disposal	Either Off-Site Water or Off-Site Sewage Disposal	Off-Site Water and Sewage Disposal
a. Area (acres)	2	1 1/2	1
b. Width (feet)	200	175	150

## 501.7 Minimum yard dimensions.

	On-Site Water and On-Site Sewage Disposal	Either Off-Site Water or Off-Site Sewage Disposal	Off-Site Water and Sewage Disposal
a. Front yard (feet)	50	50	50
b. Each side yard (feet)	35	30	25
c. Rear yard (feet)	50	50	50

## 501.8 Maximum lot coverage and building height.

- a. Maximum building coverage: 15%.
- b. Impervious coverage: No lot shall be covered by more than 25% with impervious surface, including but not limited to principal and accessory buildings, driveways and walkways, and parking areas.
- c. Maximum height of buildings and structures: 35 feet or 2 1/2 stories, whichever is less. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

**§ 502. R-R Rural Residential District.**

502.1 Purpose. The purpose of the Rural Residential District is to provide areas within the Township which can accommodate residents wishing to reside on large lot, low density development maintaining rural characteristics. Any use permitted in this district by right, special exception or condition and described in § 611 of this ordinance is subject to the requirements set forth in § 611.



**502.2 Permitted uses.**

- a. Single-family detached dwellings.
- b. Public uses, structures or buildings owned or operated by the Township or an Authority created by the Township or an Authority which the Township is a member, or any other public use subsidized by the Township.
- c. Churches.
- d. Cemetery, providing that the parcel devoted to this use shall not be less than 20 acres.
- e. The sale of farm products, provided such products are produced on the property.
- f. Agricultural uses, except intensive agriculture, and buildings provided that any structures used for the housing of three livestock or for the housing of poultry shall be located not less than 200 feet from any lot line and shall be situated on a lot of not less than four acres; except that for each livestock above three, one additional acre shall be provided (e.g., four livestock = five acres, five livestock = six acres, etc.).
- g. Residential Open Space Option pursuant to § 609.

**[Added 10-14-1997 by Ord. No. 97-08]**

**502.3 Permitted accessory use located on the same lot with the permitted principal use.**

- a. Private garages, carports or private parking areas pursuant to § 607.
- b. Signs pursuant to § 606.
- c. Private swimming pools.
- d. Home occupations pursuant to § 602.
- e. Other accessory uses, structures or buildings, provided they are clearly incidental to the principal use.

**502.4 Uses permitted by conditional use.**

- a. Residential Open Space Option pursuant to § 609.1.g.

**[Amended 10-14-1997 by Ord. No. 97-08]**

- b. Stables housing three or more horses and dog kennels, provided they are situated no less than 400 feet from any public right-of-way and adjoining property lines.
- c. Mobile home parks, provided proposed park has satisfied all requirements for mobile home parks found in Article VII of the Township Subdivision and Land Development Ordinance.

**[Added 11-25-2002 by Ord. No. 2002-08]**

**502.5 Uses permitted by special exception.**

- a. Educational uses, exclusive of correctional or penal institutions.
- b. Private clubs for swimming, golf, riding, or other recreation, provided that the principal activity shall not be one which is customarily carried on as a business, and further provided that all services shall be for members and their guests only.

c. Hospitals.

d. Accessory uses, structures, and buildings not located on the same lot with the permitted principal use.

#### 502.6 Minimum lot size.

	On-Site Water and On-Site Sewage Disposal	Either Off-Site Water or Off-Site Sewage Disposal	Off-Site Water and Sewage Disposal
a. Area	60,000 square feet	50,000 square feet	1 acre
b. Width (feet)	175	160	150

#### 502.7 Minimum yard dimensions.

	On-Site Water and On-Site Sewage Disposal	Either Off-Site Water or Off-Site Sewage Disposal	Off-Site Water and Sewage Disposal
a. Front yard (feet)	50	50	50
b. Each side yard (feet)	30	25	25
c. Rear yard (feet)	50	50	50

#### 502.8 Maximum lot coverage and building height.

a. Maximum building coverage: 15%.

b. Impervious coverage: No lot shall be covered by more than 25% with impervious surface, including but not limited to principal and accessory buildings, driveways and walkways, and parking areas.

c. Maximum height of buildings and structures: 35 feet or 2 1/2 stories, whichever is less. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

### ~~§ 503. R-1 Low Density Residential District.~~

~~503.1 Purpose. The purpose of the R-1 Residential District is to provide suitable areas for neighborhoods of single-family home development at densities which are dependent upon the degree to which any particular portion of the district is serviced with the off-site sewerage facilities and off-site water facilities. Any use permitted in this district by right, special exception or condition and described in § 611 of this ordinance is subject to the requirements set forth in § 611.~~

#### ~~503.2 Permitted uses.~~

~~a. Single-family detached dwellings.~~

~~b. Agricultural uses, except intensive agriculture, and buildings, provided that any structures used for the housing of three livestock or for the housing of poultry shall be located not less than 200 feet~~

- b. Minimum lot area: two acres.
- c. Average lot size in development tract: three acres.
- d. Minimum lot width: 200 feet.
- e. Minimum setback from any lot line or right-of-way line (except as provided in § 506.5): 50 feet.

506.7 Maximum lot coverage and building height.

- a. Maximum building coverage: 40%.
- b. Maximum impervious coverage: No lot three net acres or larger shall be covered by more than 65% of impervious surface, including but not limited to principal and accessory buildings, driveways and walkways, and parking areas. Lots three acres or less may have up to 75% impervious coverage.

[Amended 10-28-1996 by Ord. No. 96-13]

- c. Maximum height of buildings and structures: 2 1/2 stories or 35 feet, whichever is less, except as provided in § 506.5.b.
- d. Minimum parking setback: 25 feet from any property line other than the right-of-way line of a state or Township highway, except as provided in § 506.5. Setback from property lines constituting a right-of-way line of a state or Township highway shall be 10 feet or such greater distance as may be necessary to prevent infringement upon reasonable sight distances as per Township ordinances.

**§ 507. PIC Planned Industrial-Commercial District.**

507.1 Purpose. The purpose of the PIC Planned Industrial-Commercial District is to provide sufficient space in appropriate locations to meet current and anticipated future regional needs for large-site industrial and commercial development appropriate to the community. It is further intended that the PIC District encourage industrial and commercial development that will benefit the community and the region, both economically and aesthetically, by permitting investment in a planned facility that will provide for the location of several plants and/or commercial establishments to insure efficient integration and consolidation of access to existing and planned future roadways and utilities. 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 buildings and landscaping that would minimize any adverse impacts on adjacent uses. It is envisioned that these benefits would accrue with the development of a unified tract designed to integrate various, single industrial plants and/or commercial establishments. Any use permitted in this district by right, special exception or condition and described in § 611 of this ordinance is subject to the requirements set forth in § 611.

507.2 Review procedures. Planned Industrial-Commercial developments shall be subject to the procedures for site plan review and approval established by the Township Subdivision and Land Development.

507.3 Permitted uses.

- a. Manufacturing, wholesaling, processing, warehousing and distributing, provided that no bulk storage of liquid or gaseous fuels shall be permitted except for consumption on the premises.
- b. Laboratory for scientific research and development.
- c. Agriculture, except intensive agriculture.
- d. Passenger station for public transportation; electric substations; telephone central office.



- e. Theater (movie or performing) within a permanent building; library, civic or cultural center.
- f. Retail establishment for sale of dry goods, drugs, food, jewelry, variety and general merchandise, hardware, household furnishings and supplies, instruments, electronic appliances, including repair service, job printing.
- g. Restaurant, tearoom, cafe, confectionery or other place serving food or beverages, provided that no curb service shall be permitted.
- h. Automobile court or motel, bowling lanes or other similar place of indoor recreation.
- i. Personal service shop, including barber, beauty salon, shoe repair, tailor, dressmaking, pickup station for laundry and dry cleaning.
- j. Frozen food lockers, wholesaling, warehousing, distributing, provided that all parking, loading and unloading shall be in the rear of the building and screened from a side street if on a corner lot.
- k. 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, mortician, 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 PIC Planned Industrial-Commercial District.
- l. Wholesale establishment for the sale and distribution of dry goods, drugs, foods, variety and general merchandise, hardware, household furnishing, electrical appliances and supplies, job printing.
- m. Wholesale establishment for the sale of plumbing and heating equipment and supplies, lumberyard, including the customary storage and work yards incidental thereto when screened by a fence, wall or planting screen.
- n. Automatic self-service laundry and dry-cleaning establishment with certificates of approval by the public health agency having jurisdiction, with regard to waste disposal, and by the Fire Marshal, with regard to compliance with all safety regulations.
- o. Churches.
- p. Public uses, structures, or buildings owned or operated by the Township, a Municipal Authority organized by the Township or an Authority of which the Township is a member. *Editor's Note: Former Section 507.3.q, regarding regional shopping centers, added 8-5-1996 by Ord. No. 96-06, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

507.4 Permitted accessory uses located on the same lot with the permitted principal uses.

- a. Private parking areas pursuant to § 607.
- b. Signs pursuant to § 606.
- c. Other accessory uses, structures or buildings, provided such are clearly incidental to the principal use.

507.5 Uses permitted by conditional use.

- a. Shopping centers pursuant to § 605.



b.

- (1) Structures over 2 1/2 stories or 35 feet in height up to 65 feet in height may be permitted, provided they are sprinklered according to the provisions of the Uwchlan Township Fire Code, and provided that for each foot in excess of 35 feet, there shall be a corresponding decrease in both maximum impervious coverage and building coverage by 0.7% and provided such height increase does not impinge on the rights of existing or future residents in the community.
- (2) Communications tower, public and communications tower, private, communications antenna, communications antenna support structures (also known as "communications antenna support towers"), wireless communications facilities and wireless communications equipment buildings.

[Amended 2-22-1999 by Ord. No. 99-04]

(a) The following definitions are added:

1. Applicant. An individual or entity seeking zoning authorization or other municipal approval (e.g., a building permit). For the purposes of the regulations pertaining to wireless communications facilities, the applicant shall include the owner of any such wireless communications facility or component thereof. This ordinance shall not be construed so as to require both the owner of the wireless communications facility (or component thereof, including the tower) and the provider of wireless communications services to join in an application for municipal authorization or to separately submit duplicative information or fees.
2. Communications antenna. A device used to collect and/or transmit wireless communications or radio signals, including, but not limited to, panels, microwave dishes, wires, and single poles known as "whips." A communication antenna, as described herein, shall not be considered as a part of the communications antenna support structure (also known as a communications antenna support tower) for the purpose of calculating setback requirements, or limitations on the height of a communications antenna support structure or tower.
3. Communications antenna support structure (tower). Any pole, monopole, telescoping mast, tower, tripod, lattice construction steel structure or similar structure which supports or has attached to it a communications antenna(e).
4. Communications antenna support structure height. The vertical distance measured from the base of a communications antenna support structure at the undisturbed grade to the highest point of the structure (exclusive of any attached communication antenna). If the communications antenna support structure is on a sloped grade, then the average between the highest and lowest grades at the base of the structure shall be used in calculating the communications antenna support structure height.
5. Land site. A tract or parcel of land that contains a wireless communications facility and associated parking, and may include other uses associated with and ancillary to wireless communication transmission.
6. Subscriber equipment. Telecommunications hardware normally utilized by a consumer, including, but not limited to, a telephone handset, pager, two-way radio hand unit, and similar devices.
7. Wireless communications facility. The communications antenna(e), communications antenna support structure. Wireless communications equipment building, parking, and/or other structures and equipment involved in receiving or transmitting wireless communications or radio signals.

8. Wireless communications equipment building. A building or cabinet in which electronic receiving, relay, or transmitting equipment for a wireless communications facility is housed.

(b) Wireless communications facilities.

1. Purposes. The purpose of this subsection and the standards established herein is to govern the use, construction and siting of wireless communications facilities in recognition of the nature of wireless communications systems and the Federal Telecommunication Act of 1996. These regulations are intended to:
  - (a) Promote and protect the health, safety and general welfare, to accomplish coordinated development and to guide and protect existing and future governmental, economic, practical, social and cultural facilities, development and growth;
  - (b) Accommodate the need for wireless communications facilities, while regulating their location and minimizing the number of wireless communications towers to be constructed;
  - (c) Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish and by encouraging that competing providers of wireless communications services co-locate their communications antennae and related facilities on existing towers;
  - (d) Insure the structural integrity of communications antenna support structures through compliance with applicable industry standards and regulation; and
  - (e) Promote the health, safety and welfare of the Township's residents.
2. Permitted areas for wireless communications facilities. Wireless communications facilities, including antennae support structures (or "towers") and wireless communications equipment buildings may be located on land located within the Planned Industrial-Commercial (PIC) Zoning District, with a setback of 800 feet from the district boundaries, through the issuance of a conditional use decision and order issued by the Board of Supervisors. Additionally, wireless communications facilities, including all components thereof, as specified herein, may be located on any land owned by the Township. In the case of the location of such facilities on land owned by the Township, no conditional use application or approval will be necessary; however, the Board of Supervisors will determine whether permission will be granted for the location of such facilities on Township-owned land, pursuant to the terms of a leasing or other agreement, which will incorporate the requirement of compliance with such substantive regulations of this ordinance.
3. Location. Wireless communications facilities may be located on a land site only within a zoning district where permitted as a conditional use, or on Township-owned land, or as an attachment to an existing structure, as provided herein. Prior to the issuance of a conditional use approval for the construction and installation of any communications antennae support structure, the applicant for conditional use approval must prove by a preponderance of evidence that the applicant cannot adequately extend or in-fill its communications system by the use of equipment such as repeaters, antennae or other similar equipment installed on existing structures, such as utility poles or other tall structures. This requirement will be deemed to have been satisfied through the submission of a report or testimony by a qualified radio frequency engineer, verifying that the proposed advance the provision of wireless communications service. The Board of Supervisors will limit any evidence or objections sought to be introduced by any objecting party seeking to question the need for the installation of any wireless

communications facility (or component thereof). The purpose of this subsection is merely to confirm that the provider of wireless communications service has made a threshold determination that the component for which municipal approval is sought will substantially improve the level of wireless communications service provided to the consumer(s) of such service.

4. Maximum heights. No communications antenna support structure shall be taller than 120 feet measured from undisturbed ground level, unless the applicant proves that another provider of wireless communications services has agreed to co-locate communications antenna(e) on the applicant's communications antenna support structure or the applicant demonstrates that a greater tower height is necessary to provide satisfactory service for wireless communications. In such case, the communications antenna support structure shall not exceed 150 feet unless the applicant secures approval as a condition of the conditional use process from the Supervisors by demonstrating such proof as would be required under § 806.4 of this ordinance. In no event shall mounted communications antenna(e) height on any tower extend more than 25 feet above the installed height of the tower. While evidence relating to the criteria set forth in § 806.4 of this Zoning Ordinance shall be considered by the Board of Supervisors, the Board of Supervisors will impose reasonable limitations on the admissibility of evidences sought to be introduced by any objecting party seeking to question the need for any wireless communications facility (or component thereof). The requirement of establishing a need for any such component and/or the height of any proposed wireless communications support structure shall be deemed to be satisfied through the submission of a report or testimony by a properly qualified radio frequency engineer confirming that the installation of the proposed wireless communication facility will substantially improve the provision of wireless communications service.
5. Wireless communications equipment building. In those zoning districts where communications antenna(e) and communications antenna support structures are permitted by conditional use, or on Township-owned property, either one single story wireless communications equipment building, not exceeding 500 square feet in area, or metal boxes placed on concrete pads, of a total aggregate square footage of 600 feet, housing the receiving and transmitting equipment necessary to the proper functioning of the wireless communications facility, may be located on the land site selected for installation and location of the wireless communications support structure, for each unrelated company sharing communications antenna(e) on the wireless communications support structure. The building and/or concrete pads may be located within a side yard or rear yard, provided that: (a) the concrete pad and metal boxes or buildings are located 25 feet away from the property line, or, in the case of building, the minimum setback distance applicable in the zoning district, whichever is greater, (b) the combined height of the concrete pad and metal boxes does not exceed eight feet, and (c) an evergreen landscape buffer screen, having a planted height of six feet, is installed and maintained so as to provide a visually effective barrier, for individuals standing at ground level in the nearby area, between the building or metal boxes and any adjacent property.

Uwchlan Township would be authorized to install transmitter or receiver equipment in the equipment building or shed that are located adjacent to the tower as well as have access to the interior of this building at any time for service or repairs to the Township's equipment and access to the outer secured fence areas.

Uwchlan Township will be authorized to have wire line communications (phone lines) installed into the building for use with satellite receiving equipment.

6. Other facilities. With the exception of the wireless communications equipment building housing the receiving and transmitting equipment necessary to the proper functioning of



the tower and communications antenna(e), all other structures and uses ancillary to communications antenna(e) and communications antenna support structures, including, but not limited to, a business office, a mobile telephone switching office, maintenance depot and vehicular storage area, shall not be located on any land site unless otherwise permitted by the applicable district regulations in which the site is located. Additionally, the wireless communications equipment building must comply with the setback regulations pertaining to structures applicable in the zoning district in which the building is located.

7. Attachments to existing structures. In all zoning districts, an applicant may, upon conditional use approval being granted, locate communications antenna(e) and their support members (but not a communications antenna support structure) on an existing smoke stack, utility pole, water tower, commercial or industrial building or any similar tall structure, provided:
- (a) The height of the communications antenna(e) and apparatus attaching the communications antenna(e) thereto shall not exceed 10 feet in height, unless the applicant proves that a greater antenna(e) height is required to make it an adequately functional component of the applicant's system, but in no case shall such height exceed 25 feet;
  - (b) The applicant proves that such location is necessary to satisfy their function in the applicant's wireless communications system or will obviate the need for the erection of a communications antenna support structure in another location where the same is permitted;
  - (c) The applicant submits a plan showing each of the contiguous properties, identified by tax parcel number and owner, depicting all buildings and structures located on such properties and their principal and/or accessory uses; provided, however, that the applicant shall not be required to trespass upon the land of another in order to obtain the information set forth in this provision;
  - (d) The applicant employs concealment or other reasonable appropriate stealth measures (the determination of which shall be in the Board's reasonable discretion) to camouflage or conceal antennas, such as the use of neutral materials that hide antennas, the location of antennas within existing structures, such as steeples, silos, and advertising signs, the replication of steeples and other structures for such purpose, the simulation of elements of rural landscapes, such as trees, and such other measures as are available for use for such purpose;
  - (e) The proposed use otherwise complies with the requirements of this ordinance (with the exception of the provisions herein pertaining to the maximum height and location of a communications antenna support structure or tower); and
  - (f) If the Board finds that location of antenna(e) on an existing structure obviates the need for the construction and erection of a communications antenna support structure in any zoning district in which the same is a permitted use, the Board may authorize by conditional use the location of either a building not exceeding 500 square feet or metal boxes placed on a concrete pad not exceeding, in the aggregate, 600 square feet in area, housing the receiving and transmitting equipment necessary to the operation of the antenna(e), for each unrelated entity or company sharing communications antennae space on the smokestack, utility pole, water tower, commercial or industrial building or other similar tall structure. The building and/or concrete pads may be located within a side yard or rear yard, provided that: (a) the concrete pad and metal boxes or buildings are located within 25 feet away from the property line, or, in the case of the building, the minimum setback distance applicable in the zoning district,

whichever is greater, (b) the combined height of the concrete pad and metal boxes or building does not exceed eight feet, and (c) an evergreen landscape buffer screen, having a planted height of six feet, is installed and maintained so as to provide a visually effective barrier, for individuals standing at ground level in the nearby area, between the building or metal boxes and any adjacent property.

8. Setbacks from tower base. The nearest point of any communications antenna support structure (exclusive of any guy wires or guy wire anchors) shall be located not less than a distance equal to the height (in linear feet) of the communications antenna support structure from both any adjoining property line and any street right-of-way line.

9. Antenna support structure safety.

- a. The applicant shall demonstrate that the proposed communications antenna(e) and communications antenna support structure are designed and will be constructed in accordance with all applicable provisions of the Uniform Construction Code standards for such facilities and structures and applicable standards developed by the Electronics Industry Association, Institute of Electrical and Electronics Engineers, Telecommunications Industry Association, American National Standards Institute and Electrical Industry Association. The applicant shall demonstrate that the proposed wireless communications facility is designed in such a manner so that no part of the facility will attract/deflect lightning onto adjacent properties. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- b. When a communications antenna(e) is to be located on an existing structure and the general public has access to the structure on which the communications antenna(e) is to be located, the applicant shall provide engineering details showing what steps have been taken to prevent microwave binding to wiring, pipes or other metals. For purposes of this section, the term "microwave binding" shall refer to the coupling or joining of microwave energy to electrical circuits, including but not limited to power lines and telephone wires, during which process the transference of energy from one to another occurs.

- c. The information necessary to demonstrate compliance with the above requirements is to be submitted concurrently with the submittals of an application for a building permit.

10. Fencing. A security fence shall be required around the antenna support structure and other equipment, unless the communications antenna(e) is mounted on an existing structure, as provided herein.

11. Landscaping. The following landscaping shall be required to screen as much of a newly constructed communications antenna support structure as possible. The Board of Supervisors may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the Board of Supervisors, they achieve the same degree of screening as the required landscaping.

- a. An evergreen screen shall be required to surround the communications antenna support structure. The screen can be either a hedge planted three feet on center maximum or a row of evergreen trees planted 10 feet on center maximum. The evergreen screen shall be a minimum planted height of six feet at planting and shall be capable of growing to a minimum of 15 feet at maturity.

- b. Existing vegetation on and around the land site shall be preserved to the greatest extent possible.

12. Design. In order to reduce the number of communications antenna support structures in the Township in the future, the proposed communications antenna support structure shall be designed to accommodate other potential communication users, including not less than one wireless communication company, and not less than one local police, fire or ambulance service communications provider, through the addition or incorporation of antenna anchored at a location or in locations on the communications antenna support structure which the applicant does not intend to anchor its communications antenna.
13. Licensing and applicable regulations. The applicant must demonstrate that it is licensed to provide wireless communications services by the Federal Communications Commission (FCC), through the submission of a copy of a license issued by the FCC, authorizing the provision of wireless communications services by the applicant directly or through licensure or other authorized permission. A copy of this license is to be provided to the Township within 15 days of the submission of an application for conditional use or other municipal approval.
14. Proof of inspection. The owner of a communications antenna support structure shall submit to the Township Engineer proof of the annual inspection of the communication antenna support structure and communications antenna(e) by an independent professional engineer as required by the ANSI/EIA/TIA-222-E Code. Based upon the results of such an inspection, the Board of Supervisors may require removal or repair of the wireless communications facility. In the event the annual inspection referred to above is not performed in a timely manner, the landowner as well as the applicant or other licensed provider of wireless communications service shall be subject to civil enforcement proceedings in accordance with § 1002 of this ordinance, and such other remedies as are provided by law.
15. Soil report and inspection by engineer. A soil report complying with the standards of Geotechnical Investigations, ANSI/EIA-222-E, as amended, or substantively similar report, shall be submitted to the Township Engineer to document and verify the design specifications of the foundation for communications antenna support structure and anchors for the guy wires, if used. The soil report must, in the opinion of the Township Engineer, establish that the communication support structure may be properly installed and maintained at the proposed site. Prior to the Township's issuance of a permit authorizing construction and erection of a communications antenna support structure, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of its ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the communications antenna support structure. Where antenna(e) are proposed to be attached to an existing structure, such engineer shall certify that both the structure and the antenna(e) and their appurtenances meet minimum industry standards for structural integrity. These requirements shall constitute a required condition of any conditional use approval for the proposed use. [However, this documentation is to be submitted concurrently with an application with the review of these reports or other documentation confirming the soil suitability and structural integrity of a communications antenna support structure or anchoring for a communications antenna, which reports will be paid for by the applicant, within 30 days of the submission of an invoice (which invoice must provide a reasonable detailed explanation of the engineering services provided at the Township's request).]
16. Required parking. If the wireless communication facility is fully automated, an adequate parking area shall be required for all maintenance workers. If the wireless communication facility is not fully automated, the number of required parking spaces shall equal the number of employees present at the wireless communication facility during the shift with the greatest number of employees or staff.



17. Visual appearance. Communications antenna support structures shall be painted silver or another color approved by the Board, or shall have a galvanized finish. All wireless communications equipment buildings and other accessory facilities shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and the neighboring buildings to the greatest extent possible. The Board of Supervisors may require that:
  - a. Communications antenna support structures be painted green up to the height of nearby trees; and/or
  - b. Wireless communications equipment buildings which house electrical transmitter equipment shall be placed underground, unless determined to be detrimental to the functioning and physical integrity of such equipment.
  - c. In making these determinations, the Board of Supervisors shall consider whether its decision will: (i) promote harmonious and orderly development of the zoning district involved, (ii) encourage compatibility with the character and type of development existing in the area, (iii) benefit neighboring properties by preventing a negative impact on the aesthetic character of the community, (iv) preserve woodlands and trees existing at the site to the greatest possible extent, and (v) encourage sound engineering and land development design and construction principles, practices and techniques.
18. Site plan. A full site plan shall be required for all wireless communications facilities, showing all existing and proposed structure(s) and improvements, including, but not limited to, the communications antenna(e), communications antenna support structure, building, fencing, buffering and ingress and egress. The plan shall comply with the Township Subdivision and Land Development Ordinance, with the exception of such planned documentation/information which would be required to demonstrate compliance with those provisions of the Subdivision and Land Development Ordinance (or a Pennsylvania Stormwater Management Act) pertaining to stormwater management.
19. Signs. No sign or other structure shall be mounted on the wireless communications facility, except as may be required by the FCC, FAA or other governmental agency and except for an identifying sign of no greater than three square feet, setting forth the name and means of contacting the operator.
20. Lighting. Communications antenna support structures shall meet all Federal Aviation Administration (FAA) regulations. No communications antenna support structure may be artificially lighted except when required by the FAA or other governmental authority. When lighting is required by the FAA or other governmental authority, it shall be limited to not greater than 50% in excess of the minimum lumens and number of lights so required and, if not inconsistent with FAA or other governmental regulations, shall be oriented inward so as not to project onto surrounding properties. The applicant shall promptly report any outage or malfunction of FAA mandated lighting to the appropriate governmental authorities and to the Township Secretary.
21. Maintenance. The applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and the traffic safety and notice impacts of such maintenance. This information shall be submitted, in writing, in the form of a proposed maintenance schedule, as part of the conditional use application or other application for zoning or building authorization.
22. Vehicular access. In the event a communications antenna(e) is attached to an existing structure, vehicular access to the wireless communications facility shall not interfere with the parking or vehicular circulation on the site for the existing principal use.

23. Co-location. If the applicant proposes to build a communications antenna support structure [as opposed to mounting the communications antenna(e) on an existing structure], the applicant shall demonstrate that it has contacted the owners of structures of suitable location and height (such as smoke stacks, water towers and buildings housing existing communications antenna support structures) within a one-mile radius of the site proposed, and asked for permission to install the communications antenna(e) on an existing structure as set forth in this subsection or demonstrate that the applicant cannot adequately extend or infill its communication system through the use of these structures. Uwchlan Township would be authorized, at no cost and/or rental fees, to install antenna and transmission cable equipment on the tower for the Township and emergency use.

24. Abandonment.

(a) If use of the wireless communications facility is abandoned or is not properly maintained (so as to assure continued structural integrity and safety) or if the wireless communications facility is not in use for a period of six months or longer, the owner shall demolish and/or remove the wireless communications facility from the land site within six months of such abandonment and/or nonuse. All costs of demolition and/or removal shall be borne by the owner of the wireless communications facility. In the event the demolition and/or removal referred to above is not performed in a timely manner, the owner shall be subject to civil enforcement proceedings in accordance with § 1002 of this ordinance, and other legal remedies available to the Township.

(b) Further, prior to constructing or installing any wireless communications facility, the applicant must submit financial security in an amount sufficient to cover the cost of disassembly, demolition and removal of the wireless communications facility. The form of the financial security shall be of a type described in Section 509 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10509(c), including, but not limited to, federal or commonwealth chartered lending institution irrevocable letters of credit, restrictive or escrow accounts in such lending institutions, as well as bonds. Approval of the type of financial security to be submitted shall be determined by the Board of Supervisors; however, approval of the form of security and of the provisions thereof (e.g., the language of a bond) shall not be unreasonably withheld. The amount of financial security shall be determined by the Board of Supervisors, based upon information submitted by the applicant and reviewed by either the Township Engineer or other qualified consultant. In the event of a dispute concerning the appropriate amount of financial security, the Township Engineer and the applicant shall select a qualified third party to arbitrate the dispute informally and submit a determination to the Board of Supervisors; the amount of financial security determined by the neutral third party shall be binding. The financial security may be utilized for the disassembly, demolition and removal of any wireless communications facility, in the event that the facility is either: (a) not properly maintained, (b) abandoned or (c) not used for a period of six months or longer. The financial security shall be so utilized after 30 days advance written notice is forwarded by United States mail or private courier service (e.g., Federal Express, United Parcel Service) to any address provided by the applicant as part of the submission of an application for zoning or other municipal or other building authorization or to any other address provided by applicant for the purposes of the receipt of notice under this provision. The bond or other security will be released to the applicant promptly upon the expiration of the lease, license or other permission/authorization to make use of the subject property for the maintenance of a wireless communication facility.

(c) In addition, prior to the issuance of any building permit or use authorization or similar municipal authorization which may result in construction or installation of a communications antenna, communications antenna support structure (tower), or

wireless communications facility, a declaration of covenant must be submitted by the applicant, and approved by the Board of Supervisors, for recording in the office of the Recorder of Deeds of Chester County, by which the landowner, and his/her/its successors in interest, authorize Township officials and Township designees to effectuate the disassembly, demolition and/or removal of any wireless communications facility antenna or similar structure, as contemplated by this provision. Appropriate documentary proof must be submitted to the Township staff, confirming the recording of the declaration of covenant, prior to commencement of any construction or installation of any communications antenna, communications antenna support structure or wireless communications facility. The covenant requiring proper maintenance (or removal in the case of abandonment) of a wireless communications facility shall expire promptly upon the expiration of any lease or other arrangement by which the applicant has permission to maintain a wireless communications facility (or any component thereof) on a land site or other property. Upon submission of appropriate documentary proof of the expiration of the lease or other permission specified herein, the Township will authorize the recording of a document memorializing the expiration of the effective terms of the declaration of covenants.

(d) The requirements of this section may be waived or altered by the Board of Supervisors in the event that either (i) another appropriate form of guarantee for the continued maintenance (or removal in the case of abandonment) of a wireless communications support structure is provided, or (ii) the Board of Supervisors is satisfied that adherence to these requirements would be unnecessary, duplicative or violative of Federal Telecommunications Act of 1996, or other applicable law.

25. Notification. All applicants seeking to construct, erect, relocate, or alter a wireless communications facility shall file a written certification with the Township Zoning Officer that all property owners within a 1,000 foot radius of the proposed communications antenna support structure have been given written notice by the applicant, mailed at least 14 days prior to the date of the hearing of the applicant's intent to construct, erect, relocate, or alter a wireless communications facility. The certification shall contain the name, address and tax parcel number of the property owners so notified. Such notice shall also contain the date and time of the Board of Supervisor's meeting at which the applicant will appear and demonstrate compliance with the provisions of this ordinance.

26. Interference. In the event the wireless communications facility causes interference with the radio, subscriber equipment or television reception of any Township resident for a period of three consecutive days, the resident shall notify the Township, in writing, of such interference. The Township shall notify the owner/operator of the wireless communications facility of such interference and the owner/operator, at the owner/operator's sole expense, shall thereafter ensure that any interference problems are promptly corrected. In the event the interference is not corrected in a timely manner, the owner/operator shall be subject to the civil enforcement proceedings in accordance with § 1002 of this ordinance, and may have the conditional use or other municipal approval revoked.

27. Annual report. In January of each year, the owner or operator of any wireless communications facility shall pay the registration fee established from time to time by resolution of the Board of Supervisors and shall provide the Township Secretary with the following information. Changes occurring with respect to any such reported information shall be reported to the Township Secretary in writing within 10 days of the effective date of such change(s).

a. The names and addresses of the owner of the wireless communications facility and



- any organizations utilizing the wireless communications facility and telephone numbers of the appropriate contact person in case of emergency.
- b. The name and address of the property owner on which the wireless communications facility is located.
- c. The location of the wireless communications facility by geographic coordinates, indicating the latitude and longitude.
- d. Output frequency of the transmitter.
- e. The type of modulation, digital format and class of service.
- f. Communications antenna(e) gain.
- g. The effective radiated power of the communications antenna(e).
- h. The number of transmitters, channels and communications antenna(e).
- i. A copy of the owner or operator's FCC authorization. A copy of the FCC license shall be sufficient for this purpose.
- j. Communications antenna(e) height.
- k. Power input to the communications antenna(e).
- l. A certification signed by an authorized representative of the applicant that the wireless communications facility is continuing to comply with this ordinance and all applicable governmental regulations, including but not limited to output and emission limits established by the FCC.
- m. A certificate of insurance issued to the owner/operators evidencing that there is adequate current liability insurance in effect insuring against liability for personal injuries and death and property damage caused by the land site and the wireless communications facilities.
- c. Facilities for outdoor recreation, not including shooting or archery ranges, motor vehicle racing or amusement parks.
- d. Any other use as determined by the Board of Supervisors to be the same general character as the permitted uses.
- e. Off-premises outdoor advertising signs, subject to the regulations of § 606.

**[Added 1-24-2000 by Ord. No. 2000-01]**

**507.6 Uses permitted by special exception.**

- a. Gasoline service station, provided that no station be located closer than a five-hundred-foot radius from the next nearest gasoline service station property line.
- b. Living quarters for a proprietor, building manager, caretaker or watchman, if employed on the premises, as an accessory use within a principal building.
- c. Commercial uses or activities which are customarily and directly related to the comfort and convenience of the traveling public, including rest facilities designed and operated exclusively for licensed truckers, when maintained in strict accordance with the regulations of the Pennsylvania

Department of Labor and Industry, and any other public agency having jurisdiction.

d. A private-use helistop as an accessory use to a permitted principal use subject to Planning Commission review and recommendation and conformance to the general standards prescribed in § 610.

e. Accessory uses not located on the same lot with the permitted principal use.

507.7 Minimum lot size.

a. Area: five acres.

b. Width: 200 feet.

507.8 Minimum yard dimensions, setbacks and buffers.

[Amended 8-14-2000 by Ord. No. 2000-09]

- a. Front yard: Minimum of 40 feet, except when an agricultural or residential district is adjacent to the front yard, in which case front yard setback shall be 150 feet minimum in conformance with Subsection e, below.
- b. Each side yard: Minimum of 15 feet, except when an agricultural or residential district or lot containing an occupied dwelling is adjacent to the side yard, in which case the side yard setback shall be 150 feet in conformance with Subsection e, below, on the side thus abutted. On a corner lot there shall be a side yard of not less than 40 feet.
- c. Rear yard: Minimum of 15 feet, except when an agricultural or residential district or lot containing an occupied dwelling unit is adjacent to the rear yard, in which case the rear yard setback shall be 150 feet in conformance with Subsection e, below.
- d. By conditional use. Subject to § 806, the setbacks required when a building abuts a residential or agricultural district or a lot containing an occupied dwelling may be reduced from 150 feet to a distance determined by the Board of Supervisors to be sufficient to allow for proper protection of abutting property and its use but in no case to a distance less than the district normally requires.
- e. In every instance where a setback of 150 feet is required by this section or a reduced setback is approved by conditional use pursuant to Subsection f, below, the said setback shall be improved as a buffer and shall provide on installation a year-round visual screen by a combination of planted berms, fences, walls, coniferous and deciduous trees, shrubs and other plantings. No other structures or signage (excepting underground utilities) shall be permitted within the setback buffer and no parking shall be there located. Impervious surfaces within the setback buffer shall be limited to necessary access drives designed and located so as to minimize the interruption of the visual screen. The following additional requirements shall also be met:
  1. A setback buffer plan prepared and sealed by and over the signature of a registered landscape architect authorized to provide professional services in the Commonwealth of Pennsylvania shall be submitted as an integral component of the application for special exception, conditional use approval, or preliminary subdivision and land development plan approval, whichever is first submitted. The said plan shall comply with the general requirements applicable to preliminary subdivision and land development plan submissions and shall contain sufficient information to determine compliance with this section.
  2. Berms shall be employed whenever the existing topography permits.
  3. Existing mature trees located within the setback buffer shall be preserved using, where necessary, tree wells and/or tree walls and, where preserved, shall be counted toward the satisfaction of the

numerical planting requirements of this section.

4. Where fences and walls are employed to create the mandatory visual screen they shall be not less than eight feet in height (except within clear-sight triangles).
  5. The type, design, location, configuration, materials, and colors of fences and walls shall be responsive to the visual and aesthetic characteristic of the tract and adjoining lands and uses, shall create visual interest from the perspective of adjoining properties, and shall avoid conflict with the character of adjoining uses.
  6. In those areas of the setback buffer improved with an approved fence or wall, there shall additionally be planted on the side of the fence or wall facing the adjoining property: one coniferous tree per 20 lineal feet of buffer, one canopy tree per 30 lineal feet of buffer, one flowering tree per 60 lineal feet of buffer, and one each of deciduous and flowering shrubs (at a ratio of one-to-one) per 30 lineal feet of buffer.
  7. In those areas of the setback buffer not proposed to be improved with a fence or wall, there shall be planted: two coniferous trees, one canopy tree, one flowering tree, and one deciduous or one flowering shrub (at a ratio of one-to-one) per 20 lineal feet of buffer planted generally in a double staggered row so as to achieve a naturalistic effect to the maximum extent consistent with the requirement of providing on installation a year-round visual screen.
  8. Canopy trees shall be of an approved species and not less than three lineal inches in caliper on installation; coniferous trees shall be of an approved species and not less than eight feet in height on installation; shrubs shall be of an approved species and not less than two feet in height on installation.
  9. All plantings shall conform to the most current edition of the "American Standard for Nursery Stock" of the American Association of Nurserymen; shall be typical of their species and variety, have normal growth habits, well developed, densely foliated branches, and vigorous, fibrous root systems; and shall be freshly dug and/or containerized nursery-grown stock, free from defects, injuries, diseases, and pests.
  10. The estimated cost of all proposed setback buffer plantings and structures shall be included in the financial security posted in conformance with Section 509 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10509.
  11. A two-year maintenance and replacement guarantee for all plantings shall be provided to the Township by the landscaping contractor. Following the expiration of the guarantee, all dead and injured plantings shall be promptly removed and replaced by the landowner. All setback buffer plantings and improvements shall be maintained by the landowner.
- f. Notwithstanding the provisions of Subsections 507.8.a through c above, when a lot in the Planned Industrial-Commercial District abuts a lot that is subject to a use or conservation easement or restriction which requires the lot thus abutted to be used for agricultural or open space purposes, the front, rear or side yard buffer setback required by Subsections 507.8.a through c on the side thus abutted may, if approved by conditional use by the Board of Supervisors, be reduced to the greater of 75 feet or three feet for every one foot of building height on the PCID lot (to a maximum setback requirement of 150 feet), even if said agricultural or open space lot contains an occupied dwelling. The provisions of Subsection 507.8.e above shall apply to any front, rear or side yard governed by this Subsection f, but only within the required buffer setback area as approved by conditional use.

#### 507.9 Maximum building coverage and height.

- a. Maximum building coverage: 50%.



- b. Maximum building coverage: Maximum impervious coverage: no lot three net acres or larger shall be covered by more than 65% of impervious surface, including but not limited to principal and accessory buildings, driveways and walkways, and parking areas. Lots three acres or less may have up to 75% impervious coverage.

[Amended 10-28-1996 by Ord. No. 96-13]

- c. Maximum height of buildings: 35 feet (except as provided in § 507.5b) or 2 1/2 stories, whichever is less. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

**§ 508. PCID Planned Commercial Industrial Development Districts.**

[Amended 4-8-1996 by Ord. No. 96-04; 9-8-1997 by Ord. No. 97-12]

- 508.1 Purpose. The purpose of the PCID District is to provide for unified and flexible development of a large area of land with a mixture of uses.
- 508.2 Criteria for PCID District. All land to be considered for development within the PCID District and all proposals for development within the PCID District shall comply with the following criteria:
- 1) Areas zoned PCID shall contain a total tract area of at least 275 contiguous acres and have direct frontage on a major highway as defined by the Uwchlan Township Zoning Ordinance.
  - 2) All land proposed for development within the PCID District must be in single ownership, or subject to an agreement among all owners to develop pursuant to a coordinated plan.
- 508.3 Review procedures. In order to assure that development of the PCID District complies with the intent of this section, a Master Concept Plan for the tract shall be submitted to the Board of Supervisors in conformance with the following procedure:
- a. An applicant for approval of any development within the PCID District shall initially present a Master Concept Plan that shall, following approval, stand as an official tentative plan, with phased submittals for final approval as development proceeds. The Master Concept Plan shall include the entire tract and shall contain the following information:
    - (1) Location, proposed site layout, parking facilities, all adjacent highways, streets and alleys with traffic flow patterns, and a tentative list of the kind of establishments to be located on the site.
    - (2) Sketches, elevations and engineering plans showing proposed methods of stormwater control, type of sewage treatment and disposal, and the source of water supply.
  - b. In addition to the Master Concept Plan, the applicant shall submit the following studies: traffic, utility investigations and a detailed report that evaluates the effect of the Planned Commercial Industrial Development on municipal services (such as police, fire, recreation), public facilities, utilities, budget, environmental impact, stormwater drainage and transportation system.
  - c. Following approval of the Master Concept Plan, and, where applicable, conditional use approval, site development plans for sections of the tract shall be submitted and reviewed in accordance with the current Subdivision and Land Development Ordinance regulations. The provisions of the Subdivision and Land Development Ordinance, shall apply unless the regulations are altered by this § 508.
- 508.4 Permitted uses. The following uses shall be permitted in the areas of the PCID designated on the Master Concept Plan for office park uses:
- a. Manufacturing, assembling and/or servicing electronic equipment.