

UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2014 -06

AN ORDINANCE OF UWCHLAN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 265 OF THE UWCHLAN TOWNSHIP CODE, TITLED "ZONING", SPECIFICALLY AMEND ARTICLE 3 DEFINITIONS, SECTION 301 TO ADD NEW DEFINED TERMS AND TO AMEND ARTICLE 6 SUPPLEMENTARY REGULATIONS FOR ALL DISTRICTS TO ADD A NEW SECTION 621 TO ALLOW ESSENTIAL UTILITIES, GOVERNMENTAL UTILITIES AND COMMUNITY UTILITIES BY RIGHT IN ALL ZONING DISTRICTS AND PUBLIC UTILITY FACILITIES BY CONDITIONAL USE IN ALL INDUSTRIAL ZONING DISTRICTS SUBJECT TO STANDARDS SPECIFIED THEREIN.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Uwchlan Township that Chapter 265 of the Uwchlan Code, titled, "Zoning", shall be amended as follows:

SECTION 1. Chapter 265, Article 3, Section 301 shall be amended to add the following definitions in alphabetical order:

COMMUNITY UTILITY -A utility which is owned, operated or maintained by a homeowners association or community association for the purpose of providing sanitary sewage disposal, storm water control, water supply, energy, telephone or other utility services within a defined service area solely within the Township or adjacent municipality.

ESSENTIAL UTILITY – Includes sewerage, water, gas and electric lines and related appurtenances used to serve development within the Township, but not including cross-country transmission lines or other utilities not required to serve the Township.

GOVERNMENTAL UTILITY – A utility which is owned, operated or maintained by the Township, Municipal Authority or other agency or authority of the Township or Municipal Authority for the purpose of providing sanitary sewage disposal, storm water control, water supply, energy, telephone or other utility services within a defined service area solely within the Township or adjacent municipality.

HAZARDOUS LIQUID AND/OR GAS PIPELINE -Any transmission pipeline for gases including within a storage field and any pipeline used for the transmission of anhydrous ammonia, petroleum, or petroleum products such as propane, butane, natural gas liquids, benzene, gasoline, jet fuel, diesel fuel, fuel oil and kerosene, and any hazardous liquids under pressure in a gaseous state or any and all liquids or gases that are defined as hazardous liquids or gases by federal or state environmental statutes, such as but not limited to the Hazardous Liquid Pipeline Safety Act, 49 U.S.C. § 60101 et seq.

HAZARDOUS LIQUID AND/OR GASES – Any liquid or gas of any kind, including anhydrous ammonia, petroleum, or petroleum products such as propane, butane, natural gas liquids, benzene, gasoline, jet fuel, diesel fuel, fuel oil and kerosene, any hazardous liquid under pressure in a gaseous state and any and all hazardous liquids that are defined as hazardous by federal or state environmental statutes, such as but not limited to the Hazardous Liquid Pipeline Safety Act, 49 U.S.C. § 60101 et seq.

PIPELINE IMPACT RADIUS -The distance within which the potential failure of a hazardous liquid pipeline and/or gas pipeline could have significant impact to people or property, including but not limited to noise, environmental, visual and other impacts which may be detrimental to the health, safety and welfare of the community. The pipeline impact radius for a hazardous liquid and/or gas pipeline shall be calculated in the same manner as the potential impact radius identified by Title 49 of the Code of Federal Regulations.

PUBLIC UTILITY – a public utility as that term is defined in the Pennsylvania Public Utility Code, 66 Pa.C.S.A §101 et seq.

PUBLIC UTILITY FACILITY-a facility owned and operated by a public utility as defined in this Ordinance.

UTILITY -Any agency that under public franchise or ownership or under certificate of convenience and necessity or by grant of authority by a governmental agency provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection or other similar service.

SECTION 2. Chapter 265, Article 5, Section 507.5 shall be amended by adding a new subparagraph (h) which shall provide as follows:

"(h) Public Utility Facility subject to the standards in Section 265-621 except within 300 feet of residential uses."

SECTION 3. Chapter 265, Article 5, Section 508.6 shall be amended by adding a new subparagraph (k) which shall provide as follows:

"(k) Public Utility Facility subject to the standards in Section 265-621."

SECTION 4. Chapter 265, Article 5, Section 509.5 shall be amended by adding a new subparagraph (g) which shall provide as follows:

"(g) Public Utility Facility subject to the standards in Section 265-621."

SECTION 5. Chapter 265, Article 6, shall be amended to add a new Section 621 Utility Uses as follows:

621. Utility Uses.

A. Essential Utilities, Community Utilities and Governmental Utilities, as defined in Section 301, shall be uses permitted by right in all zoning districts, subject to the following regulations:

- (1) No such use shall include an office open to the general public, trucking or repair facilities or housing of work crews.
- (2) The portion of any such use not located within a building shall be enclosed or adequately screened in such a manner as to not be visible across property lines.
- (3) No advertising shall be affixed to any structure.

B. Public Utility Facility shall be permitted by conditional use of the Board of Supervisors in the PIC-Planned Industrial Commercial District, PCID-Planned Commercial Industrial Development District, and PI-Planned Industrial District subject to the following performance standards:

- (1) No obnoxious, toxic or corrosive fumes or gases shall be emitted as a result of the use.
- (2) No use shall emit offensive odors which are perceptible at lot lines.
- (3) No use shall discharge into the air dust or other particulate matter in a manner or quantity which does not conform to regulations of the Pennsylvania Department of Environmental Protection.
- (4) No use shall emit smoke from operations.
- (5) No use shall produce any heat perceptible at or beyond the lot boundaries.
- (6) No use shall utilize lighting in a manner which does not conform with the lighting standards in this Chapter.
- (7) No use shall permit physical vibrations perceptible at or beyond the lot boundaries.
- (8) No use shall emit potentially harmful radiation.
- (9) No use shall engage in the production or storage of any material designed for use as an explosive.
- (10) No use shall engage in the storage of waste materials on the lot for any period beyond 5 days. Such waste material storage shall be located behind the front building line of the primary building and no closer than 50 feet to any rear or side lot line and shall be completely screened from the view of any street or adjoining property.
- (11) No use shall discharge any objectionable and/or potentially dangerous effluent from plant operations.
- (12) No industrial lagoons for chemicals or other liquid waste shall be permitted.
- (13) The portion of any such use not located within a building shall be enclosed or adequately screened in such a manner as to not be visible across property lines.
- (14) All uses shall be conducted in compliance with applicable governmental regulations, including the noise and lighting regulations in this Chapter.
- (15) No retail activity shall be permitted.
- (16) The owner of the Public Utility Facility shall provide the Township with an emergency liaison that may be reached 24 hours a day, 7 days a week in the event of an emergency.

(17) The Public Utility Facility shall prepare and file with the Township an emergency response plan which shall be followed in the event of an emergency at the facility.

(18) A Public Utility Facility that involves hazardous liquid and/or gas pipelines shall be set back from all occupied structures a minimum distance equal to the Pipeline Impact Radius.

SECTION 6. 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 7. Repealer. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.


SECTION 8. Effective Date. This Ordinance shall be effective five days following enactment as by law provided.

ENACTED and ORDAINED this 8th day of December, 2014 by the Board of Supervisors of Uwchlan Township.

UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS


Frederick W. Gaines, Chairman


Joseph E. Toner, III, Vice Chairman


Milton H. Bozarth, Member

ATTEST:


Katie Churchill, Secretary