

ORDINANCE NO. 2024 - 2392

**BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOROUGH OF PHOENIXVILLE, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 22, "SUBDIVISION AND LAND DEVELOPMENT," PART 6 "IMPACT STATEMENTS" OF THE CODE OF ORDINANCES OF THE BOROUGH OF PHOENIXVILLE.

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of Phoenixville, as amended, Chapter 22, "Subdivision and Land Development," Part 6 "Impact Statements" is hereby repealed by deleting it in its entirety and replacing it with the following:

§ 22-600 Traffic Impact Study.

1. Applicability. A Traffic Impact Study shall be submitted to the Borough as a part of the initial submission of all Applications for Development proposing: (a) 30,000 or more square feet of new building floor area; (b) 30 or more dwelling units; and/or (c) resulting in nine (9) or more separate lots.

A. Further Inclusions. Applications for Development that would not be required to produce a traffic impact study by reason of size, above, must produce a study if the expected number of trips generated per day exceeds 300.

(1) The anticipated number of trips per day shall be determined through the use of the most recent edition of the Institute of Transportation Engineers' (ITE) Trip Generation Report. The proposed use or development shall be identified using the appropriate ITE land use code. Where doubt exists, the Applicant shall seek guidance from the Borough Traffic Engineer.

2. Preparation of Study. The Traffic Impact Study shall be prepared by a qualified professional traffic engineer holding a current Professional Engineer (P.E.) license issued by the Commonwealth of Pennsylvania, in accordance with accepted traffic-engineering standards, with the cost borne by the Applicant. The Traffic Impact Study shall include sufficient information to assess the impact of the proposed Land Development on all

roads within a half-mile radius of the subject tract(s) being the subject of the Application for Development. The study must demonstrate that the proposed Land Development will not materially adversely affect traffic circulation in surrounding areas, or else identify any traffic problems that might be caused or aggravated by the use, and delineate solutions to those problems. Based on the findings of the study, as reviewed and deemed appropriate by the Borough Traffic Engineer, Borough Council may require improvements designed to alleviate material adverse effects, as a condition for approval.

§ 22-601 Environmental Impact Assessment Report.

1. Applicability. An Environmental Impact Assessment report (“EIA Report”) shall be submitted to the Borough as a part of the initial submission of all Applications for Development proposing: (a) 30 or more lots, (b) 30 or more dwelling units, (c) 30,000 or more square feet of new building floor area, or (d) the creation of new public improvements.
 - A. One (1) electronic copy of the EIA Report shall be submitted to the Borough, as well as one (1) hard copy.
2. A revised EIA Report shall be provided if requested by the Borough if there is a material change in the plan or application.
3. The EIA Report shall contain text, tables, maps and analyses which document the probable impact resulting from the proposed Land Development, and the mitigation actions proposed to offset the impacts, with a specific emphasis directed toward the proposed project's effects on and relationship to applicable site, neighborhood (including areas in adjacent municipalities where applicable) and Borough-wide resources, conditions or characteristics. Unless otherwise noted, the mapping required below shall be drawn at a scale of one-inch equals 50 feet. The EIA Report shall address the following:
 - A. An identification of the site location and area through the use of a location map drawn at a scale of not more than 2,000 feet to the inch. The location map shall depict all streets, adjoining properties, zoning district boundaries, municipal boundaries and watercourses within 2,500 feet of any part of the tract. In the case of development of a section of the entire tract, the location map shall also show the relationship of the section to the entire tract.
 - B. An identification of the existing site character and appearance through the presentation of color photographs or copies thereof. Such photographs shall provide a representation of what the site looks like

from the ground. Photographs should be properly identified or captioned and shall be keyed to a map of the site.

- C. A statement indicating the proposed type of ownership of the lot and, where applicable, the type of ownership, operation and maintenance proposed for areas devoted to open space or otherwise not under the control of a single lot owner.
- D. A statement indicating the proposed staging or phasing of the project and a map depicting the boundaries of each stage or phase of the project by site area, buildings and timing. Such boundaries shall be superimposed on a version of the land development plan.
- E. An identification of physical resources associated with the natural environment of the lot. The identification of physical resources shall include a narrative description of each of the resources as referenced in the definition. These resources shall also be mapped and may be either incorporated into the EIA Report or submitted as attachments to the report.
 - (1) A map depicting the topographical characteristics of the lot. Such map shall contain contours with at least two-foot intervals and shall depict slopes ranging from: 0% to 15%, 15% to 25%, and greater than 25%.
 - (2) A map depicting the soils of the lot. Such map shall depict all soil types and shall include a table identifying soil characteristics pertinent to the proposed project, such as depth of bedrock, depth of water table, and flood hazard potential.
 - (3) A map depicting the hydrological characteristics of the lot. Such map shall depict: surface water resources, watersheds and floodplains. Surface water resources include features such as creeks, and other streams, ponds, lakes, and other natural bodies of water, springs, wetlands, and any man-made impoundments.
- F. An identification of biological resources associated with the natural environment of the lot. The identification of biological resources shall include a narrative description of each of the resources as referenced in the definition. These resources shall also be mapped and may be either incorporated into the EIA Report or submitted as attachments to the report.

- (1) A map depicting the vegetation characteristics of the lot. Such map shall define the locations and boundaries of the woodlands of the tract their species. All trees six (6) inches in DBH or greater shall be accurately located on the map either as freestanding trees or as tree masses.
 - (2) Any Pennsylvania Natural Diversity Index (PNDI) site as defined by the Pennsylvania Department of Environmental Protection.
 - G. An identification of the land use conditions and characteristics associated with the lot(s). The identification of land use conditions and characteristics shall include a narrative description of the above. In addition, the following maps drawn shall be incorporated into the EIA Report or submitted as attachments to it.
 - (1) A map depicting the land cover characteristics of the lot(s). Such map shall define existing features, including: paved or other impervious surfaces, woodlands, open-areas, and the like. Such map shall also indicate any past use or disturbance to the land which may affect the proposed project, such as a landfill, a hazardous waste disposal area, or other similar condition.
 - (2) A map depicting any existing encumbrances to the lot(s). Such map shall define easements, rights-of-way and other areas where certain use privileges exist.
 - (3) A map depicting the land uses adjacent to the proposed lot(s). Such map may be at the same scale as the location map.
 - H. Proposed design and/or implementation of mitigation measures, and locations thereof, to minimize any adverse impacts of the proposed Land Development on the natural features of the tract(s).
 - I. A map locating any hazardous materials located on the site, along with a narrative describing the type of wastes involved, the potential impact of these wastes on the surrounding environment, animal and plant life, and the Land Development; as well as the proposed method of removing and/or containing these wastes, and the related approvals and permits necessary from the relevant agencies.
4. In making its evaluation, the Borough Council and/or the Planning Commission may request any additional information it deems necessary to adequately assess potential environmental impacts. Further, whenever any information required above is not applicable to the proposed Land

Development, the applicant shall indicate such inapplicability in the narrative of the EIA Report, and state why such information is considered to be inapplicable in the case of the particular Land Development in question. Based on the content of the EIA Report, as reviewed and deemed appropriate by the Borough Engineer and/or Borough Planner, Borough Council may require mitigation measures designed to minimize material adverse effects of the Land Development on the natural features of the tract, as a condition for approval.

5. The EIA Report shall be prepared by a professional engineer, registered architect, registered landscape architect, or certified planner on behalf of an applicant.


Section 2: 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 3. 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 4. Repealer. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

Section 5 Effective Date. This Ordinance shall become effective upon enactment as provided by law.

PASSED by Borough Council this 10th day of September, 2024.

By: 
Jonathan M. Ewald
President, Borough Council

APPROVED by the Mayor, this 10th day of September, 2024.

By: 
Peter J. Urscheler
Mayor

ENACTED this 10th day of September, 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 10th day of September, 2024.

By: 
E. Jean Krack
Borough Manager/Secretary