

ARTICLE VIII
C-1 Village District
[Amended 8-3-1998 by Ord. No. 98-07 ; 05-17-2004 by Ord. No. 04-02A]

§ 200-32. Purpose.

The purposes of the C-1 Village District are to:

- A. Preserve the historical development patterns of the villages of Eagle and Byers, and establish standards for new development and coordinated street and landscape improvements and pedestrian amenities, so as to complement the village setting and provide for safe and convenient access;
- B. Provide for a variety of uses in a manner which facilitates and promotes pedestrian travel within the village setting.

§ 200-33. Use regulations.

In the C-1 Village District, the following use regulations shall apply:

- A. Uses by right. In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied by right, for any one, but only one, of the following principal purposes, and no other:
 - (1) Business or professional office, bank or other financial institution. [Amended 10-17-2022 by Ord. No. 2022-06]
 - (2) Individual retail store, shop or establishment for the sale of drugs, dry goods, clothing, furnishings and other household supplies, variety, electronic goods and supplies, general merchandise, hardware, and garden supplies, provided that no adult-oriented use and no dispensing of gasoline shall be permitted and no drive-through, outside walk-up, or other outside service shall be permitted by right.
 - (3) Individual retail store, shop or establishment for the sale of groceries and food without table service, including catering establishment, bakery, or confectionery shop, provided that no drive-through, outside walk-up or other outside service shall be permitted by right.
 - (4) Personal service establishment, including but not limited to barbershop, beautician, tailor, dressmaker, shoe repair, repair of small appliances or electronic goods, or dry-cleaning service with a closed-loop system. [Amended 11-5-2007 by Ord. No. 07-12]
 - (5) (Reserved)¹
 - (6) Medical marijuana dispensary. [Added 6-19-2017 by Ord. No. 2017-02]
 - (7) Restaurant, drive-through restaurant. [Added 10-17-2022 by Ord. No. 2022-06]

1. Editor's Note: Former Subsection A(5), which permitted by right single-family detached dwellings, single-family semidetached dwellings, two-family detached dwellings and group homes, as amended 3-19-2018 by Ord. No. 2018-05, was repealed 6-15-2020 by Ord. No. 2020-01.

- B. Conditional uses. In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied, for any of the following principal purposes when authorized as a conditional use by the Board of Supervisors, subject to § 200-116 of this chapter. Conditional use approval in the C-1 Village District shall require full compliance with all applicable design standards set forth in § 200-36, except where as a specific condition of approval, the Board provides for modification to such standards upon satisfactory demonstration by the applicant that full compliance is not practicable, based upon a preponderance of evidence.
- (1) Educational or religious use.
 - (2) Cultural studio or facility.
 - (3) Day-care center.
 - (4) (Reserved)²
 - (5) Individual retail store, shop or establishment otherwise permitted as provided in Subsection A(2) or (3) above, with drive-through, walk-up or outside counter or curb service, provided that such service shall not be permitted within direct view from any dedicated public street.
 - (6) Mixed-use dwelling. **[Amended 6-15-2020 by Ord. No. 2020-01]**
 - (7) Bed-and-breakfast inn.
 - (8) (Reserved)³
 - (9) On tracts located adjacent to the Route 100 Bypass and south of Byers Road only, any use permitted by right, conditional use, or special exception in the C-3 Highway Commercial District and not otherwise permitted in the C-1 Village District. For the purposes of this section, the term "adjacent" shall apply to tracts with direct frontage on the Route 100 Bypass, whether or not access to the Bypass is provided, as well as tracts contiguous to such tracts, where contiguous tracts are developed together with the tract(s) having direct frontage, under common authority and in accordance with a unified development plan. Contiguous tracts shall share a common boundary and shall not be separated by any public street. Conditional use approval hereunder shall not confer a right of direct access to the Bypass where such is not otherwise specifically approved.
 - (10) Any two or more principal uses otherwise permitted by right, conditional use, or special exception as provided herein. As a condition of conditional use approval, the Board of Supervisors may require that any application for a combination of two or more principal uses comply with the provisions of § 200-70 of this chapter, as deemed applicable by the Board.

2. Editor's Note: Former Subsection B(4), regarding banks or other financial institutions, was repealed 10-17-2022 by Ord. No. 2022-06 .

3. Editor's Note: Former Subsection B(8), regarding eating and/or drinking establishments, was repealed 10-17-2022 by Ord. No. 2022-06 .

- (11) Adaptive reuse for historic preservation where indicated as a use subject to approval by the Board of Supervisors as a conditional use in accordance with § 200-72.1. **[Added 9-19-2016 by Ord. No. 2016-07]**
- C. Special exceptions. In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied for any of the following principal uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XX of this chapter
- (1) Municipal or public uses; governmental or public utility building or uses.
 - (2) Conversion of dwellings as set forth in § 200-63.
- D. Accessory uses. In the C-1 Village District, a building may be erected, altered or used, and a lot may be used or occupied for any of the following accessory uses provided that they are incidental to any of the foregoing permitted principal uses:
- (1) Bed-and-breakfast establishment as set forth in § 200-62B(5).
 - (2) Home occupation as set forth in § 200-62B(4).
 - (3) Any other customary residential or commercial accessory use, subject to all applicable provisions of § 200-62.
- E. Adaptive reuse for historic preservation where indicated as a use by right in accordance with § 200-72.1. **[Added 9-19-2016 by Ord. No. 2016-07]**

§ 200-34. Area and bulk regulations

A. Applicability.

- (1) The area and bulk regulations set forth in this section shall apply to all lots and/or uses in the C-1 Village Zoning District except that, where approved by the Board of Supervisors as a conditional use, modification of any applicable area or bulk regulation may be permitted. Where permitted, such modification(s) shall not vary more than 50% from either minimum requirements or maximum allowances otherwise applicable, except as provided in Subsections A(2)(e) and H below.
- (2) In approving any area or bulk modification as a conditional use, the Board of Supervisors may stipulate the following:
 - (a) The proposed lot layout and/or structural design and the modifications necessary to accommodate such design shall be consistent with the purposes of this article;
 - (b) The proposed design shall enhance the appearance and function of the overall village area and its streetscapes;
 - (c) The proposed design shall not produce lots or pedestrian or vehicular access system(s) that would be impractical or which would adversely affect emergency access.
 - (d) The applicant shall demonstrate to the Board that the proposed modification(s) will produce equal or better results than could be achieved without the requested

modification(s) and that they represent the minimum modification necessary to achieve such results.

- (e) Where any modification involves an increase in impervious lot coverage beyond 60%, impervious lot coverage shall in no case exceed 75%, and the Board may require that system(s) be installed to fully recharge into the groundwater system all stormwater runoff from up to the two-year storm generated by any amount of impervious lot coverage that is greater than 60%.
 - (f) The Board may impose such other conditions as, in its judgment, will secure the objectives and purposes of this article.
- B. Minimum lot area. Every lot shall have an area of not less than 10,000 square feet, except that where public sewage disposal is not provided, the lot shall be of sufficient size to comply with § 200-35 herein.
- C. Minimum lot width. Every lot shall not be less than 100 feet in width.
- D. Yard regulations.
- (1) A front yard of not less than 20 feet shall be provided on each lot.
 - (2) Two side yards of not less than 10 feet each shall be provided on each lot.
 - (3) A rear yard of not less than 40 feet shall be provided on each lot.
 - (4) There shall be fifty-foot setback from the ultimate right-of-way of the Route 100 Bypass regardless of which yard abuts the Bypass.
 - (5) Where greater setbacks do not otherwise apply, all garages, whether attached or detached, shall be set back a minimum of 40 feet from the edge of cartway or from the sidewalk, if any, which ever results in the greater setback, so as to provide space for parking in front of the garage.
- E. Coverage regulations.
- (1) Building coverage. Not more than 30% of the area of a lot shall be covered by buildings/structures, except that not more than 15% of the area of a lot shall be occupied by buildings/structures less than 1 1/2 stories in height. For this purpose, one-half story shall mean a roof-story with sufficient height and space within the form of a pitched roof to permit the development of habitable or leasable space, whether or not any actually is proposed.
 - (2) Lot coverage. Not more than 60% of the area of a lot shall be covered by buildings/structures or other impervious materials.
- F. Height restrictions. No structure or principal buildings shall exceed 35 feet in height. As a condition of conditional use approval, the Board of Supervisors may permit roof structures above the cornice line which exceed the applicable height limit, where the Board agrees that such structures enhance the appearance of the overall design.
- G. Accessory buildings/structures. No accessory building or structure shall be located within the

front yard, nor within 10 feet of any side or rear lot line.

- H. Building size restriction. No individual building shall contain more than 6,000 square feet of total floor area, except where increased square footage above 6,000 is entirely within an additional story or stories above the first floor or where increased square footage above 6,000, and not limited to a 50% increase, is approved subject to conditional use approval and in accordance with all applicable design standards herein. For purposes of this section, an individual building shall be considered as a space or contiguous spaces fully separated from any other building. For purposes of this section, abutting buildings shall be considered as an individual building whether or not separated by permanent walls.
- I. Mixed-use dwellings. Buildings containing principal nonresidential uses may also contain one or more residential dwelling units which shall adhere to the following regulations in addition to compliance with the regulations in § 200-34A through H: **[Added 6-15-2020 by Ord. No. 2020-01]**
- (1) The ground floor, or at a minimum the front portion thereof, shall be used for the principal nonresidential use and the dwelling unit(s) shall be arranged to form an integral part of the remainder of the building. Specifically, residential and nonresidential uses shall each comprise no less than 30% of, nor greater than 70% of, the building's uses.
 - (2) All dwelling units shall have a floor area of not less than 600 square feet.
 - (3) The entrance to a dwelling unit may be shared with another dwelling unit or units but shall be independent of the entrance for the nonresidential use or uses.
 - (4) The parking required for each dwelling unit shall be provided in accordance with Article XV.

§ 200-35. Sewer and water service.

- A. Public sewer and public water are required for any use permitted in this district, if available.
- B. Where public sewer service is not available and cannot reasonably be made available, any lot containing or proposed to contain an individual on-site sewage disposal system shall include a minimum contiguous area suitable for on-site sewage disposal and of sufficient size to accommodate disposal of all sewage generated on-site in conformance with all applicable regulation, including provision for a backup disposal system. In no case shall such minimum contiguous area be less than 10,000 square feet. Use of individual on-site sewage disposal systems shall be contingent upon prior approval of both primary and backup disposal systems.
- C. Where an amendment to the Upper Uwchlan Township Sewage Facilities (537) Plan is necessary to permit development of any particular sewage disposal system, such amendment shall be obtained at the sole risk and cost of the applicant.

§ 200-36. Design standards.

- A. Preservation of historic resources.

- (1) Within the C-1 Village District, historic structures and other historical resources, including historic ruins or sites, historic road or other transport traces, paths and trails, and any other historic landscape features, shall be preserved to the greatest degree practicable.
- (2) Within the C-1 Village District, no historic structure shall be removed or demolished except where approved by the Township, upon the recommendation of the Planning Commission and Historical Commission. Township approval of demolition requests shall not unreasonably be withheld where applicant demonstrates that renovation or reuse of subject structure(s) is not practicable.
- (3) The following standards shall apply to the rehabilitation, alteration, or enlargement of any historic resource requiring a building permit, unless such alteration is required solely for purposes of compliance with applicable building code, ADA⁴ or other regulation, or where modified by the Board of Supervisors as a condition of conditional use approval:
 - (a) Construction plans for the rehabilitation, alteration or enlargement of any historic structure shall be in substantial compliance with the Secretary of the Interior's currently adopted Standards for Rehabilitation, as revised.
 - (b) Authentic period materials and colors shall be utilized on any portion of any historic structure or enlargement thereof visible from any existing or proposed public right-of-way. Appropriate replication of materials may be substituted.
 - (c) Landscape plans shall be submitted with any relevant application committing the applicant to preservation of existing landscape material and/or introduction of new landscape material so as to retain and/or enhance the integrity of the historical landscape setting.

B. Architectural design.

- (1) To the extent practicable, all new construction and/or additions to existing structures within the C-1 Village District shall be designed with either a traditional village architectural character or may be a contemporary expression of traditional styles and forms, respecting the scale, proportion, roof pitch, character, and materials of historic examples in Byers, Eagle and the surrounding area, in accordance with the following standards:
 - (a) Where any individual building facade (or adjoining facades which abut flush to the same building line) is visible from any public right-of-way or public space (including internal public spaces within a development) and exceeds 60 feet in length, there shall be a clear dimensional differentiation of roofline (i.e., an obvious difference in height) and/or an offset in facade of at least 10 feet, effectively breaking the single facade into two or more facades each no more than 60 feet in length. Where approved by the Board of Supervisors as a conditional use, single facades greater than 60 feet in length may be permitted, where applicant

4. Editor's Note: See 42 U.S.C. § 12101 et seq.

demonstrates to the satisfaction of the Board that the design of the building and its relationship(s) to surrounding buildings and landscaped areas mitigates any negative impacts of long continuous building facade(s) on the character of the C-1 Village District. Mitigating factors may include design which emulates characteristic historical building forms which typically included relatively long individual facade lengths such as barns, stables, churches, meeting houses, or other public buildings. Building arrangements which rely on repeated use of the same long facade element shall not be approved.

- (b) New construction shall generally have pitched roofs with overhanging eaves. Where flat roofs are provided, they shall be articulated with parapets and cornices. Desired materials on pitched roofs include slate (either natural or man-made), shingle (either wood or asphalt composition), and metal formed to resemble "standing seams." Roof color should reflect local traditional use of color, and shall specifically exclude white, tan, or blue shingles, red clay tiles, and corrugated metal or other corrugated material. The use of fascias, dormers, and gables is encouraged to provide visual interest.
 - (c) Exterior wall materials may include stucco, wood clapboard (including vinyl or aluminum imitation clapboard siding), native stone, brick, or other material of a shape, color, and texture similar to that found on historic structures in the vicinity.
 - (d) All facilities and equipment for heating/air conditioning, trash collection and compaction, and other structural elements not in keeping with historical architectural themes shall be concealed architecturally or otherwise screened from view from any public right-of-way or public space (including internal public spaces within a development).
- (2) For all principal and/or accessory uses permitted by special exception, variance or conditional use approval, applicant shall provide drawings of sufficient detail to illustrate the character of the intended exterior design of structures, including scale, height, roof pitch, relationship between varying facade elements, and principal exterior materials. The Township may require that material samples also be provided. It shall be the burden of the applicant to demonstrate that submitted architectural designs are consistent with, and promote, the purposes and standards set forth for the C-1 Village District.
- (3) Where the Board of Supervisors or Zoning Hearing Board, as applicable, determines that architectural design, as presented by applicant, is an essential means by which the proposed use will comply with the purposes and standards set forth for the C-1 Village District, as a condition of approval of any conditional use, special exception or variance, the applicable Board may require adherence to the intended architectural character as proposed by the applicant.

C. Pedestrian and vehicular access.

- (1) Pedestrian access within the C-1 Village District shall be designed to provide convenient, safe, and direct access between the various uses within the district and other nearby concentrations of development.

- (2) Trails. Any application for subdivision or land development approval, conditional use approval or special exception approval may be required by the Board of Supervisors or Zoning Hearing Board, as applicable, to construct any trails and/or accessory facilities on the property subject to application which are deemed necessary to implement the Upper Uwchlan Township community trails system relative to such property.
 - (3) Vehicular access within the C-1 Village District shall be designed to limit the number of new access points to public roads and to limit potential for turning movement conflict. Where practicable, access to adjoining parcels shall be combined so as to limit potential turning movement and pedestrian movement conflicts.
 - (4) Parking areas within the C-1 Village District shall be designed and landscaped so as to appear broken in mass, in proportion to the scale of structural development. Coordination of access to parking areas and shared parking among adjacent uses shall be required wherever practicable. To the extent practicable, parking shall not be provided in the front yard. To the extent that parking areas are visible from public streets, visual impacts shall be mitigated through introduction of landscape screening, landscape walls, use of pedestrian paving materials, or other design means.
- D. Streetscape design. Streetscape landscaping and pedestrian amenities shall be provided as necessary to meet overall village planning objectives and shall be coordinated with adjacent properties. Where appropriate, the Township may require any of the following amenities, including provision for their regular upkeep and maintenance:
- (1) At least one public trash receptacle in each block;
 - (2) Public benches of approved design at intervals of no greater than 50 feet on each block;
 - (3) At least one bike rack on each block, located in areas where the sidewalk width has been designed to accommodate such features;
 - (4) Planting strip(s) no less than five feet in width and planted with shade trees between sidewalks and streets and other vehicular accessways, to the extent feasible;
 - (5) Appropriate pedestrian paving materials.
- E. Stormwater management. Within the C-1 Village District, all stormwater management facilities shall be designed to optimize the capture of stormwater at the sources of generation, maximize recharge to the subsurface and minimize surface water flow. Guidance for stormwater management shall use the most current best management practices such as those published by the American Society of Engineers, Pennsylvania State University or the Commonwealth of Pennsylvania.
- F. For additional regulations applicable to this district, see Article XIV, Supplemental Land Use Regulations, Article XV, Common Regulations, and Article XVI, Signs.