

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

**AN ORDINANCE OF THE TOWNSHIP OF UWCHLAN,  
CHESTER COUNTY, PENNSYLVANIA, PURSUANT TO  
ARTICLE V OF THE PENNSYLVANIA MUNICIPALITIES  
PLANNING CODE, AMENDING CHAPTER 260 OF THE  
CODE OF ORDINANCES OF UWCHLAN TOWNSHIP,  
BEING THE SUBDIVISION AND LAND DEVELOPMENT  
ORDINANCE RELATED TO SETBACKS FOR NEW  
DEVELOPMENT ADJACENT TO TRANSMISSION  
PIPELINES AND FOR THE ESTABLISHMENT OF A  
CONSULTATION ZONE**

**WHEREAS**, the Township of Uwchlan is a municipality organized and existing under the Second Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. § 6501, et. seq. (1995, Nov. 9, P.L. 350, No. 60, § 1);

**WHEREAS**, transmission pipelines carrying petroleum, petroleum products and/or natural gas – including hazardous liquids -- traverse Uwchlan Township;

**WHEREAS**, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing ordinances (53 P.S. Section 66601);

**WHEREAS**, the Pennsylvania Second Class Township Code authorizes the Board of Supervisors to enact ordinances and regulations as may be necessary for the health, safety, and general welfare of the Township and its residents (53 P.S. Section 66506);

**WHEREAS**, the intent, purpose and scope of the Pennsylvania Municipalities Planning Code (“MPC”) is to protect and promote safety, health and morals (53 P.S. Section 10105);

**WHEREAS**, Section 501 of the MPC authorizes the governing body of each municipality to regulate subdivisions and land development within the municipality by enacting a subdivision and land development ordinance (53 P.S. Section 10105);

**WHEREAS**, the Pipelines and Informed Planning Alliance (“PIPA”) is a stakeholder initiative led and supported by the U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (“PHMSA”). PIPA’s goal is to reduce risks and improve the safety of affected communities and transmission pipelines through implementation of recommended practices related to risk-informed land use and development near transmission pipelines. The PIPA recommended practices describe actions that can be taken by key stakeholders, including local government, transmission pipeline operators, property developers/owners, and real estate commissions.

**WHEREAS**, in November of 2010, PIPA issued its Final Report of Recommended Practices, which it recommended, *inter alia*, consultation zones (i.e. mechanisms for communication between property developers/owners and operators of nearby transmission pipelines when new land uses and property developments are being planned) of up to 1,000 feet on either side of the centerline of hazardous liquid pipelines.

**WHEREAS**, the PIPA 1,000 foot consultation zone is recognized by the Chester County Planning Commission.

**WHEREAS**, in or around September 2014, John M. Gaadt, AICP and Gaadt Perspectives, LLC published standards for new development in proximity to pipelines within Chester County. The stated purpose of these standards was to help prevent or minimize unnecessary risk to the public health, safety and welfare due to transmission pipelines; minimize the likelihood of accidental damage to transmission pipelines due to external forces, such as construction activity and equipment; avoid exposing land uses with high on-site populations that are difficult to evacuate; and help reduce adverse impacts in the event of a pipeline failure;

**WHEREAS**, the Gaadt Perspectives standards recommended, *inter alia*, that new residential buildings and all new commercial, industrial and institutional uses other than those surface uses affiliated with transmission pipelines be set back a minimum of three hundred (300) feet from any existing or proposed transmission pipeline right-of-way; and

**WHEREAS**, presently, the Uwchlan Township Subdivision and Land Development Ordinance provides for a minimum distance of 50 feet between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission line which traverses the subdivision or land development;

**WHEREAS**, the Board of Supervisors finds it to be in the best interests of the health, safety and general welfare of the Township to adopt standards regarding setbacks for new residential buildings and all new commercial, industrial and institutional uses from existing or proposed transmission pipeline rights-of-way, and for the establishment of a consultation zone;

**WHEREAS**, the Board of Supervisors finds that the Township Code of Ordinances should be amended to adopt such standards; and

**WHEREAS**, the proposed amendments have been advertised, considered, and reviewed in accordance with Section 1601 of the Second Class Township Code;

**NOW THEREFORE**, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Uwchlan Township, Chester County, Pennsylvania, as follows:

**I. Chapter 260** of the Uwchlan Township Code of Ordinances is hereby **AMENDED** as follows:

**A. AMEND** Section 260-204 as follows:

1. **AMEND** Section 260-204 to **ADD** to the existing language as follows:

#### **CONSULTATION ZONE**

An area extending from each side of a transmission pipeline to describe when a property developer/owner, who is planning new property development in the vicinity of an existing or proposed transmission pipeline, should initiate a dialogue with a transmission pipeline operator.

#### **PIPELINE**

As defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

#### **SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES**

Above-ground transmission pipeline facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

#### **TRANSMISSION PIPELINES**

Transmission pipelines include, but are not limited to, pipelines designed for the transmission of a "gas" or "petroleum gas", except a "service line", as those terms are defined by Title 49, Code of Federal Regulations, Section 192.3; also included are pipelines designed for the transmission of a "hazardous liquid", as defined by Title 49, Code of Federal Regulations, Section 195.2.

- B. **AMEND** Section 260-509.2 as follows:

1. **AMEND** Section 260-509.2.d to **STRIKE** the existing language and **REPLACE** it with the following:

Setbacks. All new dwelling units and all new commercial, industrial, educational and institutional uses other than those surface uses affiliated with transmission pipelines shall be set back a minimum of three hundred (300) feet from any existing or proposed transmission pipeline right-of-way.

2. **ADD** new subparagraph 260-509.2.e as follows:

Consultation zone. Any application, other than those surface uses affiliated with transmission pipelines, for all new dwelling units and all

commercial, industrial, educational and institutional uses, proposed within one thousand (1,000) feet on either side of the centerline of an existing or proposed transmission pipeline shall include written verification from the applicant that:

- (1) The applicant has contacted the pipeline operator(s) and has provided the pipeline operator(s) with documentation detailing the proposed development activity and where the activity is to take place;
  - (2) The applicant has made sufficient access to the pipeline available to the pipeline operator(s) for routine maintenance and emergency operations; and
  - (3) The pipeline operator(s) has reviewed the documents for compatibility. It shall be clear in the written notification submitted with the application that the pipeline operator(s) has received and acknowledged documentation showing the proposed activity and its location.
- 3. RECODIFY** Sections 260-509.2.e, 260-509.2.f, and 260-509.2.g to 260-509.2.f, 260-509.2.g, and 260-509.2.h, respectively.

## **II. Partial Repealer**

All other provisions of the Ordinances of Uwchlan Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Ordinance inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

## **III. Severability**

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

## **IV. Effective Date**

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

**ORDAINED AND ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

BOARD OF SUPERVISORS OF UWCHLAN  
TOWNSHIP, CHESTER COUNTY,  
PENNSYLVANIA

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Bill Miller, Chair

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Mayme Baumann, Vice-Chair

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Kim Doan, Supervisor

Attest:

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Katie Churchill, Township Secretary

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