

ORDINANCE NO. 2024 - 2388

BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA

“SPECIAL EXCEPTION ORDINANCE”

AN ORDINANCE OF THE BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27 “ZONING,” PART 2 “DEFINITIONS,” SECTION 27-301 “REGULATIONS AND STANDARDS APPLICABLE TO ALL ZONING DISTRICTS” OF THE CODE OF ORDINANCES OF THE BOROUGH OF PHOENIXVILLE IN ORDER TO CHANGE CERTAIN USES FROM PERMITTED AS CONDITIONAL USES TO PERMITTED AS SPECIAL EXCEPTIONS.

The Council of the Borough of Phoenixville, Chester County, Pennsylvania, hereby ORDAINS that:

Section 1.

1. The Code of Ordinance of the Borough of Phoenixville, as amended, Chapter 27, “Zoning”, Part 3 “Zoning Districts,” Section 27-301.2.A.(1), is hereby amended as indicated by the black underlined interlineations indicating insertions of language and black strikethrough indicating deletions of language:

Conditional Uses	Zoning District						
	RI	TC	MI	NC	CD	MG	I
Adaptive reuse	X	X	X	X	X	X	X
Adult commercial						X	
Adult entertainment						X	
Agricultural uses	X					X	X
Automobile sales and services					X		
Billboard		X				X	
Community center	X		X			X	
Day care center		X	X	X	X	X	
Day care, home	X		X			X	
Electronic message display sign					X	X	
Emergency management services use		X	X	X	X	X	X
Entertainment hall		X	X				X
Funeral home/mortuary	X					X	X
Home/improvement center					X		X
Industrial uses							X

Institutional uses	X			X	X	X	
Life care housing facility	X	X	X	X	X	X	X
Marquee		X					
Mobile home					X		X
Mobile home park					X		X
Parking lot		X	X	X	X	X	X
Private club	X	X	X	X	X	X	X
Restaurant, drive through					X		
Skill Games Use					X		
Sports complex/recreational facility						X	X
Wireless telecommunications facilities	X	X	X	X	X	X	X

Section 2.

1. The Code of Ordinance of the Borough of Phoenixville, as amended, Chapter 27, "Zoning", Part 3 "Zoning Districts," Section 27-301.2.A.(2) is hereby amended as indicated by the black underlined interlineations indicating insertions of language and black strikethrough indicating deletions of language:

(2) Additional Conditional Use Standards Applicable to Specific Uses.

(a) ~~Wireless Telecommunications Facilities.~~

~~1) Additional regulations governing wireless telecommunications facilities are set forth in Part 6, Supplemental Regulations.~~

(b) ~~Billboards. Billboards shall be subject to the following provisions when permitted by conditional use:~~

~~1) Billboards are permitted upon parcels of at least 0.5-acre fronting along Nutt Road northwest of the Norfolk Southern "Devault Line" Railroad, fronting along Bridge Street east of the Norfolk Southern Railroad (former Reading Railroad) tracks, and fronting along the eastern side of North Main Street between the south side of the Norfolk Southern "Devault Line" and the French Creek.~~

~~2) Billboards shall be no more than 25 feet in height above the ground, including any supporting structure elevating the signage.~~

~~3) Signage shall not exceed a maximum area of 125 square feet, including border and trim, and may be permitted to have 125~~

~~square feet each on both sides if the signage is two sides back to back.~~

~~4) No more than one billboard may be placed on a lot.~~

~~5) No billboard shall be erected within 200 feet of any other freestanding sign having a height in excess of 10 feet, or within 200 feet of another billboard.~~

~~6) Billboards shall be set back not less than 10 feet from the lot's boundary with the public right of way or street, whichever is closer to the center point of the lot, and not less than 15 feet from any neighboring lot boundary.~~

~~7) If the billboard is to have exterior lighting, a lighting plan must be submitted, reviewed and approved by the Borough Zoning Officer, and the lighting plan shall include glare reduction devices, shielding, luminaire reflectors or other suitable measures, minimizing the intensity of lighting so that no more than 0.5 footcandle of light from signs shall fall upon any residential lot between the hours of 9:00 p.m. and 6:00 a.m., prevailing time.~~

~~(c) Mobile Home Park.~~

~~1) Minimum lot area: 10 acres.~~

~~2) Maximum density: eight units per acre.~~

~~3) Minimum building spaces: 20 feet.~~

~~4) Each mobile home shall be occupied by not more than a single-family/household.~~

~~(d) Electronic Message Display Signs. Electronic message display signs shall be permitted by right in all districts for any municipal uses. For other uses, electronic message display signs are permitted by conditional use in the districts designated above and subject to the following provisions:~~

~~1) The duration of each message shall be a minimum of five seconds.~~

~~2) The transition time between messages shall be less than one second.~~

~~3) The sign must be equipped with brightness controls so that the brightness of the sign has the ability to respond to changes in the outside light levels.~~

~~4) Except for traffic control signs, electronic message display signs are prohibited within 100 feet of a traffic control device and shall otherwise conform to all other applicable regulations with regard to freestanding or wall signs.~~

~~5) The sign shall be no more than eight feet in height, and sign area shall be no more than 10 square feet.~~

~~6) No more than one electronic message display sign shall be placed on an individual lot, and no such sign may be erected within 100 feet of any other electronic message display sign on a different lot.~~

~~7) Electronic message display signs shall be set back not more than 35 feet nor less than 10 feet from the lot's boundary with the public right of way or street, whichever is closer to the center point of the lot, and not less than 15 feet from any neighboring lot boundary.~~

~~(e) Private Club.~~

~~1) Minimum lot area: 20,000 square feet.~~

~~2) This use shall not be conducted as a private gainful business.~~

~~3) This use shall be for members and their authorized guests only.~~

~~4) Parking: one off street parking space for each five members of total capacity, or at least one off street parking space for each 50 square feet of total floor area used or intended to be used for service to customers, patrons, clients, guests, or members (whichever requires the greater number of off street parking spaces), plus one additional space for each employee. Parking areas shall be adequately screened when situated within 50 feet of land zoned for or in residential use.~~

~~(f) Restaurant, Drive Through. Restaurant, Drive Through, shall be subject to the following provisions when permitted by conditional use:~~

~~1) There shall be no use of amplified sound between the hours of 11:00 p.m. and 6:00 a.m. Vehicles shall drive to the service window for service during these hours.~~

~~(g) Adaptive Reuse.~~

1) Application. Adaptive reuse shall apply to the structures with the following characteristics:

a) Structures having significant character, interest, or importance as part of the development, heritage, or cultural characteristics of the Borough, county, region, state, or nation, or is associated with the life of a person significant in the Borough's past.

b) There exists architecture, archaeology, engineering, or culture in the resource, whether in buildings, objects, structures or sites, which possesses design, setting, materials, workmanship, feeling, or association of historical significance.

c) The resource has yielded, or may be likely to yield, information important in pre-history or history.

d) Any resource which is included on the National Register of Historic Places.

2) Excluded structures and properties. Adaptive reuse shall not be available for structures and/or properties which have been subject to renovations which have irrevocably altered the original character of the original structure.

3) Parking. Off-street parking shall be provided for all adaptive reuses according to the regulations and guidelines of section § 27-405, Parking.

4) Borough Council may incentivize adaptive reuse by providing any one or more of the following incentives:

a) Up to 25% reduction in off-street parking supply.

b) Up to 25% reduction in minimum lot area per residential dwelling unit for multifamily residential use building types for up to 20 units.

c) Allowing a residential building type not otherwise permitted by the chapter.

d) Allowing a 5% increase in impervious coverage beyond the maximum impervious coverage permitted by the underlying zoning district.

5) Design Standards. All proposed adaptive reuses shall incorporate the following design standards into the adaptive reuse to the maximum extent possible.

a) Integrity of Setting. The adaptive reuse of a property shall be found to maintain or improve the integrity of the setting and character of the structure and with the surrounding properties and structures, including but not limited to the building facade(s), and further preserve significant site features and immediate yard areas which contribute to the setting and character of the property with the resource.

b) Landscaping. A landscape plan consistent with § 27-406 of the Zoning Ordinance and § 22-428 of the Subdivision and Land Development Ordinance (the "landscape ordinances") shall be provided as a part of the conditional use application for the property on which the adaptive reuse is proposed. Through screening, buffering and selection of plant material, the plan shall protect the integrity of setting and buffer existing adjacent uses from the new adaptive reuse as deemed appropriate by the Borough. Borough Council may approve or require adjustments to the requirements of the landscape ordinances as a condition of any conditional use approval.

c) Lighting. A lighting plan shall be provided as a part of the conditional use application for the adaptive reuse, which plan shall be prepared in accordance with the standards contained in § 27-601. Borough Council may approve or require adjustments to the requirements of § 27-601 as a condition of any conditional use approval, as

recommended by the Borough Land Planner and/or Borough Engineer.

d) Solid waste storage and removal areas shall be screened/buffered as required by § 27-406 of the Zoning Ordinance and § 22-428 of the Subdivision and Land Development Ordinance (the "landscape ordinances"), whether storage is interior or exterior, and shall not interfere with the access to or from the building or site. Borough Council may approve or require adjustments to the requirements of the landscape ordinances as a condition of any conditional use approval.

e) Addition to Building Area.

i. If an adaptive reuse project includes any building addition or any other new buildings proposed on the site, any new construction shall not have a building height more than the existing structure and shall not impact the facade of the existing building facing any of the property's front yard(s).

ii. Any increase to existing structural footprint shall not exceed 25% except outdoor patios, pergolas and covered terraces.

f) Additional standards for Adaptive Reuse. Any proposed rehabilitation, alteration or enlargement of a structure 50 years in age or greater shall be in general compliance with the Secretary of the US Department of the Interior's Standards for Rehabilitation, paying particular attention to the following:

i. The adaptive reuse shall be a compatible use for a property which requires minimal exterior alteration of the building, structure or site and its environment.

ii. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any distinctive architectural features shall be avoided when possible. Deteriorated architectural features shall be repaired rather than replaced,

wherever possible. In the event that an applicant to a conditional use hearing proves that replacement of certain distinguishing features is necessary, the proposed new material shall match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

iii. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity and preserved.

iv. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is demonstrated to be compatible with the size, scale, color, material and character of the property, neighborhood or environment.

v. New additions or alterations to structures shall be designed and constructed in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.

~~(h) Skill Game Use~~

~~1) When sought as a conditional use, Skill Games Uses are subject to the following additional regulations:~~

~~a) No person who shall conduct or operate a Skill Game Use or shall allow such Skill Game Use to remain open at any time on Sunday; or on any other day or days between the hours of 11:00 p.m. and 7:00 a.m. of the following day (Daylight Saving Time when in effect).~~

b) ~~No person shall knowingly allow or permit any person under the age of 18 years to engage in a Skill Game Use or to be present in an establishment providing a Skill Games Use.~~

Section 3.

1. The Code of Ordinance of the Borough of Phoenixville, as amended, Chapter 27, "Zoning", Part 3 "Zoning Districts," Section 27-301.2.B.(1) is hereby amended as indicated by the black line and strikeout interlineations below, with strikeout indicating deletions of language and underlined interlineations indicating insertions of language:

Special Exception Uses	Zoning District						
	RI	TC	MI	NC	CD	MG	I
<u>Agricultural uses</u>	<u>X</u>					<u>X</u>	<u>X</u>
<u>Automobile sales and services</u>					<u>X</u>		
Bed-and-Breakfast/guesthouses	X	X	X	X	X	X	
<u>Billboard</u>		<u>X</u>				<u>X</u>	
Cemetery	X	X	X	X	X	X	X
<u>Community center</u>	<u>X</u>		<u>X</u>			<u>X</u>	
<u>Day-care center</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	
<u>Day-care, home</u>	<u>X</u>		<u>X</u>			<u>X</u>	
<u>Electronic message display sign</u>					<u>X</u>	<u>X</u>	
<u>Emergency management services use</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Entertainment hall</u>		<u>X</u>	<u>X</u>				<u>X</u>
<u>Funeral home/mortuary</u>	<u>X</u>					<u>X</u>	<u>X</u>
Home business	X	X	X	X	X	X	X
<u>Home/improvement center</u>					<u>X</u>		<u>X</u>
<u>Industrial uses</u>							<u>X</u>
<u>Institutional uses</u>	<u>X</u>			<u>X</u>	<u>X</u>	<u>X</u>	
<u>Life-care housing facility</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Marquee</u>		<u>X</u>					
<u>Mobile home</u>					<u>X</u>		<u>X</u>
<u>Mobile home park</u>					<u>X</u>		<u>X</u>
<u>Parking lot</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Private club</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Public transportation uses	X	X	X	X	X	X	X
Public Utility use	X	X	X	X	X	X	X
<u>Restaurant, drive-through</u>					<u>X</u>		
<u>Skill Games Use</u>					<u>X</u>		
<u>Sports complex/ recreational facility</u>						<u>X</u>	<u>X</u>

Wireless telecommunications facilities

X X X X X X X

Section 4.

1. The Code of Ordinance of the Borough of Phoenixville, as amended, Chapter 27, "Zoning", Part 3 "Zoning Districts," Section 27-301.2.B.(2) is hereby amended as indicated by the black line and strikeout interlineations below, with strikeout indicating deletions of language and underlined interlineations indicating insertions of language:

(2) Additional Special Exception Standards Applicable to Specific Uses.

(a) Bed-and-Breakfast/Guesthouse.

1) Such use shall be accessory to and permitted only for a single-family detached residential dwelling.

2) At least one bathroom shall be provided for the first guest room, plus one bathroom for each two additional guest rooms. The living quarters for the residents shall have their own bathroom or bathrooms. Bathrooms shall be equipped with a toilet, washbasin and bath and/or shower.

3) The minimum size of the guest suite shall be no less than 120 square feet for the first two occupants, and 50 square feet shall be provided for each additional occupant. No more than five individuals shall occupy a guest suite.

4) Guests shall not remain in the same bed-and-breakfast inn for more than 14 consecutive days.

5) No external alterations, additions or changes to the exterior structure shall be permitted.

6) The use shall be conducted by members of the family of the occupant. Nonresident employees shall be limited to two in addition to the resident family members.

7) There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast and afternoon tea only. All food service shall comply

with federal, state and county regulations for the preparation, handling and serving of food.

8) The applicant shall have a valid County Health Department permit for the use issued within the last five years. The total number of bedrooms (resident and guest) in the bed-and-breakfast facility shall not exceed the number of bedrooms which a sewage system is or was designed to accommodate.

9) A permit issued for a bed-and-breakfast facility, after the Zoning Hearing Board approves the special exception, shall have a life of one year. The permit may be renewed annually without the necessity of a new special exception application, provided that the Zoning Officer has inspected the facility and found it to be in compliance with the provisions of this chapter and any conditions imposed by the Zoning Hearing Board in the grant of the special exception.

10) A bed-and-breakfast facility shall be considered a temporary accessory use granted to the owner. The temporary zoning permit shall expire when the property is transferred, sold or leased or when the property is no longer the primary residence of the owner or if the Zoning Officer does not renew the permit.

11) Any amenities, such as a tennis court or swimming pool, shall be solely for the use of the resident owner and the guests.

12) The resident owner(s) shall maintain a guest register, which shall list the names and addresses of all guests.

13) No bed-and-breakfast facility shall be within 300 feet of another lot used for a bed-and-breakfast facility.

(b) Home Business.

1) No more than one customer/client at a time shall be permitted to visit the home business, and no more than two outside employees may be working at the dwelling at the same time.

2) Maximum floor area devoted to the home business shall not be more than 600 square feet or 25% of the dwelling total floor area, whichever is less.

3) In no way shall the appearance of the residential structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting, show windows or advertising visible outside the premises to attract customers or clients, other than those signs permitted by this chapter.

4) One sign is permitted per home business, provided that it is no larger than two square feet per side and bear only the name, business and office hours of the practitioner. In addition, it shall not be illuminated or placed in a window.

5) There shall be no exterior storage of materials or refuse resulting from the operation of the home business.

(c) Public Utility Use.

1) Business offices, storage yards or storage buildings associated with a public utility use shall not be included in the RI Residential Infill District.

2) A fence, wall or landscaping shall be provided to visually screen the ground-level structures associated with this use.

3) All appropriate measures shall be taken to limit noise and lighting impacting surrounding properties.

(d) Billboards. Billboards shall be subject to the following provisions when permitted by conditional use:

1) Billboards are permitted upon parcels of at least 0.5 acre fronting along Nutt Road northwest of the Norfolk Southern "Devault Line" Railroad, fronting along Bridge Street east of the Norfolk Southern Railroad (former Reading Railroad) tracks, and fronting along the eastern side of North Main Street between the south side of the Norfolk Southern "Devault Line" and the French Creek.

2) Billboards shall be no more than 25 feet in height above the ground, including any supporting structure elevating the signage.

3) Signage shall not exceed a maximum area of 125 square feet, including border and trim, and may be permitted to have 125

square feet each on both sides if the signage is two sides back-to-back.

4) No more than one billboard may be placed on a lot.

5) No billboard shall be erected within 200 feet of any other freestanding sign having a height in excess of 10 feet, or within 200 feet of another billboard.

6) Billboards shall be set back not less than 10 feet from the lot's boundary with the public right-of-way or street, whichever is closer to the center point of the lot, and not less than 15 feet from any neighboring lot boundary.

7) If the billboard is to have exterior lighting, a lighting plan must be submitted, reviewed and approved by the Borough Zoning Officer, and the lighting plan shall include glare-reduction devices, shielding, luminaire reflectors or other suitable measures, minimizing the intensity of lighting so that no more than 0.5 footcandle of light from signs shall fall upon any residential lot between the hours of 9:00 p.m. and 6:00 a.m., prevailing time.

(e) Electronic Message Display Signs. Electronic message display signs shall be permitted by right in all districts for any municipal uses. For other uses, electronic message display signs are permitted by special exception in the districts designated above and subject to the following provisions:

1) The duration of each message shall be a minimum of five seconds.

2) The transition time between messages shall be less than one second.

3) The sign must be equipped with brightness controls so that the brightness of the sign has the ability to respond to changes in the outside light levels.

4) Except for traffic control signs, electronic message display signs are prohibited within 100 feet of a traffic control device and shall otherwise conform to all other applicable regulations with regard to freestanding or wall signs.

5) The sign shall be no more than eight feet in height, and sign area shall be no more than 10 square feet.

6) No more than one electronic message display sign shall be placed on an individual lot, and no such sign may be erected within 100 feet of any other electronic message display sign on a different lot.

7) Electronic message display signs shall be set back not more than 35 feet nor less than 10 feet from the lot's boundary with the public right-of-way or street, whichever is closer to the center point of the lot, and not less than 15 feet from any neighboring lot boundary.

(f) Mobile Home Park.

1) Minimum lot area: 10 acres.

2) Maximum density: eight units per acre.

3) Minimum building spaces: 20 feet.

4) Each mobile home shall be occupied by not more than a single-family/household.

(g) Private Club.

1) Minimum lot area: 20,000 square feet.

2) This use shall not be conducted as a private gainful business.

3) This use shall be for members and their authorized guests only.

4) Parking: one off-street parking space for each five members of total capacity, or at least one off-street parking space for each 50 square feet of total floor area used or intended to be used for service to customers, patrons, clients, guests, or members (whichever requires the greater number of off-street parking spaces), plus one additional space for each employee. Parking areas shall be adequately screened when situated within 50 feet of land zoned for or in residential use.

(h) Restaurant, Drive-Through. Restaurant, Drive-Through, shall be subject to the following provisions when permitted by special exception:

1) There shall be no use of amplified sound between the hours of 11:00 p.m. and 6:00 a.m. Vehicles shall drive to the service window for service during these hours.

(i) Skill Game Use as a principal, co-principal or accessory use:

1) When sought as a special exception, Skill Games Uses are subject to the following additional regulations:

a) No person who shall conduct or operate a Skill Game Use or shall allow such Skill Game Use to remain open at any time on Sunday; or on any other day or days between the hours of 11:00 p.m. and 7:00 a.m. of the following day (Daylight Saving Time when in effect).

b) No person shall knowingly allow or permit any person under the age of 18 years to engage in a Skill Game Use or to be present in an establishment providing a Skill Games Use.

2) Exemption. A Skill Games Use providing for the use thereof by two (2) or less persons at any given time, operated as an accessory use to a permitted principal use, shall be exempt from the requirement to obtain special exception approval reflected by this Section.

(j) Wireless Telecommunications Facilities.

1) Additional regulations governing wireless telecommunications facilities are set forth in Part 6, Supplemental Regulations.

Section 5. Officer Authorization. The appropriate officers of the Borough are authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Ordinance.


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, parts, or sections hereof. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, part or section thereof not been included herein.

Section 7. Repealer. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

Section 8. Effective Date. This Ordinance shall become effective upon enactment as provided by law.

[Signature page follows]

PASSED by Borough Council this 14th day of May, 2024.

By: 
Jonathan M. Ewald
President, Borough Council

APPROVED by the Mayor, this 14th day of May, 2024.

By: 
Peter J. Urscheler
Mayor

ENACTED this 14th day of May, 2024.

By: 
E. Jean Krack
Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 14th day of May 2024.

By: 
E. Jean Krack
Borough Manager/Secretary