

Chapter 22. Subdivision and Land Development

Article I. General Provisions "Authority and Purpose"

22-100. Title

This chapter shall be known and may be cited as the "Borough of Phoenixville Subdivision and Land Development Ordinance of 2016".

22-101. Enactment

This chapter has been enacted in conformance with the provisions of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, as amended.

22-102. Purpose

It is the general intent of this chapter to regulate the subdivision and development of land within the Borough of Phoenixville to ensure that:

1. The layout or arrangement of the subdivision or land development and all other characteristics of the subdivision or land development shall conform to the current adopted Comprehensive Plan for the Borough of Phoenixville, as may be amended from time to time, and shall further the orderly and appropriate use of the land as set forth in the Comprehensive Plan and applicable Borough ordinances.
2. Streets and sidewalks throughout and bordering a subdivision or land development shall be coordinated with existing streets, sidewalks, parks and other public amenities of the Borough and shall be of such widths and grades and in such locations as deemed necessary to efficiently accommodate prospective vehicular traffic, pedestrian accessibility, and emergency services apparatus and personnel.
3. Adequate easements or rights-of-way shall be provided for access to and maintenance of public recreation facilities, utilities and stormwater management systems.
4. Adequate open space for recreation, landscaping, natural light, air, traffic circulation and stormwater management shall be provided in subdivisions and land developments.
5. Land which is subject to flooding, subsidence or other environmental limitation either shall be made safe for the purpose for which such land is proposed to be used or such that land shall be set aside for uses which shall not endanger life or property. Such uses are subject to the Borough's Floodplain Management Ordinance and other applicable environmental regulations as governed by the Pennsylvania Department of Environmental Protection, the Chester County Conservation District, and the United States Army Corps of Engineers, as applicable.
6. Adequate facilities for transportation, utility service, fire protection, stormwater management, recreation, and other public facilities shall be installed in the subdivision or land development, as necessary.

22-103. Interpretation

"The provisions of this chapter shall be the minimum requirements to meet the above stated purposes. Where the provisions of this chapter impose greater restrictions than those of any other statute, ordinance, or regulations, then the provisions of this chapter shall prevail. Where the provisions of any other statute, ordinance, or regulations impose greater restrictions than those of this chapter, the provisions of such statute, ordinance, or regulations shall prevail."

22-104. Jurisdiction

The Phoenixville Borough Council is vested by law with the jurisdiction and control of the subdivision and development of land located within the limits of the Borough of Phoenixville, except that district justices shall have initial jurisdiction in proceedings brought under §22-704.

22-105. Waiver of Requirements

The Borough Council may grant a modification of the requirements of this chapter, through a waiver, if strict application of these requirements would be unreasonable or cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results, provided that such modification will not be contrary to the public interest and that the purpose and intent of this chapter is observed. All requests for modifications shall:

1. Be in writing, listed on the plans and/or sketch, and be part of the application for subdivision and/or land development;
2. List the provision(s) of the chapter requested for waiver consideration;
3. State the grounds and facts of unreasonableness or hardship on which the request is based;
4. State the minimum modification necessary to comply with the subject provision(s);
5. Be subject to approval by the Borough Council after receiving advisory recommendations from the Borough Planning Commission and the Borough Engineer.

In the event where a provision of the Ordinance is not applicable to the proposed subdivision and/or land development, the applicant need not apply for a waiver from said provision. A determination as to whether a particular provision is applicable, if necessary, will be made by the Borough Engineer in the Engineering Review Letter.

22-106. Effective Date

This Chapter shall become effective upon enactment after the signing of the enabling Ordinance by the Borough Council of Phoenixville as provided by law.

Article II. Definitions

22-200. Interpretation

As used in this chapter, certain words shall be interpreted as follows:

1. Words in the present tense include the future.
2. Words in the singular include the plural and those in the plural include the singular.
3. The word "building" shall be construed as if followed by the phrase "or part thereof".
4. The word "may" is permissive, and the words "shall" and "will" are mandatory.
5. The words "he" or "she" and "they" are to be used interchangeably with the word "person".
6. The word "person" includes an individual, corporation, partnership, incorporated association, and/or any other similar entity.
7. The word "street" includes road, highway, alley, avenue, boulevard, or expressway.
8. The word "stream" includes watercourse, creek or river, and where referenced, a seasonal stream.

22-201. Definition of Terms

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings indicated in this Part. Terms not included in the Part or otherwise defined shall be interpreted according to "The Complete Illustrated Book of Development Definitions", 4th Edition, by Harvey S. Moskowitz, Carl G. Lindbloom, David Listokin, Richard Preiss & Dwight H. Merriam, copyright 2015 and then by common usage.

ALLEY

A public or private right-of-way, for vehicular access to the rear or side of properties.

APPLICANT

A landowner, sub-divider, or developer, as herein defined, who has filed an application for subdivision or land development, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT

Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

BLOCK

An area of land surrounded by streets. Alleys and streets or lanes that function as alleys are within a block.

BOROUGH

The Borough of Phoenixville ("Phoenixville"), Chester County, Pennsylvania.

BOROUGH OF PHOENIXVILLE LANDSCAPE GUIDELINES

A collection of construction details which have been approved for use in the construction of improvements and identified in this Chapter as "Attachment 3 – Borough of Phoenixville Landscape

Guidelines” and incorporated herein by reference which may be amended by Borough Council by Resolution from time to time.

BOROUGH STANDARD CONSTRUCTION DETAILS

A collection of construction details which have been approved for use in the construction of improvements and identified in this Chapter as “Attachment 1 – Borough Standard Construction Details” and incorporated herein by reference which may be amended by Borough Council by Resolution from time to time.

BUILDING

A structure under a roof used for the shelter or enclosure of persons, animals, or property. The word “building” shall include any part thereof.

BUILD-TO-LINE

A line with which the exterior wall of a building is required to coincide that runs parallel to the property line, as measured perpendicularly to the curb or edge of a street cart way, that enables the alignment of buildings on a block in order to maintain the traditional character of the streetscape of the Borough. If there is no preexisting or defined curb or edge, then the build-to line is measured from the ROW line.

CARTWAY OR ROADWAY

The portion of a street or alley right-of-way, paved or unpaved, intended for vehicular use, including travel lanes. Shoulders, curbing and drainage facilities are excluded.

CERTIFICATE OF REGISTRATION FOR MOBILE HOME PARKS

Written approval as issued by the Pennsylvania Department of Environmental Protection authorizing a person to operate and maintain a mobile home park.

CLEAR SIGHT TRIANGLE

An area of unobstructed vision at street intersections including major driveways and roadway intersections defined by lines of sight between points at given distance from the intersection of street center lines.

COMMUNITY ASSOCIATION

A group of real property owners who together comprise an entity, or that entity itself, the function of which is to maintain and administer property which either the entity itself owns or which is owned in common by the members of the entity, to protect and enhance the value of the property owned individually by each of the members and to provide a mechanism for the orderly co-existence of a membership which lives in proximity one to another. Homeowners associations and condominium associations are types of community associations.

COUNCIL

The Borough Council of the Borough of Phoenixville.

CROSSWALK

A public right-of-way used for pedestrian travel across a roadway at an intersection or any portion of a block (mid-block crossing) to provide safe pedestrian access to adjacent roads, lots, or public use areas.

CUL-DE-SAC

A local road connected to the existing road network at only one end with a special provision for turning around at the closed end.

CUSTOMARY USE (of a trail)

Use by pedestrians and/or equestrians of sufficient frequency to create a path relatively free of undergrowth and easily discerned at ground level.

CUT

An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DEVELOPER

Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations, as well as the subdivision of land.

DEVELOPMENT PLAN

The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this chapter shall mean the written and graphic materials referred to in this definition.

DRAINAGE

The flow of water or liquid waste, and the method of directing such flow, whether natural or artificial.

DRAINAGE FACILITY

Any swale, ditch, gutter, pipe, culvert, storm sewer or structure designed, intended or constructed for the purpose of diverting surface waters from, transfer of liquid waste, or carrying surface waters off, streets, public rights-of-way, parks, recreational areas or any part of any subdivision and contiguous territory.

DRIVEWAY

A thoroughfare that provides vehicular access on a lot to a building or use.

DRIVEWAY, COMMON

A private driveway serving two or more lots or properties, the use and maintenance of which is shared between or among the property owners or a community association.

EASEMENT

An interest in land owned by another that entitles the holder to a specific limited use or enjoyment.

ENGINEER

The Borough Engineer, or any consulting engineer designated by the Borough Council to review subdivision plans and perform the duties of engineer on behalf of the Borough.

EROSION

The removal of surface materials by the action of natural elements.

EXCAVATION

Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, mined, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

FLOODPLAIN AREA

A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source as delineated by the Federal Emergency Management Agency (FEMA), Pennsylvania Department of Environmental Protection (DEP), Pennsylvania Department of Community and Economic Development (DCED) and Soil Conservation Services (SCS) publications and maps.

IMPERVIOUS SURFACES

Those surfaces which do not absorb or infiltrate water. All buildings, parking areas, driveways, roads, sidewalks, and any other areas in concrete, asphalt, or packed stone shall be considered impervious surfaces within this definition.

LAND DEVELOPMENT

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(a) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

(b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

(3) Development planned in accordance of the Pennsylvania Municipalities Planning Code § 503.1.1.

LANDOWNER

The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in the land.

LOT

A designated parcel, tract or area of land established by a plot or otherwise as permitted by law and to be used, developed or built upon as a unit.

MAJOR SUBDIVISION

The subdivision of a single lot, tract, or parcel of land into four or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership or of building development. Also,

any subdivision or land development which proposes the construction of new public or private streets, regardless of the number of proposed lots. See § 22-301 for specific requirements.

MINOR SUBDIVISION

The subdivision of a single lot, tract or parcel of land into three or less lots, tracts or parcels of land for the purpose, whether immediate or future, of transfer of ownership or of building development, providing said lots, tracts or parcels of land thereby created have frontage on an improved public street or streets and providing further that there is not created by the subdivision any new street, street easement, easement of access or need therefor. See §22-301 for specific requirements.

MOBILE HOME

A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. A mobile home shall meet the Commonwealth's UCC requirements.

MOBILE HOME LOT

A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PAD

That part of an individual lot which has been reserved for the placement of a mobile home, appurtenant structures, or additions and which has been constructed according to the specifications of this chapter.

MOBILE HOME PARK

A parcel or contiguous parcels of land which has been designed and improved so that it contains two or more mobile home lots for the placement thereon of mobile homes.

MOBILE HOME PERMIT

Written approval issued by the Borough authorizing a person to operate and maintain a mobile home or mobile home park under the provisions of this chapter.

MUNICIPAL AUTHORITY

A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164) known as the "Municipality Authorities Act of 1945."

OPEN SPACE, PRIVATE

A portion of land or an area of water, or a combination of land and water within a development site, which is designed and intended for the use or enjoyment of residents or invitees within the development and/or the private facility and not generally available to the public, not including streets, off-street parking areas, and areas set aside for public facilities. May include areas commonly referred to as "greens" or "plazas".

OPEN SPACE, PUBLIC

A portion of land or an area of water, or a combination of land and water, designed and intended for the use or enjoyment of the public, not including streets, off-street parking areas, and areas set aside for public facilities. Public open space shall be usable by people, if so desired. Public open space may

include areas commonly referred to as “greens” or “plazas” but does not include sidewalks unless such features are within the public open space design parameters. Public open space shall also be subject to a continuing offer of dedication.

PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
The Pennsylvania Department of Community and Economic Development (DCED) or its successor.

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
The Pennsylvania Department of Environmental Protection (DEP) or its successor.

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
The Pennsylvania Department of Transportation (PennDOT) or its successor.

PLAN, FINAL

A complete and exact subdivision or land development plan, prepared for official recording as required by statute, to define property rights, proposed streets and other improvements as defined within Article III of this chapter. The terms “Final Plan” and “Preliminary/Final Plan” shall be considered one in the same for the purposes of process and plan presentation requirements.

PLAN, PRELIMINARY

A proposed subdivision or land development plan, showing proposed street and lot layout and improvements as required by Article III of this chapter and as a basis for consideration prior to preparation of a final plan.

PUBLIC HEARING

A formal meeting held pursuant to public notice by the Borough Council or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

PUBLIC IMPROVEMENTS

Those physical changes to the land necessary to produce usable and desirable lots from raw acreage including, but not limited to, grading, paving, curbing, streetlights, signs, fire hydrants, water mains, sanitary sewers, storm drains, sidewalks, crosswalks, bridges, culverts and street shade trees.

PUBLIC MEETING

A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act.”

PUBLIC NOTICE

Notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

RESERVE STRIP

A strip of land adjacent to a street intended to control access to the street from an adjacent property.

REDEVELOPMENT

The reuse of property or the expansion of buildings on a property for a new, viable outcome.

RESTORATION

Construction, reconstruction, maintenance, or other work performed upon a building site with the intention of re-establishing a previously existing condition.

RETAINING WALL

A wall, greater than four feet in height, used to retain soil, typically serving as a topographic grade transition structure.

REVERSE FRONTAGE LOT

A lot which is bordered by a street along the rear as well as the front property.

RIGHT-OF-WAY or ROW

The surface of space above and below any real property in the Borough in which the Borough, county or commonwealth has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Borough, county or commonwealth, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes, but excluding lands other than streets that are owned by the Borough, county or commonwealth. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the right(s)-of-way. The phrase "existing right-of-way" is the legal right-of-way as established by the commonwealth or other appropriate governing authority and which is currently in existence. The phrase "future right-of-way" or "ultimate right-of-way" is the right-of-way deemed necessary to provide adequate width for future street improvements.

RIPARIAN BUFFER

The riparian buffer, as identified in the Soil Surveys of Chester County, is an area within 35 feet of the French Creek stream bank that shall remain as open, undeveloped area. It shall be maintained to clear the area of invasive plant species and restored with native plant species to help shade the stream and provide an attractive visual setting along the stream.

RIPARIAN CORRIDOR

The area contained within the boundary of the Riparian Buffer.

SEDIMENTATION

The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

SEPTIC TANK

A covered, watertight settling tank in which raw sewage is biochemically changed into solid, liquid and gaseous states to facilitate further treatment and final disposal.

SEWER, PUBLIC

Any municipal or privately owned sewer system in which sewage is collected and piped to an approved sewage disposal plant or central septic tank disposal system. It may also be referred to as "off-lot" or "off-site" sewer.

SEWER, PRIVATE "ON-LOT"

An "on-lot" disposal system generally providing for the disposal of effluent for only one building or a group of buildings on a single lot.

SEWER, COMMUNITY

A system for the treatment of effluent from two or more homes that is applied to the land either on the surface or below ground.

SEWER CONNECTION

Consists of all pipes, fittings and appurtenances from the sanitary sewer drain outlet of the home to the corresponding sewer main.

SEWER RISER PIPE

That portion of the sewer lateral which extends vertically to the ground elevation and terminates at a designated point at each home space.

SEWER SERVICE PIPE

Consists of all pipes, fittings, valves, and appurtenances from the sewer main of the distribution system to the sewer outlet of the distribution system within the home.

SHOPPING CENTER

A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided onsite, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

SIDEWALK

A pedestrian thoroughfare within the right-of-way of a street.

SIGHT DISTANCE

The extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point of entry measured at an eye height of 3 1/2 feet and object height of 1/2 foot, at an intersection or driveway the eye position shall be 10 feet back from the pavement edge or curb line.

SKETCH PLAN

An informal plan indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development with provisions as required by Article III of this chapter.

SLOPE

The face of an embankment or cut; any ground whose surface makes an angle with the plane of the horizon. Slope is expressed as a percentage based upon vertical difference in feet per 100 feet of horizontal distance, or in horizontal feet per vertical foot (3:1).

SLUDGE

Solids removed from raw sewage during wastewater treatment and then disposed of by incineration, dumping, burial or other approved means.

SOIL PERCOLATION TEST

A field test conducted to determine the suitability of the soil for sanitary sewage disposal facilities or for stormwater infiltration facilities by measuring the absorptive capacity of the soil at a given location and depth, performed in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection.

SOIL STABILIZATION

Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise to improve its engineering properties.

STEEP SLOPES

Areas where the average slope exceeds 15% and has a grade crossing three consecutive two-foot contours or six feet in elevation.

STREET

Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

STREET, PRIVATE

A thoroughfare serving two or more lots held in single and separate ownership and not dedicated or deeded to the Borough which are designed and built to Borough standards.

STREET, SINGLE-ACCESS

A minor street which has access to the road circulation system at only one point. A Cul-De-Sac is a type of single-access street.

STRUCTURE

Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVIDER

The owner, or the authorized agent of the owner, of a subdivision.

SUBDIVISION

The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempt.

SUBDIVISION AND LAND DEVELOPMENT CHECKLIST

A checklist which has been prepared to describe general plan requirements for each type of plan and identified in this Chapter as "Attachment 2 – Subdivision and Land Development Checklist", and incorporated herein by reference which may be amended by Borough Council by Resolution from time to time.

SUBSTANTIALLY COMPLETED

Where, in the judgment of the Borough Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to §509 of the Pennsylvania

Municipalities Planning Code) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SWALE

A low-lying stretch of land which gathers or carries surface water run-off.

TILE DISPOSAL FIELD

A system to distribute sewage effluent into the soil for absorption and vaporization through open-jointed or perforated pipes laid in the upper soil strata.

TOPSOIL

Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter and humus debris. Topsoil usually found in the uppermost soil layer, called the "a" horizon.

TRACT AREA

The gross area of a property before subdivision or land development.

TRAFFIC IMPACT STUDY

A study which assesses the effect of a development's traffic will have on the community transportation network. See §22-602 for specific requirements.

TRAIL

An improved, but not necessarily paved, route designed and used for travel by pedestrians, cyclists, equestrians, cross-country skiers, and/or non-motorized vehicles.

WATER CONNECTION

Consists of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within a home.

WATERCOURSE

A permanent or intermittent stream, river, brook, creek, drain, dry run, spring, or channel or ditch for water, with defined bed and banks, whether manmade or natural.

WATER RISER PIPE

That portion of the water service pipe which extends vertically to the ground elevation and terminates at a designated point at each home lot.

WATER SERVICE PIPE

Consists of all pipes, fittings, valves, and appurtenances from the water main of the distribution system to the water outlet of the distribution system within the home.

WATER SUPPLY SYSTEM, COMMUNITY

A centralized system for supplying and distributing water from a common source or sources to two or more dwellings or structures within a single development, neighborhood, or area. The system shall be approved by the Chester County Health Department, the Pennsylvania Department of Environmental

Protection and the Pennsylvania Public Utility Commission. The water supply source may be located on-site or off-site.

WATER SUPPLY, INDIVIDUAL ON-SITE

A system for supplying and distributing water to a single dwelling or other structure from a source located on the same lot. The system shall be approved by the Chester County Health Department.

WATER SUPPLY, PUBLIC

A system owned and operated by a municipality, governmental agency or public utility for supplying and distributing water from a common source or sources to dwellings and other structures generally not confined to a single development, neighborhood or area. The system shall be approved by the Chester County Health Department, the Pennsylvania Department of Environmental Protection and the Pennsylvania Public Utility Commission. The water supply source may be located on-site or off-site.

WATER SURVEY

An inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Borough.

22-202. Abbreviations

As used in this chapter, the following abbreviations shall have the meanings indicated:

- COE - Army Corps of Engineers.
- DCA - Pennsylvania Department of Community Affairs.
- DEP - Pennsylvania Department of Environmental Protection.
- EPA - Federal Environmental Protection Agency.
- ITE - Institute for Traffic Engineers.
- CCCD - Chester County Conservation District.
- CCHD - Chester County Health Department.
- CCPC - Chester County Planning Commission.
- PennDOT - Pennsylvania Department of Transportation.
- ULI - Urban Land Institute.
- SCS – Soil Conservation Services
- UCC – Uniform Construction Code
- USGS - United States Geological Survey

Article III. Plan Submission, Processing, and Review

22-300. Applicability

The standards, requirements, and procedures contained in this article shall govern the submission and processing of all applications for subdivision and/or land development in the Borough.

22-301. Types of Plans and Plan Classification

1. Types of Plans:

- A. **Sketch Plan.** A Sketch Plan may be submitted by the sub-divider or developer as a basis for informal discussion with the Borough Staff, Planning Commission or Borough Council, as well as the Chester County and Regional Planning Commissions. The Borough recommends that applicants consider submitting a sketch plan to obtain feedback and guidance prior to submitting a Preliminary or Preliminary/Final Plan application.
- B. **Preliminary Plan.** A Preliminary Plan is required to be submitted for all proposals for subdivision and/or land development in accordance with the requirements of §22-303, Preliminary Plan Requirements and Procedure, and the Subdivision and Land Development Checklist. Preliminary Plans are submitted to obtain a preliminary approval from Borough Council. A preliminary approval, in the absence of a final approval, protects the plan from any ordinance changes for a period of five (5) years or as provided by law. A Final Plan may be submitted for approval anytime within this period, and the plan will be reviewed against the ordinances in effect at the time of the preliminary approval.
- C. **Final or Preliminary/Final Plan.** A Final or Preliminary/Final plan is required to be submitted for all proposals for subdivision and/or land development in accordance with the requirements of §22-304, Final Plan Requirements and Procedure, and the Subdivision and Land Development Checklist. Plans may be submitted as Preliminary/Final Plans at the applicant's discretion. Preliminary/Final Plans are submitted to obtain final approval without having been granted preliminary approval first. However, the applicant may request, or the Borough Council may elect to request, recommend or grant preliminary approval should the plans be deemed unfit to be considered for final approval. A Final Plan shall be submitted for all proposals which have previously received a preliminary approval.

2. Plan Classification:

- A. Minor Residential Subdivision or Land Development. Sketch Plan (§22-302, Optional) and Final Plan (§22-304).
 - 1) No more than three (3) lots are proposed; and
 - 2) No public or private street is to be constructed, improved or widened; and
 - 3) No land disturbance activities will take place except those which are incidental to the construction of a single-family dwelling on a single lot; and
 - 4) No improvements to be dedicated to the Borough are proposed; and
 - 5) No further subdivision can occur within the resulting lots except pursuant to a major subdivision application; or any lot line adjustments where no construction, grading or excavation is proposed.
- B. Major Residential Subdivision, Land Development. Sketch Plan (§22-302, Optional), Preliminary Plan (§22-303), and Final Plan (§22-304).
 - 1) A subdivision proposing four (4) or more lots; or
 - 2) Any residential land development except as provided for in Subsection A; or

- 3) Any plan proposing improvements to be dedicated to the Borough; or
 - 4) Any plan proposing the construction, improvement or widening of a public or private street; or
 - 5) Earth disturbance activities requiring permanent stormwater management facilities, except those provided for in Subsection A.
- C. Minor Commercial Subdivision, Land Development. Sketch Plan (§22-302, Optional) and Final Plan (§22-304).
- 1) No improvements to be dedicated to the Borough are proposed; and
 - 2) No public or private street is to be constructed, improved or widened; and
 - 3) No earth disturbance activities will take place except those which are incidental to the construction of a commercial building on a single lot.
- D. Major Commercial Subdivision, Land Development. Sketch Plan (§22-302, Optional), Preliminary Plan (§22-303), and Final Plan (§22-304).
- 1) Any commercial land development except as provided for in Subsection C; or
 - 2) Any plan proposing improvements to be dedicated to the Borough; or
 - 3) Any plan proposing the construction, improvement or widening of a public or private street; or
 - 4) Earth disturbance activities requiring permanent stormwater management facilities, except those provided for in Subsection A.

22-302. Sketch Plan Requirements and Procedure

1. Sketch Plan Information. A sketch plan should be drawn legibly and to scale, but it need not be a precisely surveyed or engineered plan. Applicants are encouraged to depict sketch plan concepts overlaid on a recent aerial photograph of the project area. The information provided on the sketch plan shall be in accordance with the Subdivision and Land Development Checklist.
2. Submission of Sketch Plan
 - A. All sketch plans submitted for review shall conform to the requirements established in §22-302 and the Subdivision and Land Development Checklist.
 - B. Sub-dividers or developers may file with the Borough Planning Commission a subdivision sketch plan, as described in this chapter and the Subdivision and Land Development Checklist, for all proposed subdivisions of land and land developments lying within the Borough.
 - C. Sketch plans will be considered as submitted for informal discussion between the subdivider or developer and the Planning Commission. Submission of a sketch plan shall not constitute formal filing of a plan with the Borough.
 - D. As far as practical on the basis of a sketch plan, the Planning Commission shall informally advise the developer as promptly as possible of the extent to which the proposed subdivision or land development conforms to the design standards of this chapter and will discuss possible plan modifications.
 - E. An application and fee are required for submission of a sketch plan.
3. Review of Sketch Plan
 - A. The Planning Commission shall consider the sketch plan at a regularly scheduled meeting and provide informal dialogue with the applicant.
 - B. The Planning Commission shall consider the suitability of the sketch plan for the development of the tract and its relationship to the extension of streets, access points,

arrangement and density of proposed use, the compatibility of the proposal with the objectives and recommendations of the Borough Comprehensive Plan.

- C. Sketch plans may be reviewed by Borough Staff and the Borough Planner. Sketch plans will not be reviewed by the Borough Engineer. The applicant may, but need not, request further review of the sketch plan by the Borough Council. Upon receiving written request by the applicant, the Borough Council may consider the sketch plan. The Borough Council may invite the applicant to appear at a regular Council meeting and may advise the applicant as to the concerns of the Council. Borough Council is not required to review the sketch plan nor to submit comments to the applicant if the Planning Commission has not reviewed the plan.

22-303. Preliminary Plan Requirements and Procedure

- 1. Preliminary Plan Information
 - A. The preliminary plan shall be a precisely surveyed or engineered plan completed with computer aided drafting technology.
 - B. One (1) plan in the set provided shall include the proposed features overlaid on a recent aerial photograph of the project area.
 - C. The information provided on the preliminary plan shall be in accordance with the Subdivision and Land Development Checklist.
- 2. Submission of Preliminary Plan
 - A. All preliminary plans submitted for review shall conform to the requirements established in §22-303 and the Subdivision and Land Development Checklist.
- 3. Review of Preliminary Plan
 - A. The Borough Planning Commission shall review the preliminary plan to determine the conformance of the plan to this chapter and shall submit said plan to the Regional Planning Commission and the Chester County Planning Commission as required by the MPC. The Borough Planning Commission shall not act on said plan until it has received a review from the Chester County Planning Commission or until 30 days has passed since the submission of the plans.
 - B. The Borough Planning Commission shall review the preliminary plan and shall submit its findings in writing to the Borough Council. The Planning Commission shall recommend approval, approval with conditions or denial of the preliminary plan. The Planning Commission shall provide itemized justification for any recommendation to deny a subdivision or land development plan approval.
 - C. After receiving the recommendations of the Borough Planning Commission, the Borough Council, at a scheduled or special meeting, shall either approve, approve with amendments, or reject the recommendations of the Planning Commission for the preliminary plan. Borough Council's decision shall be made within ninety (90) days of the date of the first Planning Commission meeting held after the application was received, deemed complete, and accepted by the Borough, or, in the event of a court order, as defined by the provisions of the Pennsylvania Municipalities Planning Code, most recent edition, Section 508.
 - D. If the preliminary plan is not approved as submitted, the decision shall specify the defects found in the plan, shall describe the requirements which have not been met and shall cite in each case the provisions of the ordinance relied upon as the basis for the denial.

- E. Approval of the preliminary plan in writing, subject to conditions, revisions, and modifications as stipulated by the Borough Council shall constitute conditional approval of the subdivision or land development as to the character and intensity of the development and the layout and the dimensions of streets, lots and other proposed features. Approval of the preliminary plan does not preclude additional corrections on final plan review that may have been omitted from the Preliminary Plan reviews and/or the conditions of preliminary approval.

22-304. Final Plan Requirements and Procedure

- 1. Final Plan Information
 - A. The final plan shall be a precisely surveyed or engineered plan completed with computer aided drafting technology. The information provided on the final plan shall be in accordance with the Subdivision and Land Development Checklist.
 - B. Information on the final plans should reflect the approved preliminary plans and any conditions made in the approval of them. Preliminary/Final plans shall be considered Final Plans and are governed by this section.
- 2. Submission of Final Plan
 - A. All final plans submitted for review shall conform to the requirements established in §22-304 and the Subdivision and Land Development Checklist.
- 3. Review of Final Plan
 - A. The final plan shall conform in all respects to the preliminary plan as previously approved by the Borough Council and shall incorporate modifications and revisions specified by the Council in its conditional approval of the preliminary plan.
 - B. The final plan and supporting data (including applicable reports from the Pennsylvania Department of Environmental Protection, the Chester County Conservation District, the US Army Corps of Engineers, the Pennsylvania Department of Transportation, and the Regional and Chester County Planning Commissions) shall comply with the provisions of this chapter.
 - C. The Borough Planning Commission shall review the final plan and send its findings in writing to the Borough Council to determine its relationship to the approved preliminary plan and its conformance to the requirements of this chapter. The Planning Commission shall recommend approval, approval with conditions, or denial of the final plan. The Planning Commission shall provide itemized justification for any recommendation to deny a subdivision or land development plan approval.
 - D. After receiving the recommendations of the Borough Planning Commission, the Borough Council, at a scheduled or special meeting, shall either approve, approve with amendments, or reject the recommendations of the Planning Commission for the final plan. Borough Council's decision shall be made within ninety (90) days of the date of the first Planning Commission meeting held after the application was received, deemed complete, and accepted by the Borough, or, in the event of a court order, as defined by the provisions of the Pennsylvania Municipalities Planning Code, most recent edition, Section 508.
 - E. If the final plan is not approved as submitted, the decision shall specify the deficiencies found in the plan, shall describe the requirements which have not been met and shall, in each case, cite the provisions of the ordinance relied upon.
 - F. The Borough Council may require that the owners supply a title insurance certificate from a reputable company before any property can be accepted for dedication by the Borough.

- G. Where a subdivision plan has been approved and recorded under the terms and conditions of this chapter, purchasers and mortgagees of lots in the subdivision shall be relieved of any and all liability for any deficiency in, lack of, or failure to complete, the necessary grading and paving of streets and other street improvements including, where specified in the plan, curbs, sidewalks, streetlights, fire hydrants, water mains, sanitary sewers and storm sewers. Failure by the developer to complete or properly complete said improvements shall not encumber any or all of the lots in the subdivision.

22-305. Recording the Final Plan

1. Upon completion of the procedures outlined under this Part, all endorsements shall be indicated on the record plan and on as many other copies of the final plan as may be desired. No subdivision or land development plan may be legally recorded unless it bears the seal of the Borough.
2. Copies of the final plan as finally approved, with the endorsement of the Borough Secretary, Borough Council President, the Borough Planning Commission Chairperson, and the Borough Engineer shall be recorded.
3. Within 90 days of final approval by the Borough Council and as required by the MPC, §513, the plan for subdivision shall be recorded in the office of the Recorder of Deeds of Chester County by the applicants. If the plan is not recorded within this period, the approval of the Borough Council shall be null and void unless an extension of time is granted in writing by the Borough upon written request of the applicant.
4. If any deed restrictions, covenants or easements are included in the filing and recording of the subdivision, the applicant shall notify the Borough in writing of such restrictions on the use of the properties being recorded.
5. Final plans will not be released for recording until the requirements of Article VII, Improvement Construction Requirements are satisfied.

22-306. Amending the Final Plan

1. Minor Revision – A minor revision to the Final Plan may be requested after final approval has been granted by Borough Council, but before the Final Plan has been recorded. A minor revision is one that is requested by the applicant beyond those revisions already required as conditions of final approval which does not result in a substantive change to the use, layout or function of the proposed development. A written determination will be made by the Borough Engineer as to whether a proposed revision is minor or major.
2. Major Revision – A major revision to the Final Plan may be requested after final approval has been granted by Borough Council, but before the Final Plan has been recorded. A major revision is one that preserves a likeness to the Final Plan, but results in a substantive change to the use, density, layout, intensity, or function of the proposed development, and is in addition to and also presents a significant departure from the conditions of final plan approval, and therefore will require additional review by the Borough Planning Commission and approval by Borough Council. A written determination will be made by the Borough Engineer as to whether a proposed revision is minor or major. A major revision will require that the terms of the land development agreement be revised to reflect the major revision, if approved.

3. Minor Amendment – A minor amendment to the Final Plan may be requested after final approval has been granted by Borough Council, and after the Final Plan has been recorded. A minor amendment is one that is requested by the applicant which alters one or more elements shown on the recorded final plan, but does not result in a substantive change to the use, layout or function of the proposed development. A determination will be made by the Borough Engineer as to whether a proposed amendment is minor or major. Minor amendments approved during construction shall otherwise be known as “Field Changes”, and all field changes shall be captured on final “As-Built” or “Record” drawings to be recorded with Chester County.

4. Major Amendment – A major amendment to the Final Plan may be requested after final approval has been granted by Borough Council, and after the Final Plan has been recorded. A major amendment is one that preserves a likeness to the Final Plan, but results in a substantive change to the use, density, layout, intensity, or function of the proposed development, and is in addition to and also presents a significant departure from the conditions of final plan approval, and therefore will require additional review by the Borough Planning Commission and approval by Borough Council. A determination will be made by the Borough Engineer as to whether a proposed amendment is minor or major. A major amendment will require that the terms of the land development agreement be revised to reflect the major amendment, if approved.

Article IV. Design Standards

Sub article IV.A. General Site Design

22-400. General Standards and Application

The following subdivision and land development principles, standards and requirements shall be applied by the Planning Commission and Council of the Borough of Phoenixville in evaluating plans for proposed developments. Other design requirements as established in the Zoning Ordinance (Chapter 27), Stormwater Management Ordinance (Chapter 23) or other applicable borough ordinances shall be used in addition to the following:

1. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of public health, safety, and general welfare. Applicants are always encouraged to exceed minimum standards. In addition, the Borough Council reserves the right to require standards in excess of the minimum requirements if warranted due to the unique characteristics of a particular property, or are in the best interest of the health, safety and welfare of the public.
2. All improvements and facilities specified in this sub-article and any other improvements or facilities required by the Borough shall be installed at the expense of the developer and shall be maintained by the developer until, in the case of temporary facilities, such facilities should be dismantled, or, in the case of permanent facilities, the responsibility for management has been transferred to the Borough, a community association, a private management group or some other official agency.
3. Where it can be clearly demonstrated by the applicant to the satisfaction of the Council that, because of peculiar conditions pertaining to a tract of land, the literal enforcement of these standards would cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results, such variations from their literal interpretation may be permitted by formal waiver as may be reasonable and consistent with the purpose and intent of this Chapter. Waivers shall be requested in accordance with §22-105.
4. Whenever other Borough regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall be observed.

22-401. Conformance with Plans

1. **Comprehensive Plans.** Proposals for land development shall be consistent with the Borough Comprehensive Plan, especially as to the land use, intensity of development, transportation, community facilities and environmental resource protection. Residential development should also be consistent with the housing element of the plan. All proposals should be located in and around areas designated for development in the future land use plan element and be serviced by currently available infrastructure or infrastructure that will be developed concurrent with the development, where available.
2. **State, Regional, County, and Municipal Plans.** Proposals shall be generally consistent with appropriate state, regional, county, and municipal adopted comprehensive and other plans. Where regional facilities are proposed in the plan, such as highways or utilities, efforts shall be made to preserve needed right-of-way in the proposed land development for future infrastructure projects.

3. **Public Service Improvements.** Proposals shall be consistent with the location and timing of public service improvements, such as water and sewage facilities, in accordance with the appropriate infrastructure plans governing those facilities. In addition, the location of public service facilities as outlined in a capital improvement program or Official Map should be considered in locating and planning development.
4. **Multi-Modal Transportation.** Proposals shall be generally consistent with the Multi-Modal Circulation Handbook for Chester County, PA, as it relates to: traffic circulation and safety; parking; land use; and, preservation of the environment. Elements of design are covered in Chapter 3 of the Multi-Modal Handbook and include: bicycle and pedestrian circulation; public transportation; infrastructure and amenities; and, vehicular circulation.

22-402. Land Requirements

1. Proposed land use shall conform to the Borough of Phoenixville Zoning Ordinance (Chapter 27) provisions.
2. Land development proposed for any residential, commercial, industrial or public use on any site or lot with a landfill or dump containing trash, garbage, construction debris, industrial waste, ashes and any other such unnatural material shall be tested and explored by a qualified geotechnical engineer to determine the area, depth and material content of the fill, and the existence of any hazardous material.
 - A. Application for any such land development involving a landfill area shall include a Soils Investigation Report and Environmental Site Review with the above information and which also shall address the recommended foundation support of buildings and support of streets and utility lines within the landfill area along with proposed method for the removal or containment of hazardous material in compliance with all governmental agencies governing such hazardous materials.
 - B. Land potentially hazardous to life, health or property shall not be subdivided for residential or public use purposes until such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the development plan.
3. Proposed developments shall be coordinated with existing nearby neighborhoods, so that the community as a whole may develop in a coordinated fashion.

22-403. Blocks

1. The length, width and shape of blocks shall conform to the Borough of Phoenixville Zoning Ordinance (Chapter 27) provisions.

22-404. Lots and Lot Sizes

1. Lot requirements shall conform to the Borough of Phoenixville Zoning Ordinance (Chapter 27) provisions.

22-405. Community Facilities

1. The Borough Council shall determine the need for additional community facilities to serve the proposed land development.
2. Where deemed essential by the Borough Council upon consideration of the particular type of development proposed, and especially in large-scale residential developments, the Borough

Council may require the dedication or reservation of such areas or sites of an extent and location suitable to the needs created by the development for parks and other purposes, in accordance with the Borough Comprehensive Park Plan or any individual Borough park master plan.

3. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, related activity areas, landscaping and off-street parking as appropriate to the use proposed.
4. Where a proposed park, playground, or other public use shown in the Comprehensive Plan is located in whole or in part in a land development, the Borough Council may require the dedication or reservation of land within the land development, in those cases in which the Borough Council deems such requirements to be necessary in accordance with §22-500.

22-406. Monuments and Marker Standards

1. Permanent stone or concrete monuments shall be accurately placed at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property being subdivided. Existing permanent monumentation of a boundary shall not be disturbed. Existing monumentation is acceptable if in the form of pipes, pins, stones or other permanent markers.
2. All monuments shall be placed by a registered surveyor so that the scored point created by an indented cross or drill hole in the top of the monument shall coincide exactly with the point of intersection of the lines being monumented.
3. Monuments along streets shall be set with the top level with the finished grade of the surrounding ground and shall conform to the Borough Standard Construction Details, as amended by Borough Council by simple resolution from time to time.
4. Metal pins shall be used as markers for all internal lot corners.

Sub article IV.B. Streets and Parking

22-407. Utility Locations, Easements, and Rights-of-Way

Widths and locations of easements and rights-of-way shall be determined by the Borough Engineer or the appropriate authority or utility company for all utilities, including stormwater facilities, and shall be governed by the requirements herein.

1. General Standards.
 - A. Easements and required front, side or rear yards may co-occupy the same land.
 - B. Nothing shall be permitted to be placed, set, or put within the areas of an easement unless it is a portable or removable object. The area shall be landscaped in accordance with §22-428.
 - C. The owner of any lot, upon written request by Phoenixville and at the owner's sole expense, shall remove anything placed, planted, set or put (with or without knowledge of these regulations) within the area of any easement.
 - D. To the fullest extent possible, easements shall be adjacent to rear or side lot lines and occupy only a portion of one lot (not centered on two lots).
2. No right-of-way or easement for any purpose whatsoever shall be recited or described in any deed unless the same has been shown on the approved plan. Any error found in a deed shall be

immediately corrected and rerecorded in the office of the Recorder of Deeds for Chester County and at the sole expense of the property owner.

3. Utility easements: A minimum width of 20 feet shall be provided for common utilities and drainage when provided in undedicated land for one use. Multiple utility uses within one easement, or unusual size and/or depth may require additional easement width, as determined by the Borough Engineer.
4. Public utilities: All water, sewer and gas mains and other underground facilities shall be installed prior to street paving at locations approved by the Borough Engineer, or the appropriate utility agency.
5. Underground utilities: All water, sewer, and gas mains shall be installed underground. All electric, telephone and communication services, both main and service lines, shall be provided by underground cables, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services, except where it is demonstrated to the satisfaction of the Borough Council that underground installations herein required are not feasible because of physical conditions of the lands involved. All main underground cables which are within the right-of-way of a street shall be located as specified by the utility company, subject to approval by the Borough Council, upon recommendation of the Borough Engineer.
 - A. In order to promote or facilitate the underground installation of utility distribution lines, a letter of endorsement shall be required from the suppliers of utility service (not limited to electrical, telephone, cable and internet) of the developer's choice wherein the applicant acknowledges that underground utilities are feasible and shall be consummated as part of the improvement plan.
 - B. A statement relative to the intent of the developer to provide underground utility service shall be placed on the final plan requisite to final approval of the plan.
 - C. The provisions in this chapter shall not be construed as to limit or interfere with the construction, installation, operation and maintenance of public utility structures or facilities which may hereafter be located within public easements of rights-of-way designated for such purposes.
 - D. Light standards shall be complied with as required by the Zoning Ordinance. Power source for such standards shall be placed underground as required.

22-408. New and Existing Streets

1. Street System.
 - A. Streets shall be designed according to the function they are to serve in conformance with the standards provided in this section and the Chester County Multi-Modal Handbook.
 - B. If lots resulting from a subdivision are large enough to permit further subdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary, to be no less than the rights-of-way then required.
 - C. Where a land development abuts or contains an existing or proposed collector or arterial street, the Borough may require dedication of additional right-of-way specified hereinafter, as well as marginal access streets, rear service alleys, reverse frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street and separation of local and through traffic.
 - D. Where warranted because of additional traffic, drainage or comparable problems or conditions resulting from the proposed development, said public street is to be improved as

- a responsibility of the applicant, by means of sufficient funds escrowed for use by the Borough to execute such improvement as per the conclusion of a traffic impact study.
- E. New half or partial streets shall not be approved.
 - F. The applicant shall be required to provide standard traffic control signs and pavement markings for all streets within the development. The proposed location of said signs and pavement markings must be shown on the development plan.
 - G. The Borough may require that proposed streets and rights-of-way be extended to the common property line of the subject property and an adjoining tract(s), where further extension or connection may be made by future development of the adjoining tract.
2. All new streets and extensions and widenings of existing streets:
- A. Shall be offered for dedication to the authority having jurisdiction over the street at the time of plan approval. The Borough may accept or refuse dedication of lands which are not accepted by other jurisdictions.
 - B. Shall conform with the circulation element of the Phoenixville Comprehensive Plan and county or state highway plans and be coordinated with existing streets.
 - C. Shall provide appropriate access between abutting tracts of land for immediate or future use.
 - D. Shall create a road hierarchy among interior land development streets and exterior streets to ensure proper through-traffic flow, local access, and internal traffic distribution and flow.
 - E. Shall be related closely to existing topography to assure reasonable grades, alignment and drainage, appropriate access to lots, and to minimize regrading and removal of vegetation.
 - F. Shall be designed to continue existing streets at equal or greater right-of-way and cart way width, as recommended by the Borough Engineer and Planning Commission.
 - G. Curbs and storm sewers shall be installed along all existing and proposed public and private streets and common parking areas, except when this requirement is waived at the discretion of the Borough Council, upon recommendation of the Borough Planning Commission and the Borough Engineer.
 - H. The developer shall assign street names, subject to the approval of the Borough Council, and use street numbers as assigned by the County 911 Office.
 - I. Median strips or other traffic-calming devices may be required by the Borough Council to provide for public safety and traffic efficiency. Traffic calming shall be planned and designed in accordance with PennDOT Publication 383, Pennsylvania's Traffic Calming Handbook.
3. Private Streets. Whenever a developer proposes to establish a street which is not offered for dedication of public use, the Borough Council shall require the applicant to submit, and also to record with the plan, a copy of the agreement made with Phoenixville on behalf of his heirs and assigns. Such streets shall be constructed in conformance with the Borough Standard Construction Details. Maintenance responsibility shall be outlined and defined by the applicant and reviewed by Phoenixville prior to final approval. When, in the determination of the Borough Council, it becomes necessary for Phoenixville to assume responsibility for a private street in order to maintain the health, safety, and welfare of the residents, the Borough may do so and assess the property owner(s) or abutting owners who use the street for any improvements necessary to restore the street to conformance with borough specifications.
- A. Residential private streets. Private streets shall be designed and built to the same standards as public streets.
 - 1) Private streets shall function solely as local access streets and shall conform to the requirements of §22-409.1.D.
 - 2) Provisions for the maintenance of private streets shall be stated in the community association document to be submitted prior to plan approval.

- B. Alleys and Service Streets.
 - 1) Alleys may be provided to provide alternate access to “rear loading” residential units in accordance with the Borough of Phoenixville Zoning Ordinance (Chapter 27) provisions. An alley shall never be considered the primary frontage street for any development or portion thereof.
 - 2) Except where other adequate provision is made for off-street loading and parking consistent with the use proposed, service streets shall be required in commercial and industrial districts and shall have a minimum paved width of sixteen (16) feet.

22-409. Street Classifications

- 1. Street Classifications.
 - A. **Expressway.** Multi-lane roads with access only by interchange. Properties fronting upon expressways have no direct access. Services interstate and interregional traffic.
 - B. **Arterials.** Arterials provide a high degree of mobility in order to better serve trips of longer length. Since access to abutting property is not their major function, access controls are desirable to enhance mobility. They are further classified as follows:
 - 1) **Principal Arterial.** Multi-lane roads with intersections at grade and some access provided to properties with frontage. Intended for high-speed inter-city and commuter traffic.
 - 2) **Minor Arterial.** Usually two travel lanes with a separate turning lane at intersections. Links boroughs with villages. Access limited depending upon adequate site distance.
 - C. **Collectors.** Collectors serve a dual function of providing a mix of accessibility and mobility. They typically serve trips of up to four miles in length and channel or distribute traffic to or from a road of a higher classification. They are further sub-classified as major and minor collectors.
 - 1) **Major Collector.** Roads designed to collect traffic from residential areas and feed it to the arterial and expressway system. Links neighborhoods. Serves some local-oriented traffic. Provides direct access for abutting residential lots in rural areas.
 - 2) **Minor Collector.** Roads designed to collect traffic from residential areas and feed it to the arterial system. Mostly locally oriented traffic. Serves as through road in neighborhoods. Provides direct access for abutting residential lots in rural and suburban areas.
 - D. **Local Access.** Roads designed to provide access to all abutting lots. Not intended for through trips, although may be used as such, particularly in rural areas. Included cul-de-sacs and other single-access streets. These local access roads may be public or private.
- 2. The widths for Rights-of-Way and Cart way shall conform to the Borough of Phoenixville Zoning Ordinance (Chapter 27) provisions.

22-410. Street Alignment

Sight distance, horizontal and vertical curvature, super elevation, maximum and minimum street grades shall be determined by the Borough Engineer in compliance with the standards contained in A Policy on Geometric Design of Highways and Streets, published by the American Association of State Highway Transportation Officials (AASHTO), most recent edition, or PennDOT standards, whichever is more restrictive. In addition, the following standards and guidelines shall be complied with:

1. Whenever street lines are deflected in excess of 5°, connection shall be made by horizontal curves.
2. To ensure adequate sight distance, minimum center-line radii for horizontal curves shall be according to AASHTO standards related to design speed. In any event, the following minimum radii shall be met:
 - A. Two hundred feet on local public access roads and as established by proper engineering practices for private local access roads.
 - B. Three hundred feet on collector roads.
 - C. Five hundred feet on arterial roads.
 - D. PennDOT standards shall be applied to expressways.
3. A tangent of at least 100 feet shall be introduced between all horizontal curves on collector and arterial roads.
4. Super elevation shall be required on arterial roads where the curve radius is less than 600 feet.
5. Minimum curve radius shall not be permitted on maximum grade.
6. Street grades shall be measured along the center line in accordance with the following:
 - A. Center-line grades shall not be less than 1%.
 - B. Center-line grades shall not exceed 6% on arterial and collector streets or 10% on local access streets. PennDOT standards for grade shall be applied to expressways.
 - C. At all changes of street grades where the algebraic difference exceeds 1%, vertical curves shall be provided to permit a minimum sight distance related to design speed as specified by AASHTO standards; in any event a minimum sight distance of 200 feet along local access streets, 300 feet along collector streets and 500 feet along arterials. PennDOT standards for sight distance shall be applied to expressways.
 - D. Street grades at intersections shall, in general be less than 4% on all approaches measured within 75 feet of the intersection of right-of-way lines.
 - E. The slope ratio of banks shall not be less than four to one horizontal to vertical (4:1).

22-411. Street Intersection Design

All street intersections shall be governed by the standards of this section:

1. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 60°, as measured at the center lines.
2. No more than two streets shall cross at the same point.
3. Adequate stopping sight distance shall be provided at all street intersections according to AASHTO standards.
 - A. Distances for collector and arterial roads shall be in conformance with PennDOT standards, but shall in no case be less than 500 feet in each direction along the arterial road, and 300 feet for a collector road. Distances for local access streets, except single access streets, shall be no less than 200 feet in each direction along the local access street.
 - B. A clear sight triangle shall also be provided. The sight-triangle shall be measured from a point in the center of the street 75 feet back.
4. To the fullest extent possible, intersections with major arterials and major collectors shall be located not less than 600 feet apart, as measured from center line to center line.
5. Streets entering from opposite sides of another street shall either be directly across from each other or offset by at least 250 feet on local access and 300 feet on arterial roads, as measured from center line to center line.

6. Street curbing at intersections shall be rounded by tangential arc with a minimum radius of 20 feet for intersections involving only local access streets, 25 feet for intersections including other types of streets, or such greater radius as is suitable to the specific intersection, or as required for emergency vehicle access.
7. Whenever a development abuts an arterial street, the Borough may require reverse frontage lots to regulate access to said arterial street. Building access shall be governed by the Borough of Phoenixville Zoning Ordinance (Chapter 27) provisions.

22-412. Single-Access Street Regulations

1. Single access streets shall function as local access streets. All standards applicable to local access streets shall apply to single access streets in addition to the following:
 - A. A single access street shall not be more than 500 linear feet from the near edge of the adjoining street to the end of the cul-de-sac.
 - B. A single access street to be publicly maintained shall have no less than 250 linear feet of cart way.
 - C. Cul-De-Sac and Dead-End Streets.
 - 1) Dead-end streets are prohibited unless designated as permanent cul-de-sac street, or when designed as a temporary cul-de-sac for future access to adjoining properties.
 - 2) Any street dead-end for access to an adjoining property or because of authorized phased development shall be provided with a temporary, all-weather turnaround within the development. The use of the turnaround shall be guaranteed to the public until such time as the street is extended. Street right-of-way shall be extended to the tract boundary in such cases.
 - 3) Circular turnarounds shall have a minimum paved radius of 50 feet.

22-413. Roadway Improvements

1. Paving. The pavement of all streets and all commercial, industrial, and multifamily parking areas and driveways into and out of parking areas shall be installed as shown on the final plan and in accordance with the following standards:
 - A. General. All paving shall be constructed, both as to materials and methods, generally in conformance with applicable portions of PennDOT Specifications Publication 408, latest revision.
 - B. Pavement design. Pavement construction shall conform to the minimum standards for different types of streets and parking areas in indicated in the Borough Standard Construction Details.
 - C. Paving cross section. All pavements, except where super elevated for curves, shall conform to typical roadway cross sections in the Borough Standard Construction Details.
 - D. Paving Material Requirements should conform to the Borough Standard Construction Details.
2. Driveways. Driveways normally used by not more than 25 vehicles per day shall comply with the standards contained in the Pennsylvania Code, Title 67, Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, Section 441.8(i)(5), Grade Requirements Where Curbs and Sidewalks are Present. Driveways normally used by more than 25 vehicles per day shall comply with standards appropriate for their anticipated traffic volumes in conformance with accepted engineering standards and practices.

3. Maximum grade requirements shall not be waived unless extremely difficult circumstances exist and cannot be mitigated by alternative locations, designs, or lotting, in which case a safe, practical alternative may be permitted by the Borough Council, upon recommendation of the Borough Engineer.
4. All adjacent structures and areas disturbed or damaged during construction shall be properly repaired, restored, or replaced to the satisfaction of the Borough by the party causing the damage.
5. All trees, roots, stumps, brush, down timber, wood, rubbish and any objectionable material shall be removed from the full legal right-of-way, or as recommended by the Borough Engineer. Efforts shall be made during construction of roadways to preserve any vegetation specifically for preservation identified in the landscaping plan.

22-414. Driveways

1. Private driveways shall be provided for all residences and other land developments requiring vehicular access. The construction shall be in accordance with the regulations of this section in order to provide safe access to Borough streets and state highways, to minimize problems of stormwater runoff, and to assure sufficient area for access to off-street parking.
2. Driveway Intersects with Streets.
 - A. Shall provide adequate stopping sight distance in compliance with PennDOT standards according to AASHTO requirements.
 - B. Shall not cause or contribute to hazards to the free movement of normal street traffic, interference with the design, maintenance and/or drainage of the street.
 - C. Shall fully comply with PennDOT regulations when intersecting a state highway. PennDOT permits shall be obtained by the applicant prior to or as a condition of final plan approval.
4. Driveway intersections serving individual parcels of land may be prohibited by the Borough where such intersections would create congestion, interference and/or hazards to traffic flow and safety by reason of street grades, land forms, vegetation, frequency of driveway intersections, limited sight distance and/or high-speed traffic flow. In such cases, the Borough may require alternative forms of vehicular access by means of marginal access streets or driveways, shared driveways, reverse frontage lots or other means of access which are technically suitable to the Borough. When streets of different classes are involved, access shall be provided to the street of the lesser classification, unless the Borough determines that this requirement is not desirable for reasons of safety, grading, drainage, traffic or other reasons.
5. In order to facilitate safe and efficient access between streets and driveways, the number of driveways permitted to serve individual parcels of land shall be kept to the minimum needed to adequately serve the parcel in question.
 - A. Properties with frontages of 100 feet or less may be permitted not more than one driveway intersection with a street. Exceptions may be made when adjacent property owners share parking or when the need is determined in a traffic study prepared by a qualified traffic engineer.
 - B. Not more than two driveway intersections with the same street may be permitted for any parcel of land unless anticipated traffic volumes warrant more than two, and then only when supported by a traffic study prepared by a qualified engineer warrants more than two driveway intersections.
6. Distance from street intersections. Driveways shall be located as far from street intersections as is reasonably possible, as determined by the Borough Engineer.

7. Choice of streets. When streets of different classes are involved, the driveway shall provide access to the street of lesser classification, unless this requirement is waived by the Borough Council for reasons of sight distance, incompatibility of traffic, grading, drainage, or other major reasons presented by a qualified traffic engineer and recommended by the Borough Engineer.
8. Stopping areas. Regardless of the driveway classification, all driveways shall be provided with a stopping area within which the grade shall not exceed 4%. Any remaining portion of the driveway shall have a maximum grade of 10%. The stopping area shall be measured as follows:
 - A. The length of the stopping area shall be a minimum of 20 feet, or the length of the longest vehicles anticipated to use the driveway, whichever is greater.
 - B. Stopping areas shall be measured from the cart way line for all streets.
9. Maximum grades for driveways.
 - A. Residential driveways shall not exceed 15% grade.
 - B. All other driveways shall not exceed 7% grade.
 - C. All driveways shall be provided with a stopping area within which the grade shall not exceed 4% for 20 feet from the edge of the cart way.
 - D. Driveways with a sidewalk crossing within the right-of-way shall include an ADA compliant pedestrian access route with a maximum cross-slope of 2.0%.
10. Sight distance determinations. Determination of sight distances at intersections of new driveways and streets with existing borough roads shall be in accordance with the following provisions.
 - A. Access driveways shall be located at a point within the property frontage limits which provides at least the minimum safe stopping sight distance (SSSD) as determined by the standards within Chapter 441 (Access to and Occupancy of Highways by Driveways and Local Roads), Title 67, of the Pennsylvania Code.
 - B. The calculated minimum SSSD shall be obtainable and measured from a point 10 feet back of the pavement edge and 3.5 feet above the road surface.
 - C. If the minimum required SSSD's cannot be achieved, the Borough may exercise one or more of the following options:
 - 1) Prohibit left turns by exiting vehicles.
 - 2) Restrict turning movements to right turns in and out of a driveway.
 - 3) Require installation of a right-turn acceleration lane or deceleration lane.
 - 4) Require installation of a separate left-turn standby lane.
 - 5) Alter the horizontal or vertical geometry of the roadway.
 - 6) Deny access to the road.
11. Driveway Construction.
 - A. Driveway construction shall conform to the Borough Standard Construction Details.
 - B. Driveways serving residential uses shall have a minimum paved width of nine (9) feet. Driveways serving all other uses shall have a minimum paved width of eleven (11) feet per lane for ingress and egress.
 - C. Driveways to single-family residences shall intersect streets at angles of no less than 60°. All other driveways shall intersect streets at right angles where practical, and in no case less than 75°. The angle of intersection is defined as the acute angle made by the intersection of the center line of the driveway with the curb line of the road.
 - D. Driveway entrances into all nonresidential, single-use properties shall be no less than 22 feet in width, shall not exceed 36 feet in width at the street line unless provided with a median divider, and shall be clearly defined by the use of curbing.
 - E. The edge of any driveway shall be at least 60 feet from the nearest end of the paving radius at a street intersection.

- F. Driveways shall be graded so that, wherever possible, surface drainage will be discharged to the owner's property. Otherwise adequately sized pipes, inlets, or headwalls shall be installed and gutter improvements shall be made to direct surface drainage an approved on-site stormwater management facility prior to release to a municipal separate storm sewer system. Road drainage systems shall be upgraded to a condition satisfactory to the Borough Engineer by the developer to accommodate the additional runoff created by his or her development.
 - G. Where applicable, the gutter line shall be maintained as a paved swale matching existing gutters. A pipe may be placed under a driveway entrance only when approved by the Borough Engineer. The acceptability of such a pipe will be governed by the gutter depth on each side of the driveway.
 - H. Existing driveways to development and redevelopment properties shall be reconstructed as necessary to meet the requirements of this section and the Borough Standard Construction Details.
12. Shared Driveways.
- A. A single driveway may be shared by not more than two lots or units. A single property access shared by more than two lots or units shall be considered a private street and as such shall conform to the applicable requirements for Residential Private Streets (22-408.3.A.).
 - B. Shared driveways with a cart way width of less than 16 feet and a total length of 200 feet or more shall have a turnout of such a width so as to provide an aggregate sixteen-foot-wide cart way for the driveway and said turnout area shall be of sufficient length to accommodate a single motor vehicle located every 200 feet along the driveway.

22-415. Bridges and Culverts

Bridges and culverts shall be designed to meet the requirements and approval of the Borough Engineer with regard to design, adequacy and location. Culverts shall be of reinforced concrete. Wherever the drainage area of the watercourse involved consists of more than 320 acres, a permit shall be obtained from the dams and waterway management section of the PADEP in conformance with Chapter 105 of the rules and regulations of the DEP. Such permit shall be submitted to the Borough Council who shall make appropriate notation of receipt upon, and prior to approval of, the preliminary plan and upon the Borough copy of such plan. All culverts and bridges not under DEP control shall be designed for a fifty-year storm.

1. Bridges and culverts shall be designed to meet current PennDOT standards to support expected loads and to pass design stormwater flows. They shall be constructed to the full width of the planned cart way. Allowance for sidewalk must also be made.
2. Where county-owned roads or bridges are involved, the County Engineer must review and approve all proposals.
3. It is unlawful to construct any dam or other water obstruction, or to make any change in or addition to any existing water obstruction, or in any manner to change or diminish the course, current, or cross section of any stream or body of water, without first having made written application to and obtained a permit or consent in writing from PADEP.
4. The following information is required: drawings to include location plan; cross section of present bridge if one exists; and profile of stream for a reasonable distance above and below the bridge site, showing slopes of bed, normal water surface and floodwater surface. If the bridge is on a skew, give the angle of the center line of the bridge with the direction of the line of flow. In addition, the following information is required for new bridge construction: the total drainage

area above the bridge site; description of the watershed; length of stream from source to bridge site and to the mouth; character of stream bed and banks; extent and depth of overflow during floods; effect of previous floods upon bridges, their span and clearance; and whether the bridge will be within backwater influence of a parent stream.

5. A complete set of structural computations and drawings shall be submitted with plans involving construction of bridges and culverts.

22-416. Street Names and Signs

1. Street names. Street names shall be determined in consultation with the Borough and County. Street names should bear a reasonable relationship to significant natural features or history of the community. Efforts should be made to reduce the occurrence of similar names or similar sounding names within the Borough or the postal delivery area. In no case shall the name of a proposed street duplicate an existing street name in the Borough. All street names are subject to approval by Borough Council.
2. A proposed street which is obviously in alignment with an already existing and named street shall bear the name of the existing street.
3. Street signs. The developer shall erect at every intersection a street sign or street signs having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two such street signs; and at the intersections where one street ends or joins another street, there shall be at least one sign. Street signs shall be erected when the first dwelling on the street is occupied. Temporary street signs may be erected with the permission of the Borough Council. Any temporary signs will be replaced prior to roadway dedication. All street signs are subject to approval by Borough Council.

22-417. Parking Lots and Internal Driveways

1. General.
 - A. The specific purposes to be served by these requirements are:
 - 1) To add visual character and improve the appearance of parking areas by reducing their massiveness into smaller units.
 - 2) To integrate parking areas into the pedestrian circulation system.
 - 3) To provide shade for parked cars and reduce heat islands, stormwater runoff, and air pollution.
 - 4) To reduce random vehicular flow across parking areas.
 - 5) To permit a high level of visibility for those uses for which visibility is an important factor.
 - 6) To facilitate snow removal and storm drainage, and to conserve energy in construction and resurfacing operations, by laying out the paving surface with minimal obstructions.
 - B. Off-street parking facilities shall be provided in compliance with the parking requirements of the Zoning Ordinance (Chapter 27) and the regulations contained herein.
 - C. Angled or perpendicular parking shall not be permitted along public or private streets, except where specifically permitted by this chapter or other ordinances.
 - D. The terms "parking lot," "parking area" and "parking" are interchangeable. "Parking" includes the driveway which provided direct access to the parking spaces.
2. Design Standards for Parking Lots
 - A. Parking shall not be permitted along driveways which serve as the entrance(s) or exit(s) to parking areas with a capacity of 50 cars or more.

- B. Parking areas shall not be located closer than two feet from any tract boundary line, or less than two feet from any ultimate right-of-way line. The additional requirements for buffer yards supersede these minimum setback requirements per the Phoenixville Borough Zoning Ordinance (§27-406).
 - C. Dead-ended parking areas are discouraged when the required parking capacity can be accommodated in a layout that permits more convenient vehicular movements. However, extraneous through-traffic flow should be avoided.
 - 1) Up to 30 parking spaces may also be located in a dead-ended parking area if there is no more desirable alternative feasible, and sufficient back-up areas provided for the end stalls.
 - 2) More than 30 parking spaces may be located in a dead-ended parking area only if turnaround area is provided at the closed end, suitable for passenger car turning. The turnaround area may be circular, T- or Y-shaped, or other configuration acceptable to the Borough.
 - D. No parking lot shall have a slope in excess of 5%.
 - E. Parking Area Dimensions:
 - 1) Parallel parking stalls shall have minimum dimensions of 7 feet by 22 feet. Parallel parking stalls at each end of a row of parallel parking having no other physical obstruction may be reduced to 18 feet in length.
 - 2) Perpendicular parking stalls shall have minimum dimensions of 9 feet by 18 feet with a twenty-two foot aisle. Perpendicular parking stalls designated for compact vehicles may be reduced to 8 feet in width.
 - 3) Angled parking stalls shall have minimum effective parking dimensions of 9 feet by 18 feet and be oriented at an angle of either 60° or 45° as dictated by the most efficient layout for the site. Parking drive aisles for areas with angled parking shall be one-way and have a minimum width of 18 feet for 60° stalls and 15 feet for 45° stalls. Angled parking is not acceptable for on-street parking.
 - 4) Where parking stalls abut sidewalks, parked vehicles shall not overhang the sidewalks. Parking areas shall be set back from sidewalks by at least two feet or wheel stops shall be installed to allow for full pedestrian use of the sidewalks.
 - 5) Parking spaces for physically disabled persons shall be 13 feet wide and equal in depth to the spaces abutting them, in accordance with standards developed under the ADA. Parking spaces for physically disabled persons requiring van accessibility shall be 16 feet wide, consisting of a stall 8 feet in width and a striping aisle also 8 feet in width.
 - F. All parking lot construction and material specifications shall be as specified by PennDOT current specifications.
 - G. Parking spaces designed for exclusive use by disabled persons shall be installed in all parking lots as close and convenient to building entrances as is reasonable. The specific number and locations of handicapped stalls shall be in conformance with the Americans with Disabilities Act (ADA). Slopes within the designed ADA parking spaces and required aisles shall not exceed 2.0% in any direction.
 - H. Provisions for pedestrian safety within a parking lot shall be required by providing sidewalks and delineated crosswalks.
3. Residential Parking Lots.
- A. Parallel rows of parking spaces, which are not separated by a driveway or aisle, shall be separated by a raised and curbed, landscaped planting strip, a minimum of six feet wide edge to edge.

- B. A single row of parking spaces located parallel to and between two driveways, shall be separated from one of the driveways by a raised and/or curbed, landscaped planting strip, a minimum of five feet wide edge to edge.
 - C. Parking lots shall be divided into sections of not more than 20 cars each, with the sections separated by raised and/or curbed, landscaped planting strips, a minimum of nine feet wide.
 - D. The entire parking lot perimeter shall be buffered and landscaped in accordance with §22-428.
 - E. All parking lots shall be paved with asphalt, concrete or concrete pavers and be constructed in accordance with the Borough Standard Construction Details, or other paving material which will achieve the same or better performance specifications as determined by the Borough Engineer. Designers are encouraged to consider use of pervious paving materials and other green technology when designing parking areas, and the overall site design shall meet the requirements of the Phoenixville Borough Stormwater Management Ordinance.
4. Nonresidential Parking Lots.
- A. Parking lots shall require a raised, curbed, landscaped planting strip, a minimum of 6 feet wide, around the entire perimeter except where site constraints require placement of buildings, driveways and walkways in such proximity to the parking area.
 - B. Parking lots with parallel rows of parking stalls shall be separated by raised and/or curbed landscaped planting strips, a minimum of six feet wide. A single row of parking stalls shall not exceed 20 stalls without being separated by a raised and/or curbed, landscaped planting island, a minimum of 9 feet wide.
 - C. Parking lots for more than 100 cars shall be divided into sections by raised and/or curbed, landscaped planting strips, a minimum of six feet wide.
 - 1) These planting strips shall be located parallel to the rows of parking to separate main access (entrance-exit) driveways from rows of parking spaces; to separate other major driveways from rows of parking spaces (service drives, general internal circulation); to separate large parking areas into smaller units at intervals of not more than four rows of parking stalls within each unit capacity not greater than 100 stalls. Within each row, raised and/or curbed, landscaped planting islands shall separate each group of 20 parking stalls.
 - 2) The ends of rows of parking shall be marked as islands by means of painted lines or the use of different paving materials such as paving blocks, bricks or round stones. Marked end islands shall be equal in size to one parking space for each row of spaces. Parking shall be prohibited on these islands. The first parking space abutting the end of each island shall be reserved and marked for handicapped parking, at the end of the row closest to the building. Ramps shall be provided at convenient intervals for access between parking surface and sidewalks.
 - 3) For parking areas with an ultimate capacity greater than 500 cars, the above requirements may be modified by the Borough to provide separation into units at intervals of six rows of parking stalls, with each unit capacity no greater than 150 cars.
 - D. The entire parking lot perimeter shall be buffered and landscaped in accordance with §22-428.
 - E. All parking lots shall be paved with asphalt, concrete or concrete pavers and be constructed in accordance with the Borough Standard Construction Details, or other paving material which will achieve the same or better performance specifications as determined by the Borough Engineer. Designers are encouraged to consider use of pervious paving materials and other green technology when designing parking areas, and the overall site design shall meet the requirements of the Phoenixville Borough Stormwater Management Ordinance.

5. Parking Garages. Parking structures should be designed to complement the existing streetscape.
 - A. Where structured parking is located on the same lot with other uses, it shall be designed as a mixed-use building, with storefronts or other business uses on the street level, to encourage pedestrian activity and reduce visual impacts.
 - B. Building facades of parking structures facing the street or other public way shall be designed with vertical articulation and architectural details that reflect the character of the surrounding neighborhood. When structured parking is located on a tract with other existing buildings, the facades shall be of a unified or complementary theme.
 - C. Vehicles shall be screened with grills, lattice, mock windows, louvers or other facade treatments that complement the architectural style of the building.
 - D. Street trees and any buffering/screening shall adhere to the requirements in the Zoning Ordinance, Chapter 27, §27-406.
6. Internal Driveways. The following requirements apply to all driveways within all sites proposed for land development.
 - A. A smooth transition shall be provided between the driveway section required for access to a public street and the driveway(s) required for internal site circulation.
 - B. Main access driveways (entrance-exit) shall be in accordance with §22-414, unless otherwise required by PennDOT standards governing the volume of traffic anticipated.
 - C. Internal storefront driveways in shopping centers shall be a minimum paved width of 28 feet, to allow one lane in each direction and a drop-off/pickup lane along the sidewalks.
 - D. Internal driveways along other nonresidential buildings shall be a minimum paved width of 22 feet, except where a drop-off/pickup lane is proposed.
 - E. Parking aisles with perpendicular parking stalls shall be a minimum 22 feet wide, with two-way traffic flow for convenience and efficiency.
 - F. Wherever feasible, internal circulation driveways shall extend from access drives in locations which permit and encourage entering traffic to turn and enter the parking aisles without first traveling along a building-front driveway. This feature is intended to reduce the volume of vehicular traffic along building-front driveways to make it safer for pedestrian traffic.

22-418. Curbing

Curbing shall be installed along all existing and proposed public and private streets, common driveways, and common parking areas.

1. General.
 - A. Regardless of size of land development proposal, curbs shall be required along all existing and proposed public streets within the right-of-way, private streets, common driveways, and common parking areas.
 - B. When utilizing concrete paving or unit pavers with a properly engineered edge restraint system, the Borough Council, at the recommendation of the Borough Engineer, may waive curbing requirements partially or in full.
 - C. Asphalt paving will require concrete curb in all cases, but may be flush with the pavement surface where practical for managing stormwater runoff.
 - D. Wheel stops will be required for all parking areas with flush curb or edge restraints.
2. Curb construction.
 - A. All curbing shall be constructed in accordance with the Borough Standard Construction Details, most recent revision.

- B. Pipes, grates, wood planks or other materials shall not be placed in the gutter to form a driveway ramp.
- C. Where it is necessary to replace existing vertical curbs with depressed curbing, ten foot long sections of existing vertical curb shall be completely removed without disturbing the adjacent cart way paving. The depressed curb shall then be formed and poured in place. Any portions of the cart way disturbed during curbing removal or installation shall be repaired to new condition.
- D. When curbing must be cut for any reason, the length of the remaining section shall be no less than four feet between expansion joints. The cut shall be made vertically, in a neat manner, with a power saw equipped with a proper masonry-cutting blade.
- E. Any depressed curb sections that are unused when a development or phase of a development is completed shall be completely removed and replaced with full upright curbing to line and grade of adjacent curbing. Forming and pouring concrete vertical curbing on top of an existing curb depression will not be permitted.

Sub article IV.C. Sidewalks and Trails

22-419. Sidewalks and Planting Strips

Sidewalks shall be installed along all existing and proposed public and private streets, common driveways, and common parking areas.

- 1. General.
 - A. Sidewalks and planting strips shall be placed in accordance with the Zoning Ordinance (§27-401).
 - B. Proposed sidewalks shall maintain the width, pattern and style of the Borough's sidewalk network. Where proposed sidewalks meet existing sidewalks which have a different width, a tapered transition shall be constructed.
- 2. Design and Layout.
 - A. Layout of sidewalk and planting strips shall be in accordance with the Zoning Ordinance (§27-401).
 - 1) The planting strip between sidewalks and the curb may contain streetlights, trees, benches, trash cans, mailboxes, or newspaper boxes. No obstacle in the planting strip may reduce the required sidewalk width for use by pedestrian traffic.
 - 2) Planting strips shall be maintained as a grass strip between the sidewalk and the curb. If the grass is impractical at the site, brick pavers or similar surface may be used at the discretion of the Borough Council upon recommendation of the Borough Planning Commission and Engineer. In this case, a wider sidewalk may be necessary in place of a border area to create a safer pedestrian environment.
 - B. The Borough Council may require additional sidewalk width in areas where higher volumes of pedestrian traffic are anticipated. The minimum width is governed by the Zoning Ordinance (§27-401).
 - C. All sidewalk widths are exclusive of any obstacle. Sidewalk areas containing streetlights, trees, benches, doors, trash cans, mailboxes, newspaper boxes, or similar feature are required to have additional width to satisfy the minimum requirement.
 - D. Additional sidewalks or paved trails shall be required where deemed necessary by the Borough Council to provide access to schools, religious institutions, parks, community facilities, trails, and commercial or employment centers, and to provide necessary

pedestrian circulation within land developments where otherwise required sidewalks would not be sufficient for public safety and convenience.

- E. Sidewalks shall be designed to facilitate access and use by persons that are physically disabled, in compliance with the ADA and to the satisfaction of the Borough Engineer.
 - F. If the provision of sidewalks requires the destruction or removal of valuable trees, consideration shall be given to the retention of such valuable trees.
 - G. Conflicts arising from the placement of street trees, utilities, and planting strips should be discussed with the Borough Planning Commission to determine appropriate placement and alignment.
3. Sidewalk Construction.
- A. Sidewalks shall be constructed in accordance with the Borough Standard Construction Details.
 - B. Gradient, cross-slope and paving of all sidewalks shall be continuous across all private driveways.
 - C. Handicap ramps shall be provided for sidewalks of all new street intersections and where curbs and/or sidewalks are replaced at existing intersections. Ramps shall be placed in line of travel, to the greatest extent practical. Handicap ramps shall be constructed to standards set forth in the ADA, and further detailed in PennDOT Publication 72M, RC-67M.

22-420. Crosswalks

- 1. Crosswalks shall be clearly delineated at all intersections and maintain the width of the largest contributing sidewalk or trail. In no case shall the crosswalk be less than five feet.
- 2. Crosswalks and their transition to adjacent sidewalks or trails shall be designed to facilitate access and use by persons that are physically disabled, in compliance with the ADA.
- 3. Where a crosswalk is located at an arterial or collector street, the Borough Council may require one of the following measures as described in the Pennsylvania Traffic Calming Handbook upon recommendation from the Borough Planning Commission and Engineer.
 - A. Textured crosswalks. Crosswalk patterns, materials, and colors shall be consistent with surrounding crosswalks based on the theme established in the Borough and recommended to the Borough Council by the Planning Commission and Borough Engineer.
 - B. Pedestrian signalization shall be provided at intersections where traffic signals exist.
 - C. Curb extensions, bulb-outs, raised medians, raised crosswalks, and other pedestrian safety methods shall be considered and, where determined to be appropriate by the Borough Council, constructed.

22-421. Trails and Pathways

- 1. When a land development property is traversed by or abuts an existing trail customarily used by pedestrians, bicyclists, and/or equestrians, the applicant shall make provisions for the continued recreational use of the trail, and the connection or extension of the trail across the property.
- 2. See Zoning Ordinance §27-503 for existing trail requirements.
- 3. The applicant may alter the course of the trail within the tract for which development is proposed under the following conditions.
 - A. The points at which the trail enters and exits the tract shall remain unchanged.
 - B. The proposed alteration exhibits quality trail design according to generally accepted principals of landscape architecture. The Borough recommends the PADEP publication, Non-

Motorized Trails, prepared by the Pennsylvania Trails Program of the Bureau of State Parks as a guide for the development of high-quality trails.

- C. The proposed alteration does not run coincidentally with a paved road intended for use by motorized vehicles.
4. Trail easements for public use may be credited toward the open space requirement as described in §22-501.
5. An applicant may propose and develop a new trail. If said trail is available for use by the general public and connects with an existing trail, the easement for said trail may be credited toward the open space requirement described in §22-501.
6. Trails shall have a vertical clearance of no less than ten feet.
7. Trails shall be located in an easement or right-of-way with a minimum width of 16 feet, or width of trail plus four feet, whichever is greater.
8. Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall be less than 12 feet.
9. No trail shall be designed with the intent to accommodate motorized vehicles, unless specifically required for emergency vehicles access and circulation required to service the development property, as determined by the Borough's emergency management personnel. Trails used for emergency vehicles shall be equipped with vehicle access controls and appropriate signage and signals to alert trail users to the occasional possibility of emergency vehicles and personnel occupying the trail. These controls shall be furnished and installed by the developer.
10. Trails and their easements must be dedicated to the public sector, donated to a private conservation organization or placed under the care of a community association in order to assure continuing maintenance of the trail and trail easement. Alternately, a trail may be maintained by the abutting property owner, but only upon the request of said property owner, and with the approval of Borough Council.

22-422. Bicycle Routes and Lanes

1. When a development is located on a street classified as a principal arterial or a major collector, it shall provide for public access, where feasible, within the ultimate right-of-way for bicycle lanes.
2. Proposed bicycle lanes shall meet the requirements of PennDOT Design Manual 2, Chapter 16 – Bicycle Facilities, and follow the recommendations of the Chester County Multi-Modal Handbook, 2015, or the most recent edition.

22-423. Street Lighting

1. Street lighting shall adhere to the requirements described in the Zoning Ordinance §27-601.
2. Street lighting shall be required for all land developments.

Sub article IV.D. Utilities

22-424. Sewerage

1. General.
 - A. Each lot shall have a sanitary sewer system in accordance with the provisions of the PADEP and the Chester County Health Department.

- B. Each property shall connect with an approved public sewer system, when accessible. Where the sewer is not yet accessible but is planned for extension to the vicinity of the development, the developer shall install the sewer lines, including lateral connections as may be necessary to provide adequate service to each lot when connection with the sewer system is made. The sewer lines shall be capped at the limits of the development and the laterals shall be capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided.
- C. Where an approved public sanitary sewerage system is not accessible or planned, an approved on-site sewage disposal system shall be provided by the developer. This system shall comply with the requirements of the Borough Sanitation Ordinance, the requirements of the Pennsylvania DEP rules and regulations, and the Pennsylvania Sewage Facilities Act, known as "Act 537".
- D. Public or community sanitary sewers shall not be used to carry stormwater and shall be guarded against infiltration.
- E. All sanitary sewer facilities shall be subject to the requirements of Act 537, the Pennsylvania Sewage Facilities Act, and current rules and regulations of the DEP.
- 2. Public Sewerage. Public sanitary sewers installed by the developer shall conform to the requirements of Phoenixville Borough and PADEP rules and regulations and Act 537, the Pennsylvania Sewage Facilities Act.
- 3. On-site Sewage Disposal.
 - A. Each lot to be served by an individual on-site sewage disposal system shall be of a size and shape to accommodate the necessary length of tile fields at a safe distance from the proposed building(s) in accordance with the regulations of the Borough, The Chester County Health Department, and the state, and shall be so plotted. On-site sewage disposal systems shall be located upon the same parcel as the use which is served by the system.
 - B. Soil percolation tests shall be performed for all developments wherein building(s) at the time of construction will not be connected to a public or community sanitary sewage disposal system in operation. Soil percolation tests shall be made in accordance with the procedure required by the Department at a rate of not less than one per lot.
 - C. The backfilling of all percolation test pits on the tract shall be accomplished within the time period specified in Act 537.
- 4. Community Sewage Disposal Facilities. In such cases where public sanitary sewage disposal facilities are not available and on-site facilities are not approved, the applicant shall provide a complete community sanitary sewage disposal system. The design and installation of any community system shall be subject to the approval of the PADEP, the Chester County Health Department, and the Borough Engineer and such systems shall be further subject to satisfactory provisions for the maintenance thereof. A copy of the approval of such system, where applicable, shall be submitted prior to the approval of the final plan.

22-425. Water Supply

- 1. Each dwelling unit, commercial unit and industrial building in all land developments hereafter granted approval shall have a minimum supply of five gallons per minute of potable water for domestic use and an adequate supply of water for purposes of fire protection.
- 2. Central Water Supply Systems.
 - A. Where a public or an approved community or piped common water supply system is accessible or approved, all properties in the development shall be connected to such system.

- B. Each central water supply system shall be either municipally owned or shall otherwise be made subject to the regulations of the Chester County Health Department, the PADEP and the Public Utilities Commission.
 - C. The design and installation of a central water supply system shall be subject to the approval of the Borough and the PADEP; such system shall also be subject to satisfactory provisions for the maintenance hereof.
 - D. Standards and materials for the construction of any central water supply system shall meet or exceed those requirements described in the Public Water Supply Manual of the PADEP, the Borough standard specifications and shall be subject to the approval of the Borough Engineer.
 - E. Where a permit is required by the PADEP, it shall be presented as evidence of department review and approval before construction commences.
3. On-site systems.
- A. Where a public or an approved community or piped common water supply system is not accessible or provided, an approved individual on-site water supply facility shall be provided.
 - B. The applicant shall be responsible either to install the on-site water supply system or to guarantee (by deed restriction or otherwise) as a condition of the sale of each lot or parcel within the development that the system can be installed by the purchaser of such lot or parcel.
 - C. Individual on-site systems for residential use shall have a production capacity of at least five gallons per minute of safe, potable drinking water, as certified by the PADEP. This requirement may be modified by the Borough Council, provided that an adequate reservoir shall be made available to the lot in question.
 - D. On-site water supply systems shall be designed and installed in accordance with all applicable standards of the PADEP and the Chester County Health Department.
4. Fire Hydrants.
- A. All developments to be served by public or community water supply shall feature fire hydrants arranged so that no proposed building is no more than 500 feet measured along public or private streets from a fire hydrant.
 - B. In the absence of fire hydrants, standpipes may be required in streams or ponds wherever feasible to provide a source of water for firefighting equipment.
 - C. Fire hydrants and standpipes shall be designed to be compatible with the firefighting equipment of the fire company having jurisdiction.

22-426. Solid Waste Storage

Central trash storage and recyclable storage areas shall be developed as follows:

- 1. Design.
 - A. All trash collection equipment should be placed within enclosures. Enclosures should be at least large enough to adequately contain all trash and recyclable material containers. Generally, the sizing and type of storage containers will depend upon the amount of trash and recyclables expected to be generated in the buildings they service.
 - B. Enclosures should be six feet high or at least one foot higher than the proposed collection container.
 - C. Enclosures should be made of durable material, including masonry blocks or steel reinforced wood fencing. In most cases, garden-type fencing or landscaping is not durable enough.

- D. The entrance to the enclosure should be at least 10 feet wide to accommodate front-loading trucks. Gates placed on the entrance should be durable and equipped with piston-type bolts to secure gates in both a closed and open position.
 - E. The trash storage area should be placed on a concrete pad. The dimensions of the pad are dependent on the number and size of proposed containers. Ideally, the pad should extend six to 10 feet in front of where the proposed container is to be placed to support the front wheels of the trash truck servicing the site. The area above the container should be free of obstructions. Generally, a fifteen-foot clearance above the storage area is sufficient.
2. Locations. In locating a trash storage area, several objectives should be balanced, including spatial demands, distance from source of trash generation, setback from adjoining property, and access for disposal trucks. Trash storage may be placed near building service entrances or loading docks. In apartment or condominium complexes with centralized waste storage, containers may be located in an area which is convenient to each grouping of 10 to 15 units. Spatial consideration (i.e., loss of parking area or loading space) is important. During the servicing of these containers (up to five minutes), it is important that internal circulation at the site is not impeded. Trash containers ideally should be within a building setback in a given zoning district. At a minimum, they should be set back in accordance with accessory structures.

22-427. Other Utilities

- 1. All utility lines including, but not limited to, electric, gas, cable, fiber-optics, and telephone, shall be placed underground. Installation of all utilities shall be in accordance with the engineering standards and specifications of the Borough, borough authority or other public utility involved. All such underground utilities shall be put in place, connected, inspected by a qualified Borough representative in accordance with §22-604 and approved before the streets are constructed, where such utilities lie under the proposed cart way, and before any person is permitted to occupy any building to be served by such utilities.
- 2. All utilities shall be coordinated and located in an organized layout.
- 3. In accordance with the provisions of Act 287, the applicant shall contact all applicable utility companies and accurately determine the locations of all underground utilities within the boundaries of the tract proposed for development prior to excavation. A list of the applicable utilities and their phone numbers shall appear on preliminary plans submitted for review, and proof of contact shall be presented to the Borough prior to final plan approval.

Sub article IV.E. Landscaping

22-428. Landscaping and Plantings

Landscaping, buffering, and screening shall be provided as required by the Borough of Phoenixville Zoning Ordinance, as amended (See Chapter 27, Zoning, Part 30) and the Borough of Phoenixville Landscape Guidelines.

- 1. Required landscaping plan.
 - A. Applicants shall submit a landscaping plan as part of the preliminary plan submission for all land developments, except for residential developments of three lots or less. The landscaping plan shall be prepared by a certified planting professional (landscape architect, arborist, horticulturist, urban forester or other recognized professional in the field of landscape design and maintenance). The Borough Council may seek the advice of a certified planting professional regarding compliance with the ordinance standards.

- B. For residential developments of no more than three lots, a formal landscaping plan is not required, but the applicant's plans shall be required to show compliance with the applicable planting requirements herein.
- C. Preservation of existing vegetation.
 - 1) All land developments shall be laid out in such a manner as to minimize the removal of healthy trees and shrubs. Special consideration shall be given to major specimen trees and ecologically significant woodlands.
 - 2) It shall be the responsibility of the applicant to demonstrate that existing healthy vegetation removal is minimized by showing that no alternative layouts are possible and that no alternative clearing or grading plan would reduce the loss of mature trees, tree masses and woodlands. If challenged by the Borough, the applicant shall produce evidence, such as written documents or plans certified by a registered landscape architect, showing that no alternative layouts are possible and that no alternative clearing or grading plan would reduce the loss of mature trees, tree masses, or woodlands.
 - 3) Each freestanding tree, mature tree, tree mass, or woodland on the site shall be designated "To Remain" or "To Be Removed."
 - 4) Existing vegetation to remain shall be identified "To Remain" on the landscape plan, erosion and sediment control plan and in the field prior to any clearing and physically protected during construction.
 - a) A temporary physical barrier, such as a snow fence, shall be shown on the plan and erected a minimum of one foot outside the dripline on all sides of individual trees, tree masses, and woodlands prior to clearing and construction. The barrier shall be placed to prevent disturbance to or compaction of soil inside the barrier and shall remain until construction is complete. No construction materials or equipment shall be stored within the tree protection zone.
 - b) It is recommended that trees to be preserved near portions of a site proposed to be developed are pruned and fertilized prior to the beginning of construction in order to ensure their health.
- 2. Buffers shall be provided along the rear of reverse-frontage lots.
- 3. Buffers. The plant materials used to create the buffer shall be of a minimum of six feet in height at the time of planting and shall be planted in staggered arrangement in order to provide an immediate effect. Deciduous and semi-deciduous shrubs may be used with evergreens to provide an immediate effect and to provide accent and color. It is recommended that a landscape architect licensed by the Commonwealth of Pennsylvania be employed to ensure the proper use and arrangement of plant materials and to provide an aesthetically pleasing effect.
- 4. Spacing in buffers. Flowering and ornamental trees shall be placed at a minimum spacing of fifteen (15) feet. Larger evergreen trees shall be placed at a minimum spacing of fifteen (15) feet, with the exception of arborvitae which may be spaced at six (6) feet. Shrubs shall be spaced at four (4) feet.
- 5. Earthen berms may be incorporated into the landscaping plan along public road frontage and along property lines abutting existing dwellings.
- 6. Refer to the Phoenixville Tree Advisory Committee for any tree planting and replacement requirements.
- 7. Street Trees. Refer to Borough Ordinance Chapter 25 – Trees.
- 8. Lawn Areas. All areas of open ground not designated for landscape plantings, walkways, utilities, or parking should be seeded or sodded. A layer of humus or screened top soil no less than four inches in depth shall be placed over the area to be seeded or sodded. Seed mixtures shall

consist of perennial ryegrass, creeping fescue, and bluegrass. No annual ryegrass is permitted. All seeded areas shall be covered by straw, straw blanket or other professionally accepted grass seed mulch.

9. A high priority shall be placed on diversity of plant material. All plantings along buildings shall have no less than forty (40) percent evergreen shrub material.
10. Planting beds shall have a minimum width of six (6) feet, but in the case of physical site constraints may be as narrow as four (4) feet in width along buildings.
11. Shrubs shall be spaced a four (4) feet on center, and shall be a minimum of two (2) gallons in size.
12. Perennials shall be spaced at two (2) feet on center, and shall be a minimum of one (1) gallon in size.
13. All planting areas shall have soil amended with humus or compost, and shall be mulched to a depth of three (3) inches.

Sub article IV.F. Mobile Home Standards

22-429. Applicability

1. Permits Required.
 - A. All applications for a certificate of registration shall be made by the landowner or his authorized representative in accordance with the rules and regulations, Commonwealth of Pennsylvania, DEP, Chapter 4, Part 415, Regulations for Mobile Home Parks, adopted October 30, 1959, as amended.
 - B. It shall be unlawful for any person to maintain, construct, alter, or extend any mobile home park within the limits of the Borough, unless he holds a valid certificate of registration issued by the PADEP in the name of such person and also a permit issued by the Borough.
 - C. All mobile homes shall bear the Commonwealth of Pennsylvania's seal of approval.
2. Application for Initial Mobile Home Park Permit.
 - A. Application for development of a lot or parcel of land for mobile home park purposes shall be made and approved or approved as modified before any zoning permit for such use shall be issued.
 - B. Application for a mobile home park permit shall follow the requirements and procedures of a major subdivision plan submission as described in Article III of this chapter.
 - C. In addition to the requirements contained in § 22-505 of this chapter, an application for preliminary or final approval of a mobile home park shall indicate by drawings, diagrams, maps, tests, affidavit or other legal instrument, the following:
 - 1) The placement, location and number of mobile home lots and mobile home pads on a layout map of the parcel at a scale of one inch equals not more than 40 feet.
 - 2) The location and dimension of all driveways, pedestrian ways, sidewalks and access roads with notation as to type of impervious cover.
 - 3) The location and dimension of all parking facilities.
 - 4) The location, dimension and arrangement of all areas to be devoted to lawns, buffer strips, screen planting, and recreation.
 - 5) Location and dimension of all buildings existing or proposed to be built and all existing tree masses and trees of over six-inch caliper.
 - 6) Proposed provisions for handling of stormwater drainage, street and on-site lighting, water supply and electrical supply in the form of written and diagrammatic analysis with calculations and conclusions prepared by a registered professional engineer.

- 7) Three copies of the application submitted to and approved by the PADEP.
4. Permitting.
 - A. Upon receipt of the final plan with the recommendations of the Planning Commission attached thereto, the Borough Council shall review the final plan for compliance with the provisions of this chapter.
 - B. Upon approval of the final plan and payment of the required fees, the Borough Council shall issue a mobile home park permit to the owner which shall be valid for a period of one year thereafter.
 - C. Renewal permits shall be issued annually by the Borough Council upon the furnishing of proof by the applicant that his park continues to meet the standards prescribed by the PADEP and this chapter.
 - D. A building inspector or other Borough officer may inspect a mobile home park at reasonable intervals and at reasonable times to determine compliance with this chapter.
 - E. The permit shall be conspicuously posted in the office or on the premises of the mobile home park at all times.
4. Compliance of Pre-Existing Mobile Home Parks.
 - A. Mobile home parks in existence at the date of adoption of this chapter and being duly authorized to operate as same by the PADEP may be continued so long as they otherwise remain lawful.
 - B. Pre-existing mobile home parks shall be required to submit an existing lot plan, drawn to scale, when applying for a mobile home park permit as required under this chapter.
 - C. Any subsequent new construction, alteration or extension of a pre-existing mobile home park shall comply with the provisions of this chapter.
 - D. Any pre-existing mobile home park which in the opinion of the Borough Council creates a fire, safety or health hazard shall be required to comply with the applicable provisions of this chapter, within a reasonable period of time as determined by the same body.
5. Individual Mobile Homes.
 - A. Individual mobile homes not located in a mobile home park shall not be required to obtain a mobile home permit; however, they shall be required to obtain a building permit.
 - B. Individual mobile homes shall comply with all other applicable Borough ordinances and regulations that govern single family homes.

22-430. Site Design

1. Site Requirements.
 - A. The minimum area requirement for mobile home parks shall be 10 contiguous acres.
 - B. The location of all mobile home parks shall comply with the following minimum requirements:
 - 1) Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas, or other potential breeding places for insects or rodents.
 - 2) Not subject to flooding.
 - 3) Not subject to hazards or nuisance such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
2. Soil and Ground Cover Requirements.
 - A. Unpaved and exposed ground surfaces in all parts of every park shall be covered with stone or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

- B. Park grounds shall be maintained free of vegetative growth which is a nuisance or poisonous or which may harbor rodents, insects or other pests in sufficient quantities as to be harmful to man.
- 3. Areas for Nonresidential Use.
 - A. No part of any park shall be used for nonresidential purposes except such uses that are required for direct servicing or recreation for the residents of the park and for the management and maintenance of the park.
 - B. In the event that the landowner shall be in the business of selling or renting mobile homes, such business shall be conducted in the interior of and not at the edge of the mobile home park.
- 4. Mobile Home Lots or Sites.
 - A. Mobile home lots or sites within the park shall have a minimum gross area as specified by the Zoning Ordinance (Chapter 27) and such area shall be exclusive of walkways and streets or roads and the corners of each such space to be indicated by markers, flush with the ground.
 - B. The area of the mobile home lots or sites shall be improved to provide an adequate foundation for the placement of the mobile home. The mobile home lot or site shall be designed so as not to heave, shift or settle unevenly under the weight of the mobile home because of frost action, inadequate drainage, vibration or other forces acting on the superstructures.
- 5. Required Setbacks, Buffer Strips and Screening.
 - A. All mobile homes shall be located at least the distance specified by the Zoning Ordinance (Chapter 27) with the additional requirement that any lot shall be a minimum distance of 50 feet from any other public street or highway.
 - B. All mobile home parks shall be required to provide an attractive visual screen along the boundary of the mobile home park, as follows:
 - 1) Such screening shall consist of mixed evergreen plant materials of varying species.
 - 2) At the time of planting, a sufficient amount of evergreen material to visually screen the property shall be at least six feet in height (after planting). The remainder of plantings may be of varying lesser heights.
 - 3) The plantings shall be maintained permanently and replaced within six months in the event of death of any plant material. The plantings shall not be placed closer than three feet from any property line.
 - 4) All existing deciduous and evergreen trees above two inches in caliper and/or six feet in height shall be preserved in the buffer areas, except where clearance is required to insure sight distance.
 - 5) Generally, a minimum of 35% of plant material shall be evergreen and 10% flowering material.
- 6. Erection and Placement of Mobile Homes.
 - A. Mobile homes shall be separated from each other and from service buildings and other structures by at least 30 feet.
 - B. An accessory structure, which has horizontal area exceeding 25 square feet, is attached to a mobile home or located within 10 feet of its window, and has an opaque or translucent top or roof that is higher than such window shall, for purposes of this section be considered to be part of the mobile home.
 - C. An enclosure of compatible design and materials shall be erected around the base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

- D. The park management shall supervise the placement of each mobile home on its pad, placement to include securing the mobile home and the installation of all utility connections. All utility connections shall be within easy access of the pad and close enough to the mobile home to avoid splicing. In making connections, rubber gaskets shall be used and, under no circumstances, shall utility lines be taped together.
- 7. Park Street or Road System.
 - A. All park streets or roads shall be constructed to the standards specified for local access streets as described in §22-412 of this chapter.
 - B. At intervals of no more than 250 feet on all such streets, the entire width thereof shall be raised by a bump of no less than three inches.
 - C. Storm drainage. Storm drainage shall be provided in accordance with Borough Stormwater Management Ordinance.
 - D. No structure, fence, tree, shrub or other planting shall be maintained between a plane two feet above the street level and a plane seven feet above the street level so as to interfere with traffic visibility across the corner within the triangle bounded by the intersecting street lines and a straight line drawn between points on each street 25 feet from the intersection of said lines.
 - E. No streetlight shall shine directly upon any mobile home unit or upon any adjacent property.
- 8. Off-Street Parking Areas and Walks.
 - A. Off-street parking shall be as described in the Zoning Ordinance (Chapter 27) at each mobile home site. Each parking stall shall be at least 10 feet by 20 feet and shall be of either gravel or macadam construction, which shall be specified in the plan.
 - B. Additional off-street parking spaces for vehicles of nonresidents shall be provided at the rate of one space for each two units. On-street parking shall be prohibited on internal roads, and it shall be the duty of the owner or operator of the mobile home park to enforce this provision.
 - C. All mobile home parks shall provide safe, convenient, asphalt or concrete pedestrian walkways of at least four feet in width between the park streets and all community facilities provided for park residents.
 - D. All mobile home sites shall be connected to common walks, and to streets, driveways or parking spaces connecting to a paved street.
- 9. Service Building and Other Community Service Facilities.
 - A. All buildings shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such material and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
 - B. All structures containing laundry or toilet facilities shall have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatory and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material to prevent entrance or penetration of moisture and weather. All structures shall have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 10% of the floor area served by them. For purposes of ventilation, at least one window must be capable of being easily opened; if not, a mechanical device shall be required which will adequately ventilate the room.

22-431. Common Open Space

1. Open Space Requirement.
 - A. At least 20% of the total land area of the mobile home park, exclusive of setback and buffer areas, shall be set aside for recreation and open space areas.
 - B. At least 50% of the open space and recreation area shall be located in one place and at least 25% thereof shall be in an area not subject to flooding and shall be usable for active recreational purposes.
 - C. Selection of the area shall preserve in its natural state any watercourse or hilly or wooded area.
 - D. Areas shall provide recreation accessible to all residents of the mobile home park.
 - E. Area shall be maintained by the mobile home park operator.

22-432. Utilities

1. Water Supply and Distribution
 - A. Source of Supply.
 - 1) The water supply shall be capable of supplying a quantity of potable water meeting or exceeding the standards specified by the PADEP at the time of construction. Public water supply shall be preferred.
 - 2) The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.
 - 3) No well casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
 - 4) Water supply treatment, if necessary, shall be in accordance with the requirements of the PADEP.
 - B. All water storage facilities shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated materials. Reservoir overflow pipes shall discharge through an acceptable air gap.
 - C. Water Distribution System.
 - 1) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations.
 - 2) The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of backflow or back-siphonage.
 - 3) The system shall be so designed and maintained as to provide a pressure not less than 20 pounds per square inch, under normal operating conditions, at service buildings and other locations requiring potable water supply.
 - 4) Where a public supply of water is provided, fire hydrants shall be installed as described in §22-425.4 and §22-432.6.
 - D. Individual Water-Riser Pipes and Connections.
 - 1) Individual water-riser pipes shall be located within the confined area of the mobile home and stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decrease susceptibility to water pipe freezing.

- 2) The water-riser pipe shall have a minimum inside diameter of 3/4 inch and terminate at least four inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.
 - 3) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
 - 4) A shut-off valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop-and-waste valves are prohibited unless their types of manufacture and their method of installation are approved by the Borough Council.
2. Sewage Disposal.
- A. An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Such system shall be connected to a public sewerage system if possible and shall be designed, constructed and maintained in accordance with the health regulations of the PADEP
 - B. Individual Sewer Connections.
 - 1) Each mobile home shall be provided with at least a four-inch diameter sewer riser pipe. The sewer riser pipe will be located on each stand so that the sewer connection to the mobile home drain outlet will approximate a vertical position.
 - 2) The sewer connection shall have a nominal inside diameter of not less than three inches, and the slope of any portion thereof shall be at least 1/4 inch per foot. All joints shall be watertight.
 - 3) All materials used for sewer connections shall be semi-rigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.
 - 4) Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least 1/2 inch above ground elevation.
 - C. Sewer and Water Lines. Sewer and water lines shall be laid in separate trenches with a horizontal distance of at least 10 feet from each other, except that these lines may be laid in the same trench by placing the water pipe on a shelf of undisturbed earth above and to one side of the caulked tight sewer line. All sewer lines shall be constructed of approved materials by the PADEP and shall have watertight joints and shall conform to the UCC Uniform Construction Code and its subordinate plumbing code.
 - D. Sewage Treatment and Discharge. Where the sewer lines of the mobile home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the PADEP and the Borough Council prior to construction.
 - E. Wherever a mobile home park shall contain 25 or more mobile home units, a package sewage treatment plant shall be required if public sewer systems are not available.
3. Refuse Disposal.
- A. The storage, collection and disposal of refuse in the mobile home park shall be so managed as to minimize health hazards and air pollution.
 - B. All refuse shall be stored in fly tight, watertight, rodent-proof containers, which shall be located not more than 150 feet away from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the PADEP. Rubbish shall be collected and disposed of as frequently as may be necessary to ensure that the containers shall not overflow.
4. Fuel Supply and Storage.
- A. Liquefied Petroleum Gas Systems.

- 1) The design, installation, construction and maintenance of containers and pertinent equipment for the storage and handling of liquefied petroleum gases shall conform to the provisions of the Act of December 27, 1951, P.L. 1793, as amended, and the regulations promulgated pursuant thereto by the Pennsylvania Department of Labor and Industry, its successors, or other governmental agency having jurisdiction thereof.
- 2) Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures when installed shall be maintained in conformity with the rules and regulations of the Pennsylvania Department of Labor and Industry and shall include the following:
 - a. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
 - b. Systems shall have at least one accessible means for shutting off gas at each mobile home site. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
 - c. All liquefied petroleum gas piping outside of the mobile home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment or systems in mobile homes.
 - d. Liquid petroleum gas vessels shall be no more than 60 U.S. gallons gross capacity and shall be maintained in a vertical position and shall be securely, but not permanently, fastened to prevent accidental overturning. No vessel shall be placed any closer to a mobile home exit than five feet and no closer to any window than three feet.
 - e. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure.
 - f. All pipe connections shall be of a flare type.
- B. Fuel Oil Supply Systems.
 - 1) All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the Borough Building Code.
 - 2) All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
 - 3) All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shut-off valves located within five inches of storage tank.
 - 4) All fuel storage tanks or cylinders shall be securely placed and shall not be less than five feet from any mobile home exit, and not less than three feet from any window.
 - 5) Storage tanks located in areas subject to traffic shall be protected against physical damage and screened from the street.
5. Utility Distribution System.
 - A. All utilities shall be installed and maintained in accordance with utility company specifications regulating such systems, and shall be underground.
 - B. Power Distribution Lines. All direct conductors or cables shall be buried at least 18 inches below the ground surface and shall be insulated and specifically designed for the purpose. Such conductors shall be located not less than one-foot radial distance from water, sewer, gas or communication lines.
 - C. Individual Electrical Connections.

- 1) Each mobile home lot shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service outlet shall be 120/240 volts AC, 100 amperes.
 - 2) The mobile home shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug.
 - 3) Where the calculated load of the mobile home is more than 60 amperes either a second outlet receptacle shall be installed or electrical service shall be provided by means of permanently installed conductors.
- D. Required Grounding. All exposed noncurrent carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductors shall not be used as an equipment ground for mobile homes or other equipment.
6. Fire Protection.
- A. All mobile home parks shall be provided with fire hydrants to meet the specifications of the insurance services office of Pennsylvania or successors, but in any case, in sufficient numbers to be within 600 feet of all existing and proposed structures and mobile homes, measured by way of accessible streets.
- B. In addition to plantings for buffered setbacks, a mobile home park shall be subject to the following landscaping requirements.
- 1) Disturbed topsoil shall be stockpiled and replaced after construction.
 - 2) Deciduous trees of varying species shall be planted in the mobile home park at the ratio of two per mobile home. In the event that a substantial portion of the tract is wooded and a substantial number of trees remain after development, the governing body may modify this requirement. Shade trees shall be preferred in the interest of moderating unit temperature.
 - 3) Deciduous or evergreen shrubs of varying species shall also be planted within the mobile home park at a ratio of at least four per mobile home.
 - 4) Planting of landscape material shall be in accordance with a plan prepared by a registered landscape architect, and shall be completed within six months of approval of a final plan. Failure to carry out the landscaping plan within such time shall warrant denial of the park's annual license under §22-604 hereof.

Article V. Open Space and Natural Resources

22-500. Parks and Recreation

The Borough Council may require that portions of a subdivision be set aside for parks, playgrounds or other public uses. Areas set aside for recreational or school purposes shall be reasonably compact parcels, placed to serve all parts of the subdivision, accessible from a public street, and not excessively irregular in terrain.

1. Developers shall provide recreation facilities and open space land in the amount and character prescribed in the Comprehensive Plan and/or the Zoning Ordinance.
2. Conservation of open space.
 - A. Environmentally sensitive features should be conserved based on the natural tolerances to encroachment and development as follows:

Natural Feature With Environmental Constraint	Minimum Percentage of Feature to be Preserved
Floodplains	100%
Watercourses	100%
Wetlands	100%
Ponds	100%
Stream buffers	100%
Steep slopes (15%-25%)	70%
Very steep slopes (over 25%)	80%
Woodlands	50%

- B. Where features overlap, the greater percentage shall be conserved. The percentage of each feature is the extent that it shall not be altered, regraded, filled or built upon. The land shall be permanently restricted by easement from further development. The deed restrictions shall be in a form acceptable to the Borough.
 3. Open space dedication criteria and standards.
 - A. Lands shall be dedicated to the Borough according to the provisions of the Borough Zoning Ordinance, Section 27-407, regarding minimum open space requirements.
 - 1) In residential developments proposed to contain 20 or more dwelling units, the applicant shall set aside one acre per 20 units or fraction thereof for open space and recreational purposes.
 - B. Should the amount of land required to be utilized for parks and/or recreation purposes exceed the required land for dedication regarding open space requirements, the lesser amount shall apply.
 - C. Nothing herein shall be construed as limiting the ability of the Borough Council, based upon the recommendation of the Borough Planning Commission, to waive all or a portion of the open space set-aside requirements.
 4. Location and criteria for dedicated open space. Lands to be dedicated shall:
 - A. Comply with the open space criteria set out in the Borough Zoning Ordinance.
 - B. Implements the findings of the regional comprehensive plan, as updated, pursuant to the authorization by Section 302 of the Pennsylvania Municipalities Planning Code, as amended.
 - C. Preserve open space to protect the environmental, scenic, historical, and cultural features of Phoenixville.

- D. Provide a balance of facilities which can meet the various recreational needs of the residents, businesses, and industries.
- E. Support community development and stability by providing recreation sites and open space.
- F. Provide equitable and convenient accessibility to recreation facilities.
- G. At the discretion of the Borough Council, provide for either active or passive recreational or open space uses or a combination thereof in accordance with furthering the objectives of the Borough Park and Recreation Plan.
- H. Be properly delineated before occupancy permits are granted.
- 5. Acceptance and use of park and recreation land.
 - A. Any land dedicated to the Borough shall be used only for the purpose of providing park and recreational facilities and for the preservation of open space and shall be available for use by all residents of Phoenixville.
 - B. When land is dedicated, acceptance by Phoenixville shall be by means of a signed resolution to which a property description of the dedicated area shall be attached. A fee-simple warranty deed conveying the property shall be delivered to Phoenixville with title free and clear of all liens, encumbrances and conditions, excepting public utility easements.
 - C. Open space designation. All land held for open space shall be so designated on the plans. The plans shall contain the following statement for lands in the categories in Subsection 5.C.1), 2), 3) and 4) below: "Open space land may not be separately sold, nor shall such land be further developed or subdivided." All plans shall further designate the use of open space, the type of maintenance to be provided and a planting plan or schedule. In designating use and maintenance, the following classes may be used:
 - 1) Lawn: a grass area with or without trees which may be used by the residents for a variety of informal purposes and which shall be mowed regularly to ensure a neat and orderly appearance.
 - 2) Recreation area: an area designated for a specific recreational use, including, but not limited to, tennis, swimming, shuffleboard, playfield and tot lot. Such areas shall be maintained so as to avoid creating a hazard or nuisance and shall perpetuate the proposed use.
 - 3) Garden area.
 - 4) Stormwater management. Surface stormwater detention or retention basins may not be counted toward required open space.
 - 5) Pocket park: a small area in an urban or village center setting designated for use as open space. It may include lawn areas, decorative plantings, seating areas, or walking paths.
 - 6) Public plaza: an area in an urban or village center designated as a meeting place for community residents. It may include gazebos, information stands, seating areas, decorative plantings, fountains, or other similar elements.
- 6. Alternatives to the dedication of park and recreational land. Upon agreement of both Phoenixville and the applicant, the applicant may pursue the following alternatives.
 - A. Fee in lieu. The applicant may pay a fee in lieu of dedication of park and recreational land. The amount of the fee shall be established by resolution of the Borough Council and modified from time to time, based upon the estimated market value of land meeting the standards of §22-500.3 for suitability for active recreation.
 - B. Improvements to other recreation sites. The applicant may, through an agreement with Phoenixville, construct recreational facilities on existing or proposed parkland that is readily accessible to residents of the proposed development as defined in §22-500.5. The value of such improvements shall be comparable to the fee in lieu of dedication that would have

- otherwise applied, based upon the applicant's estimates, as reviewed by the Borough Engineer.
- C. Private preservation of land. The applicant may reserve land in the amount required under this chapter. Said land shall meet all the standards of § 282-406.5, shall be available for use by Borough residents, and shall be managed and maintained in conformance with the Park and Recreation Plan, Zoning Ordinance and §22-500.8 referring to the maintenance requirements for private ownership of common elements.
 - D. A combination of land dedication and/or alternative approaches listed herein may be pursued, based upon an agreement between the applicant and the Borough Council.
7. Fee-in-Lieu of Open Space.
- A. For proposals requiring a provision of open space, an applicant may, with the consent of the Borough Council, pay a fee to the Borough in lieu of the open space provision.
 - B. The amount of any fee in lieu of land for open space shall be equal to the average fair market value of the land.
 - C. Determination of the value of the land shall be the responsibility of the applicant and shall result in a reasonable value acceptable to the Borough Council.
 - D. All funds collected in lieu of land shall be kept in a Borough open space capital reserve fund, which shall be used only for the acquisition of open space land or capital improvements for open space and park and recreational purposes within the Borough at locations consistent with the open space plans of the Borough.
8. Open space ownership and perpetuation. Any of the methods cited under this section may be used, either individually or in combination, to own and perpetually preserve open space that is provided in fulfillment of this article. The final subdivision and or land development plan shall clearly indicate the manner in which open space will be owned and administered. Following final plan approval, the open space required shall not be transferred to another entity except for the transfer to another method of ownership as outlined below. Written notice of any proposed transfer of open space shall be given to Phoenixville for approval no less than 30 days prior to such event.
- A. Phoenixville may, but is not required to, accept fee-simple dedication of open space in accordance with §22-500.6.
 - 1) There shall be no cost of acquisition (other than costs indicated to the transfer of ownership or the conveyance of easements, and title insurance).
 - 2) Phoenixville shall agree to maintain the open space.
 - 3) The open space shall be in an acceptable condition to Phoenixville at the time of dedication with regard to size, shape, location, and that any improvements are certified as satisfactory by the Borough.
 - 4) The developer shall have, at no expense to Phoenixville, prepared the legal description, with metes and bounds, of the land being offered for dedication and record the legal description at the County Recorder of Deeds at no cost to the Borough.
 - 5) Phoenixville shall accept the dedication by means of a signed municipal resolution to which a property description, deed, and plan of dedication area or areas shall be attached.
 - 6) All dedications in fee simple shall be free and clear of any liens or encumbrances.
 - 7) An agreement citing all developer obligations serving as a condition to plan approval shall be approved by the Borough and recorded with the plan at the same time as the plan is approved.

- B. A public agency acceptable to Phoenixville may, but shall not be required to, accept the fee-simple dedication of open space, provided that the Borough approves a maintenance plan whereby the grantee agrees to and has access to maintain the open space.
- C. Phoenixville or another public agency acceptable to the Borough may, but shall not be required to, accept the dedication of less than fee simple interests in any portion of the open space, title of which shall remain in private ownership, provided that a maintenance agreement satisfactory to the Borough is reached between the owner and the grantee.
- D. Open space may remain or be placed in the ownership of the individual property owners and shall be restricted from further subdivision and/or land development by deed restriction, provided that:
 - 1) Phoenixville shall agree to the boundaries of the open space that shall be held in private ownership.
 - 2) Restrictions providing for the protection and continuance of the open space which meet municipal specifications shall be placed in the deed for each property that has the open space area within its boundaries.
 - 3) A maintenance agreement suitable to Phoenixville shall be established, and the deeds to the properties that are located within the deed-restricted open space areas shall clearly state that the maintenance responsibility for the open space lies with the individual property owner.
- E. A private, nonprofit conservation organization, among whose purposes is to conserve open space land and/or natural features, may, but shall not be required to, accept the conveyance of fee-simple or less-than-fee-simple interests in any portion of the open space, provided that:
 - 1) Any private, nonprofit conservation organization intended to be the grantee of a conveyance shall be acceptable to Phoenixville as a bona fide conservation organization with perpetual existence.
 - 2) Any conveyance shall contain appropriate provisions for proper reverter or retransfer in the event that the grantee becomes unwilling or unable to continue carrying out its function.
 - 3) A maintenance agreement acceptable to Phoenixville shall be established between the owner and the grantee.
- F. Open space may be controlled with condominium agreements that shall be approved by Phoenixville and be in conformance with the Pennsylvania Uniform Condominium Act. All land and facilities shall be held as a common element.
- G. Open space may be held in common ownership by a homeowners' association. In addition, the homeowners' association shall be governed according to the following:
 - 1) The owner or applicant shall provide to Phoenixville a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for open space, and the homeowners' association agreement shall be recorded.
 - 2) The organization shall be established (with financial subsidization by the sub-divider or developer if necessary) before any lot in the subdivision or building in the development is sold.
 - 3) Membership in the organization and fees shall be mandatory for all purchasers of property therein and their successors.
 - 4) The organization shall be responsible for the maintenance of an insurance on the open space.

- 5) The members of the organization shall share equitably the costs of maintaining, insuring, and operating the open space.
 - 6) The developer for any tract proposed to contain open space shall arrange with the County Board of Assessment a method of assessment of the common facilities which will allocate to each tax parcel in the development a share of the total assessment for such open space. Where this alternative is not utilized, the organization shall be responsible for applicable real estate taxes on common facilities.
 - 7) The organization shall have or hire adequate staff, as necessary, to administer, maintain, and operate the open space.
 - 8) The organization shall have the power to compel contributions from property owners therein to cover their proportionate shares of the initial cost and costs associated with the maintenance and upkeep of the open space.
9. Guaranties and agreements. Every application for land development, whether preliminary or final, shall be accompanied by a form of agreement or agreements to be approved by Phoenixville. The agreements shall be properly recorded simultaneously with the recording of the final plan and shall specify the following:
- A. The developer shall agree to lay out and construct all open space areas in accordance with the final plan as approved, where any or all of these improvements are required as conditions of approval, and that the improvements shall be completed within the time or times specified by Phoenixville.
 - B. The developer, at the Borough's discretion, shall be required to place in an escrow account, for a period of three years, an amount of financial security to cover the costs of providing all open space requirements established as conditions for final approval of the plan.
 - C. Phoenixville is authorized to make random inspections of non-dedicated borough open space as deemed necessary and appropriate to ensure that the developer and any successors duly perform, abide by, and complete any duties, obligations, or requirements as set forth in the final plan and/or formal agreements.
 - D. Phoenixville shall be granted the right to enforce the deed restrictions regarding the use and maintenance of the open space if the organization fails in its responsibilities. The amount of financial security necessary to reimburse Phoenixville for its expense of performing remedial measures shall be forfeited by the developer.
 - 1) In the event that the entity charged with maintenance responsibilities, or any successor thereto, fails to maintain all or any portion of the open space in reasonable order and condition in accordance with the development plan and all applicable laws, rules, and regulations, Phoenixville may serve written notice upon such entity, upon the residents and owners of the uses relating thereto, setting forth the manner in which the entity has failed to maintain the open space in reasonable condition.
 - 2) Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of its responsibilities, in which case Phoenixville may enter the premises and take corrective action.
 - 3) The financial security funds in the applicant's escrow account, if any, may be forfeited, and any permits may be revoked or suspended. If the funds of the escrow account are insufficient to pay the costs of remedial maintenance, the costs of corrective action by Phoenixville shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. Phoenixville, at the time of entering upon such common facilities

for the purpose of maintenance, shall file a notice of such lien in the office of the Prothonotary of Chester County and upon the properties affected by such lien.

- E. All plans finally approved, whether or not recorded, shall be binding upon the developer, his heirs, executors, administrators, successors and assigns, and shall limit and control the use and operation of all open space designated in such plans to the conditions appearing in such plans and cited in any associated formal agreement for the approval thereof.

22-501. Open Space Design Requirements

In designing areas for open space and recreation within the land development plan, the following criteria and standards shall be adhered to by the applicant Areas so designated shall be:

1. Open space criteria. Open space set aside in fulfillment of the requirements of this article shall be in accordance with the following standards and principles.
 - A. Consistent with the Borough's Comprehensive Plan.
 - B. Suitable for active recreational uses to the extent deemed necessary by the Council, without interfering with adjacent dwelling units, parking, driveways and roads.
 - C. Comprised of not more than 60% environmentally sensitive lands: floodplains, woodlands, slopes in excess of 15%, surface waters.
 - D. Comprised of areas not less than 75 feet in width, and not less than 15,000 square feet of contiguous area, except when part of a trail system or pathway network.
 - E. Interconnected with common open space areas on abutting parcels wherever possible, including provisions for pedestrian pathways for general public use to create linked pathway systems within the Borough.
 - F. Provided with sufficient perimeter parking where necessary, and with safe and convenient access by adjoining street frontage or other rights-of-way or easements capable of accommodating pedestrian, bicycle and maintenance and vehicular traffic, and containing appropriate access improvements.
 - G. Undivided by public or private streets, except where necessary for proper traffic circulation, and then only upon recommendation of the Borough Engineer and Planning Commission.
 - H. Free of all structures, except those related to outdoor recreational use.
 - I. Suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan for enhancing open space areas through plantings which are consistent with the purposes of this and which minimize maintenance costs.
 - J. Made subject to such agreement with the Borough and such deed restrictions duly recorded in the office of the county recorder of deeds as may be required by the Council for the purpose of preserving the common open space for such use.
2. Consolidation of facilities. Applicants are required to provide the numbers and types of facilities as required in this section, spaced for convenient access by the residents. However, applicants are encouraged to consolidate several facilities in fewer locations to better serve the residents' needs in the following possible ways:
 - A. By locating all required tennis or basketball courts in one area, thereby restricting noise and light to one area, and precluding the need to search the neighborhood for a free court.
 - B. By combining two twelve-thousand-square-foot playfields into one twenty-thousand-square-foot area to permit larger fields for softball, football, soccer, or other field sports, while maintaining the neighborhood use character.
 - C. By creating one or more park-like facilities rather than several sets of scattered facilities.

- D. Tot lots may be adjacent to other types of recreation facilities but not to other tot lots, so that they may be dispersed throughout the development and only require short walking distances from all homes.

22-502. Preservation of Existing Vegetation

Preservation of existing woodlands, mature trees, and unique vegetation is required to maintain habitats, protect soil from erosion, reduce energy costs, and enhance local aesthetics.

1. Preservation of existing vegetation.
 - A. Applicants shall submit a landscaping plan as part of the preliminary plan submission for all subdivisions and land developments, except for residential subdivisions of three lots or fewer. The landscaping plan shall be prepared by a certified planting professional (landscape architect, nurseryman, arborist, horticulturist, or urban forester). The Borough Council may seek the advice of a certified planting professional regarding compliance with the standards of this chapter.
 - B. For residential subdivisions of no more than three lots, a formal landscaping plan is not required, but the applicant's plans shall be required to show compliance with the applicable planting requirements herein.
 - C. Preservation of existing vegetation.
 - 1) All subdivisions and land developments shall be laid out in such a manner as to minimize the removal of healthy trees and shrubs.
 - 2) It shall be the responsibility of the applicant to demonstrate that existing healthy vegetation removal is minimized by showing that no alternative layouts are possible and that no alternative clearing or grading plan would reduce the loss of mature trees, tree masses and woodlands. If challenged by Phoenixville, the applicant shall produce evidence, such as written documents or plans certified by a registered landscape architect, showing that no alternative layouts are possible and that no alternative clearing or grading plan would reduce the loss of mature trees, tree masses, or woodlands.
 - 3) Each freestanding mature tree, tree mass, or woodland on the site shall be designated "To Remain" or "To Be Removed."
 - a. Trees over six inches in DBH within a tract proposed for subdivision or land development shall not be removed unless any of the following conditions exist: Immediate danger to life or property; or affliction by disease which threatens to injure or destroy other trees.
 - 4) Existing vegetation to remain shall be identified "To Remain" on the landscape plan, erosion and sediment control plan and in the field prior to any clearing and shall be physically protected during construction.
 - a. A temporary physical barrier such as a snow fence shall be shown on the plan and erected a minimum of one foot outside the dripline on all sides of individual trees, tree masses, and woodlands prior to clearing and construction. The barrier shall be placed to prevent disturbance to or compaction of soil inside the barrier and shall remain until construction is complete. No construction materials or equipment shall be stored within the tree protection zone.

- b. It is recommended that trees to be preserved near portions of a site proposed to be developed are pruned and fertilized prior to the beginning of construction in order to ensure their health.

22-503. Wetland Protection

1. The presence of hydric soils may indicate the presence of wetlands. When hydric soils are indicated on the site, a wetlands study should be conducted in accordance with the Federal Manual for Identifying and Delineating Wetlands. In the event no wetland study is undertaken, the location of hydric soils on site will be assumed to be wetlands for the purpose of this chapter and so noted on the plan.
2. Wetlands, as defined by the United States Army Corps of Engineers and the Commonwealth of Pennsylvania in accordance with Section 404 of the Federal Clean Water Act of 1977 and Chapter 105 of the Pennsylvania Clean Streams Act Amendments of 1978, shall be preserved in subdivisions and land developments. Required permits shall be obtained at an early stage to determine the extent and location in the proposed subdivision and/or land development.
3. A twenty-five-foot setback shall be maintained around the perimeter of all wetlands. This area will be known as the "wetland buffer." No removal of vegetation, except the optional removal of dead trees or periodic mowing of existing lawns or fields, shall take place within this buffer area without the specific permission of Phoenixville.
4. Required build to line setbacks as described in the Zoning Ordinance shall be measured from the edge of the wetland buffer.

22-504. Riparian Corridor Management

1. Whenever a pond, watercourse, stream, or intermittent stream, as identified in the Soil Surveys of Chester County, is located within a development site, it shall remain open in its natural state and location and shall not be piped.
2. Refer to the Zoning Ordinance for riparian buffer boundary requirements. The area contained within the boundary of the riparian buffer will be known as the "riparian corridor." No removal of vegetation, except for removal of dead trees and shrubs or periodic mowing of existing lawns or fields, shall take place within the riparian corridor without the specific permission of Phoenixville.
3. No stormwater detention basins shall be allowed within the riparian corridor.
4. Within any riparian corridor, no construction, development, use, activity, or encroachment shall be permitted unless a corridor management plan is submitted and approved by the Borough Council and the effects of such development are mitigated by the implementation of the corridor management plan. The corridor management plan shall meet the following requirements:
 - A. Plan contents. The corridor management plan shall contain the following information:
 - 1) Existing conditions, including the corridor boundaries, steep slopes, swales, wetlands, streams, ponds, floodplains, woodlands, other vegetation, and existing structures. A written description of unusual or significant conditions should also be included.
 - 2) Management goals for the entire tract and long-range goals for the riparian corridor.
 - 3) Proposed activities, including a plan, drawn to scale, that shows all proposed activities within and adjacent to the corridor. The plan shall differentiate areas that will be disturbed from those that will be protected and preserved.

- 4) Proposed management, including an explanation of how the goals will be met given the proposed activities. The plan shall specify when the construction, planting, or other activities are to begin and end and shall address long- and short-term maintenance, mitigation, and improvement activities necessary for preservation of the corridor, including application of herbicides, removal of invasive plants, spacing and types of newly planted trees and shrubs, mowing schedules, and other related functions.
- B. Management, mitigation, and restoration measures. The proposed management plan shall comply with the following management, mitigation, and restoration measures:
 - 1) Management, mitigation, and restoration measures. The proposed management plan shall comply with the following management, mitigation, and restoration measures:
 - a. Existing woody and other vegetation should be preserved to the greatest extent possible.
 - b. Fallen branches and other organic material should be allowed to remain where they have fallen, provided that they do not create a hazard.
 - c. Stream crossings should be done at a ninety-degree angle to the stream.
 - d. Stream banks should be stabilized in accordance with the PADEP, Streambank Stabilization and Management Guide for Pennsylvania Landowners.
 - e. Degraded landscapes should be restored or converted to a more-effective landscape for maintaining water resources.
 - C. Mitigation measures. Disturbance of vegetation within the riparian corridor shall be mitigated by at least one of the following measures, with a total amount of mitigated area, measured horizontally, that is equal to or greater than the total amount of disturbed area, measured horizontally:
 - 1) Increasing the width of the corridor. The width of the riparian corridor, measured from the defined edge of a watercourse, is increased to at least 75 feet.
 - 2) Converting to a more-effective landscape. The existing landscape is converted to a more-effective landscape. The following landscapes are listed in order of effectiveness, from most effective to least effective: woodland, meadow, shrub, old-field, lawn.
 - 3) Increasing the effectiveness of the corridor. In existing degraded wooded areas or proposed new wooded areas, the riparian corridor is planted with three distinct layers of vegetation: canopy trees, shrubs that provide an understory, and herbaceous plants that serve as ground cover. All three layers shall be planted at a density sufficient to create a fully functioning, naturalized riparian corridor.
 - D. Restoration and conversion of landscapes.
 - 1) Landscapes shall be restored by removing invasive vines, removing invasive trees, cleaning out trash, correcting soil erosion problems, planting appropriate plants, and properly maintaining all new plantings.
 - 2) Landscapes shall be converted to a more-effective landscape by removing existing, incompatible vegetation, planting plants that are appropriate for the proposed landscape type and the site, and maintaining and protecting the plantings from invasive plants, deer, and other long-term problems.
5. Vegetation selection. To function properly, vegetation in the corridor management plan shall be selected from the Tree Advisory Committee. Plants not included on the list may be permitted by the Borough Council when satisfactory evidence is provided from qualified sources certifying their suitability. Phoenixville may require species suitability to be verified by qualified experts in the Chester County Conservation District, Conservation District, Natural Resources Conservation Service, Pennsylvania Fish and Boat Commission, the United States Fish and Wildlife Service, or state and federal forest agencies.

- A. Existing tree cover should be surveyed and inventoried to assess the need for any new plantings. Existing species included on the Pennsylvania Noxious Weed Control List should be removed where conditions warrant.
- B. Adjacent to the watercourse, dominant vegetation shall be composed of a variety of native riparian tree and shrub species and appropriate plantings necessary for stream bank stabilization.
- C. Away from the watercourse, dominant vegetation shall be composed of riparian trees and shrubs, with an emphasis on native species and appropriate plantings necessary to stabilize the soil.
- D. Disturbed areas shall be revegetated with riparian corridor plants, in compliance with an approved corridor management plan.
 - 1) Canopy tree and shrub plantings shall be located along the stream bank to provide shade for the stream, soil erosion control and stormwater benefits, according to accepted stream bank restoration practices.
 - 2) New canopy trees shall be planted at a minimum rate of 15 feet on center or one tree per 225 square feet in staggered naturalized rows or an equivalent informal arrangement within the area within 25 feet of the top of each bank of the stream. One new shrub or understory tree shall be planted for every four new trees required for riparian corridor revegetation.
 - 3) New trees shall be a variety of sizes ranging from a minimum four- to five-foot branched whip to an approximate one-and-one-half-inch-caliper planting stock.
- E. Areas that cannot be revegetated shall be restored using management practices accepted by experts qualified in riparian corridor management.

22-505. Topsoil Protection and Finished Grading

- 1. The top six inches of soil that existed naturally on the site prior to land development shall be stockpiled on the site.
- 2. Following construction, the stockpiled soil shall be redistributed uniformly on the site to a minimum depth of six inches.
- 3. All disturbed areas, excluding the stockpile soil, of the site shall be stabilized and protected against erosion in compliance with the Pennsylvania Erosion and Sediment Pollution Control Program Manual.
- 4. Any topsoil in excess of the six inches' depth that existed prior to subdivision or land development may be stockpiled separately for other uses by the applicant. Topsoil may be removed from the site only upon issuance of a permit by the Municipal Council to ensure that sufficient topsoil will remain on the site and in the Municipality. Soil shall not be removed from the Municipality.
- 5. Grading. All permanent and temporary cutting, filling, grading, regrading, and/or other forms of earthmoving activities shall be known as "grading" and shall be conducted only in compliance with the standards as described below.
 - A. The finished grading for a street or cul-de-sac shall extend across all disturbed soils, including the street and beyond. The maximum slope between the right-of-way line and the top of the curb, or edge of the cart way if there is no curb, shall be one inch per foot, except that sidewalk paving shall slope 1/4 inch per foot as a maximum, unless otherwise directed by the Borough Council.
 - B. All grading shall be set back from property lines at least three feet, or a sufficient distance, to prevent any adverse effects on adjacent properties.

- C. No permanent excavation shall be made with a cut face steeper in slope than three horizontal to one vertical.
- D. There shall be a flattening area for a minimum distance of 10 feet from any door of a residential dwelling unit to the bottom or top of any steep slope. The maximum slope for grading around residential dwelling units shall be 3:1. Where the steep slope extends more than 12 feet in elevation from top to bottom there shall be a break consisting of a level area placed at mid-point in the slope no less than six feet wide.
- E. Wherever grading will increase the volume or velocity of stormwater flow toward a property line, the applicant shall install and maintain drainage facilities sufficient to prevent adverse effects on the adjoining property. The construction and operation of these drainage facilities shall not cause any adverse effects on abutting properties.
- F. Along property lines, where grading creates an abrupt drop-off from the abutting property, in contrast to a previously existing gradual change, the applicant shall be required to install a fence or other suitable protective barrier.
- G. Retaining walls over four feet high in a residential area may be required to have such safety features as the Planning Commission and/or Council deem necessary, required by UCC.
- H. A permit shall be required for grading operations. Permits shall be issued by Phoenixville upon recommendation of the Borough Engineer for each tract, lot, parcel, or site which comprises a separate operation, unrelated to or not contiguous with nearby grading proposed or performed by the applicant. A permit shall not be required in the following situations, however:
 - 1) For an excavation that does not exceed 20 cubic yards total material removed.
 - 2) For a fill that does not exceed 20 cubic yards of material deposited.
 - 3) For an excavation below finished grade for basements and footings for a single-family detached or two-family dwelling, swimming pool, or underground structure authorized by building permits, excavation for a driveway for a single-family detached or two-family dwelling, or the regrading of such excavated materials into the site from which they were excavated.
 - 4) The issuance of the permit is conditioned upon adherence to the Borough's Stormwater Management Ordinance.

22-506. Erosion and Sediment Control, Steep Slopes

- 1. No grading, excavating, removal or other movement of the topsoil and no removal or destruction of trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been reviewed and approved by the Borough.
- 2. No subdivision or land development plan shall be approved unless there has been a plan approved by the Borough Council that provides for minimizing erosion and sedimentation consistent with this section and Pennsylvania DEP Chapter 102 Rules and Regulations, and an improvement bond, cash or other acceptable securities are deposited with the Borough in the form of an escrow guarantee which will ensure installation and completion of the required improvements or there has been a determination by the Borough Council that a plan for minimizing erosion and sedimentation is unnecessary.
- 3. Measures used to control erosion and reduce sedimentation shall, as a minimum, meet the standards and specifications of the USDA Soil Conservation Service as adapted for use by the Chester County Soil and Water Conservation District and the guidelines under Chapter 102 of the Pennsylvania Department of Environmental Protection. The Borough Engineer, or other

officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the district or Borough Municipal Building.

4. The following measures are effective stormwater management strategies toward minimizing erosion and sedimentation and may be included as applicable in the conservation plan.

A. Vegetative Cover.

- 1) For that area of land which must be cleared of trees and other vegetation to allow construction of building and other improvements, the limits of clearing shall include only:
 - a. Dedicated streets and public service or utility easements.
 - b. Building roof coverage area plus 15 feet on all sides for construction activity.
 - c. Driveways, alleyways, walkways and ancillary structures such as patios.
 - d. Parking lots, except that the area subtracted for parking space shall not include any trees which are unique by reason of size, age or some other outstanding quality, such as rarity or status as a landmark or species specimen.
 - e. Other land area reasonably necessary to construction of the proposed buildings and other improvements.
- 2) Development plans shall preserve salient natural features, keep cut-and-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle surface water runoff.
- 3) Wherever feasible, natural vegetation shall be retained, protected and supplemented.
- 4) The disturbed area and the duration of exposure shall be kept to a practical minimum.
- 5) Disturbed soils shall be stabilized as quickly as practicable.
- 6) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development. Stockpiled topsoil shall be seeded and silt fences provided where required.
- 7) The permanent (final) vegetation and structural erosion control and drainage measures shall be installed as soon as practicable in the development.

B. Cut-and-Fill Regulations.

- 1) Cut-and-fill slopes shall not be steeper than 50% unless authorized by the Planning Commission and stabilized by a retaining wall, cribbing or other means acceptable to the Borough. Slopes of finished grades shall not be less than 1.5%.
- 2) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills.
- 3) No cut-and-fill shall endanger adjoining property.
- 4) Fill shall be placed and compacted so as to minimize sliding, slumping and erosion of the soil.
- 5) Fills shall not encroach upon or be placed adjacent to natural watercourses or constructed channels without first obtaining all regulatory permits.

C. Grading and Excavation Regulations.

- 1) Grading shall not result in the diversion of water onto the property of another landowner without the express consent of that landowner and the Planning Commission.
- 2) During grading and excavation operations, necessary measures for dust control will be exercised.
- 3) Grading and construction equipment will not be allowed to cross live streams. Provisions will be made for the installation of culverts or bridges.

D. Precautions at Steep Slopes.

- 1) Where steep slopes are 45° [1:1 slope] or greater, and the difference in elevation between the top and bottom of the slope is eight feet or greater, the developer shall provide such safety devices where, in the opinion of the Planning Commission and/or Borough Council, the said slope is deemed to provide a safety hazard to the general public.
 - 2) No slope in excess of 25% shall be built on without a conditional use approved by Borough Council and shall be granted only on the following conditions:
 - a. A conditional use can only be granted if development is otherwise unfeasible.
 - b. The building located on the steep slope must be designed to accommodate the slope without requiring extensive grading.
 - c. The existing vegetation on the steep slope is to be retained to the greatest extent possible.
 - d. Access drives will not be permitted in steep slope areas if an alternative location is available at the determination of the Borough Engineer.
5. Responsibilities.
- A. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
 - B. Maintenance of all drainage facilities and watercourses within any subdivision or land development is the responsibility of the developer until such facilities and watercourses become the responsibility of a community association or are accepted by the Borough or some other official agency, after which they become the responsibility of the accepting entity.
 - C. It is the responsibility of any person, corporation or other entity doing any act on or across from a communal stream, watercourse or swale or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right-of-way during the pendency of the activity and to return it to its original or equal condition after such activity is completed.
 - D. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to its point of open discharge at the property line or at a communal watercourse within the property.
 - E. No person, corporation or other entity shall impede the flow of, alter, construct a structure within, deposit any material or thing within or commit any act which will affect normal or flood flow of any communal stream or watercourse without having obtained prior approval from the Borough and other regulatory agencies.
 - F. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage.

22-507. Historic Feature Preservation

Historic features and other points of interest shall be preserved and may be credited toward open space requirements under the following conditions.

- A. The feature being preserved shall be listed upon a Borough, county, state and/or national roster or inventory of features, monuments or places of historic or general interest, or the applicant shall by some other means demonstrate to the satisfaction of the Borough Council that the said feature is of sufficient public interest to warrant preservation. Features may include, but shall

not necessarily be limited to: historically, culturally or architecturally significant buildings, monuments or sites; unique or historic landscape elements; archaeological sites; and any other feature which shall be deemed by the Borough Council to be of historic or cultural value to the Borough.

- B. The feature shall be situated upon a tract of land of sufficient size to preserve an impression, although not necessarily the exact condition, of the environs of the said feature prior to construction of the proposed development. The amount of credit toward open space requirements shall be equivalent to the size of this tract.
- C. The feature shall not be moved.
- D. The developer may be required to provide interpretive signage explaining the significance of the feature.
- E. The feature and the tract upon which it is located shall be maintained by the owner of the tract, a community association, a public agency or a private conservation group which shall be responsible for the maintenance of the feature and its grounds.
- F. The developer shall be responsible for improvements to the site deemed necessary by the Borough Council to protect public safety.

22-508. Green Building Standards

Developers of land within the Borough of Phoenixville are encouraged to promote and apply sustainable construction techniques and building features. The following references are to be considered when undertaking building design:

- A. International Code Council's 2012 International Green Construction Code (IgCC).
- B. ANSI/ASHRAE/USGBC/IES Standard 189.1-2011: Standard for the Design of High-Performance Green Buildings Except Low-Rise Residential Buildings (ASHRAE 189.1).
- C. ICC 700-2012: 2012 National Green Building Standard (ICC 700).
- D. US Green Building Council's Leadership in Energy and Environmental Design (LEED)
- E. Delaware Valley Regional Planning Commission's Municipal Implementation Tool #17: Planning and Zoning for Green Buildings, May 2009.

Article VI. Impact Statements

The following impact statements shall be submitted for all proposed uses or zoning changes involving more than 10 residential units, a building of 5,000 square feet of floor area or larger, 20 beds, or any of the following uses: performance standard subdivision, life care facility, hospital, office/commercial center, office park, shopping center, emergency terminal, truck terminal, industrial park, light industrial/office/commercial park or resource recovery facility; or when required for use by this chapter or deemed necessary for use by the Borough Council or Zoning Hearing Board. These impact statements will be required by the Borough and must be found to be satisfactory prior to approving the use, the conditional use, special exception or any zoning change.

22-600. Market Analysis

1. Market Analysis. For all commercial and industrial uses involving the use of a building of more than 5,000 square feet of floor area, the applicant shall submit a market analysis which will:
 - A. Establish the fiscal viability of the project.
 - B. Examine the potential impact of these uses on the Downtown Commercial District.

22-601. Environmental Impact Analysis

1. Environmental Impact Analysis. An environmental impact analysis shall include the following information:
 - A. An encroachment map which illustrates (a) all natural features, including slopes in excess of 8%, floodplain and floodway areas, wetland, trees and wooded areas, rock outcroppings, swales and gullies collecting concentration of water run-off, and (b) a regrading plan which illustrates all disturbances of the identified natural feature areas. The amount of each natural feature disturbed shall be indicated and illustrated on the encroachment map.
 - B. A map narrative of the geologic, topographical, soil and hydrological characteristics of the site.
 - C. A map and a narrative identifying the biological resources of the tract, including vegetation and wildlife.
 - D. A narrative of the historic resources of the site.
 - E. A map locating any hazardous waste sites 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, the proposed method of removing and/or containing these wastes, and the related approvals and permits from the relevant agencies.
 - F. A map and narrative of the visual resources of the site.
 - G. All potential impacts on this site from the proposed development and measures to mitigate the adverse effects.

22-602. Traffic Impact Study

1. A traffic impact study is intended to enable the Borough to assess the traffic impacts of a proposal. Specifically, its purpose is to:
 - A. Identify any traffic problems that may be created in the existing highway network as a result of the proposal.
 - B. Delineate solutions to potential problems and to present improvements to be incorporated into the proposal or into the highway and/or public transit systems within the study area.
 - C. Assist in the protection of air quality and the conservation of energy and to encourage the use of public transit where available.

2. Preparation of Study. The traffic impact study shall be prepared by the Borough's traffic engineer and/or transportation planner in accordance with accepted traffic-engineering standards, with the cost borne by the applicant. The traffic study area shall be the area of land within the Borough that is likely to be affected by the development; the selected area shall be approved by the Borough and its traffic engineer prior to initiating the study. Specific intersections to be included in the study shall also be approved by the Borough prior to initiating work. Based on the findings of the study, Borough Council may require improvements, which will alleviate hazardous or congested situations, as a condition for approval.
3. Applicability.
 - A. A traffic impact study shall be submitted with all developments with 30,000 or more square feet of building floor area and all subdivisions of 30 or more dwelling units.
 - 1) Proposals 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.
 - 2) 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 Engineer.
 - B. An application which requires a traffic impact study shall not be considered complete until the traffic impact study is submitted to the appropriate review body in accordance with the provisions of this section.
 - C. The appropriate review body, at its discretion, may require any other subdivision, land development, zoning change, special exception or conditional use application to be accompanied by a traffic impact study.
 - D. The Borough Council may waive the requirement for a traffic impact study where, in the opinion of the Borough Council in consultation with the Borough Zoning Officer, Planner and Engineer, it is determined that the proposal is not expected to create a significant traffic impact.
4. General requirements and standards. A traffic impact study shall contain the following information.
 - A. General site description.
 - 1) The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed subdivision or land development. If the development is residential, types of dwelling units shall also be included. A brief description of other major existing and proposed developments within the study area shall be provided. The general site description shall also include probable socioeconomic characteristics of potential site users to the extent that they may affect the transportation needs of the site (i.e., number of senior citizens).
 - 2) Photographs should be obtained and labeled for all the study intersections and proposed access driveways. It is recommended that two views be taken of each approach for the intersections. Photographs should consider elements such as horizontal/vertical alignment of roadways, trees, buildings or other roadside objects, pavement markings, drainage, signal heads and placement:
 - a. Approximately 200 feet from the intersection to provide an overview of the study area and overall study context.
 - b. Approximately 50 feet from the intersection.
 - B. Transportation facilities description.

- 1) The description shall contain a full documentation of the proposed internal and existing external transportation system. This description shall include proposed internal vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and rights-of-way, parking conditions, traffic channelization and any traffic signals or other intersection-control devices at all intersections within the site.
 - 2) The report shall describe the entire external roadway system within the study area and include discussion of existing design deficiencies and potential safety hazards. Major intersections in the study area shall be identified, photographed and sketched. All existing and proposed public transportation services and facilities within a one-half-mile radius of the site shall also be documented. The applicant shall identify all existing and proposed pedestrian and bike facilities that would be affected by the proposed development. Pedestrian facilities include sidewalks, intersection treatments, and off-road paths or trails. Bicycle facilities include on-street bike lanes, paved shoulders, and off-road paths or trails. The traffic impact study shall include review and discussion of all available accident reports within the study area during the prior three years.
 - 3) All future highway improvements, including proposed construction and traffic signalization, shall be noted. The four-year Regional Transportation Improvement Program maintained by the Delaware Valley Regional Planning Commission and the PennDOT Twelve-Year Plan shall be used as a source of information when determining if any future roadway improvements are scheduled for the adjacent road network. Any proposed roadway improvements due to proposed surrounding developments shall be recorded.
- C. Existing traffic conditions. Existing traffic conditions shall be measured and documented for all roadways and intersections in the study area. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, and peak development-generated hour(s) documentation shall be included in the report. Traffic counts are to be performed from 6:00 a.m. to 10:00 a.m. and from 3:00 p.m. to 7:00 p.m. Traffic count data shall not be more than one year old. Traffic counts shall be taken on a Tuesday, Wednesday, or Thursday of a non-holiday week. Traffic counts shall be taken during the school year. Traffic counts shall be collected during average volume conditions, during fair weather, and in consideration of any construction activities or special events which may be taking place in the area. Additional counts (conducted on a Saturday for a commercial development or residential development in close proximity to the commercial district or tourist attractions) may also be required in some cases. The Borough Engineer shall make such determinations. Traffic counts shall be submitted in electronic format to Phoenixville. Roadway characteristics shall be described and illustrated. Features to be addressed shall include lane configurations, geometry, signal timing, traffic control devices, posted speed limits, and sight distance limitations. Existing levels of service shall be calculated for all intersections and turning movements within the study area. This analysis will determine the adequacy of the existing roadway system to adequately serve the existing traffic demand. Roadways, intersections, or individual movements experiencing levels of service below C, and/or volume/capacity ratios greater than or equal to 1.0, shall be noted as deficient. A volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development-generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location using the current edition of the Highway Capacity Manual methodology. All analysis must utilize Highway Capacity Software, version 4.1e, or latest.

- D. Transportation impact of the development. Estimation of vehicular trips to result from the proposal shall be completed for the average daily peak highway hour(s) and peak development-generated hour(s). Vehicular trip generation rates to be used for this calculation shall be obtained from the manual Trip Generation, Eighth Edition, Institute of Transportation Engineers, 2008 (as amended). These development-generated traffic volumes shall be provided for the inbound and outbound traffic movements as estimated, and the reference source(s) methodology followed shall be documented. All turning movements shall be calculated. These generated volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to individual access points. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristics of the site that will cause particular trip generation problems shall be noted.
- E. Analysis of transportation impact.
- 1) The total future traffic demand shall be calculated. This demand shall consist of the combination of the existing traffic expanded to the completion year (using a background growth rate for the area from PennDOT, Pennsylvania Traffic Data, latest edition), the development-generated traffic, and the traffic generated by other proposed developments in the study area. A separate trip distribution figure shall be provided. A second volume capacity analysis shall be conducted using the future conditions' volumes without development. This analysis shall be performed during the peak highway hour(s) and peak development-generated hour(s) for all roadways and major intersections in the study area. Level of service calculations shall be completed for all major intersections. A third volume capacity analysis shall be conducted using the total future demand and the future roadway capacity.
 - 2) If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed during the peak highway hour(s) and peak development-generated hour(s) for all roadways and major intersections in the study area. Level of service calculations shall be completed for all major intersections. It is usually at these locations that capacity is most restricted. All access points and pedestrian crossings shall be examined as to the feasibility of installing traffic signals. This evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation.
- F. Sight distance analysis. Sight distance measurements shall be performed at any proposed driveway and/or existing driveway to determine sufficient sight distance to the left and right of the driveway. Sight distances shall be compared to the desirable sight distance standards as specified in Title 67 of Pa. Code, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, April 2006. Sight distance shall also be compared to PennDOT's safe stopping sight distance (SSSD) requirements as specified in A Policy on Geometric Design of Highways and Streets (5th Edition), of the American Association of State Highway and Transportation Officials (AASHTO), Chapter III, Elements of Design, 2004.
- G. Auxiliary lane analysis. An auxiliary lane analysis shall be completed utilizing Highway Research Record (HRR) 211 (1967). HRR 211 provides graphs based upon the speed of the roadway and the percentage of left turns. Utilizing the future build with development traffic volumes, points shall be plotted on the graphs. Based on the plotted points, it should determine that the study area intersections associated with the proposed developments do or do not satisfy the left-turn-lane warrant. Right-turn-lane analysis should be based upon the Access Management, Location and Design Participant Notebook, Publication Number

FHWA-HI-92-033, United States Department of Transportation, Federal Highway Administration NHI Course Number 15255, February 1992. Deceleration lanes should be provided for all high-volume driveways. For low- and medium-volume driveways, the designer should refer to the AASHTO at-grade intersections deceleration lane warrants.

- H. Conclusions and recommended improvements.
 - 1) Levels of service for all roadways and intersections shall be listed. All individual turning movement of roadways and/or intersections showing a level of service below "C" shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design/safety improvements, traffic signal installation and operation, including signal timing, and transit design improvements. All physical roadway improvements shall be shown in sketches.
 - 2) Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included.
 - 3) The listing of recommended improvements for both roadways and transit shall include, for each improvement, the party responsible for the improvement, the cost and funding of the improvement, and the completion date for the improvement.
 - 4) The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements shall be described. The mitigation measures may include recommendations such as roadway widening, turning lanes, deceleration lanes/tapers, changes to signalization, use of access management techniques, or a reduction in the proposed intensity of the use. The responsibility and timing of all recommended roadway improvements shall be described within the traffic impact study.
- I. Time of submission. The traffic impact study shall be submitted to the Planning Commission with the preliminary plan submission. Revisions to preliminary plans may constitute the need for resubmission of the traffic impact study or the revised conditions.
- J. Implementation. The Borough Council shall review the traffic impact study to analyze its adequacy in solving any traffic problems that will occur due to the land development or subdivision. The Borough Council may determine that certain improvements on and/or adjacent to the site and within the study area are necessary requirements for land development or subdivision plan approval and may attach these as conditions to the approval. If the governing body determines that such additional improvements are necessary, the developer shall have the opportunity to submit alternative improvement designs to obtain plan approval.
- K. Emergency response organizations. Phoenixville shall submit the traffic impact study with the land development plans proposing the construction of nonresidential buildings or multifamily residential dwellings to the Fire Department, Police Department and any other emergency response organization having jurisdiction within the area of the proposed development for review and comment.

22-603. Community and Fiscal Impact Analysis

- 1. Community and Fiscal Impact Analysis. The analysis shall include the following information.
 - A. An analysis of the social and demographic characteristics of the proposed development in terms of future residents and users.

- B. An analysis of the potential cost/benefits of the development, including a profile of any possible Borough, county and/or school district revenues which the proposal may generate and any respective costs which it may create.
- C. An analysis of the proposed impact of the development on the community's facilities, including schools, parks and recreational areas, libraries, hospitals, fire protection, police protection and ambulance and rescue services. In the case of parks and recreational needs, the analysis should explain how these needs will be met on site.
- D. Identification of utility needs of the future residents and users of the site, including water supply, sewerage disposal, refuse disposal, storm drainage and electric transmissions. The analysis should discuss:
 - 1) The ability of existing utility installations to meet the projected needs of the development;
 - 2) The need for additional or expanded utility installations;
 - 3) The ability to achieve an adequate system for storm drainage and stormwater management.

Article VII. Improvement Construction Requirements

22-700. Applicability

Before the final plan is signed and made ready for recording or prior to the issuance of any permits needed for construction or occupancy of any subdivision or land development, all applicants are required to complete, to the satisfaction of the Borough Council, all required public improvements in a manner set forth in this article.

22-701. Completion of Required Improvements

1. No final plan shall be approved until the applicant has either:
 - A. Completed all of the improvements required by the Borough Council for final plan approval, in compliance with the requirements of this chapter; or
 - B. Provided a proper financial security for those improvements, as required by this article, in compliance with the Pennsylvania Municipalities Planning Code, to cover the estimated costs for completion of those improvements.
 - 1) The work completed or guaranteed shall be in strict accordance with the approved plans and the requirements of this chapter.
 - 2) No lot in a subdivision may be sold, and no permit to erect, alter, or repair any building upon land in a subdivision or land development will be issued, unless and until a subdivision and/or land development plan has been approved and, where required, recorded, and until the required improvements in connection therewith have either been completed or guaranteed for completion as required herein.
 - 3) The applicant shall also guarantee that no lot will be sold or building constructed in any floodplain area except in compliance with the floodplain management requirements of this chapter, the Zoning Ordinance, and the Building Code.
 - 4) Deferral or waiver of required improvements. The Borough Council may defer or waive, at the time of final plan approval, subject to appropriate conditions, the provision of any or all required improvements as, in its judgment, are not requisite in the interests of public health, safety and welfare or which are inappropriate due to the inadequacy or nonexistence of connecting facilities. A separate public improvement agreement may be executed by the Borough Council guaranteeing completion of any deferred improvement.
2. Construction Required.
 - A. The developer shall construct all improvements, including streets, grading, paving, curbs, gutters, sidewalks, storm drainage facilities, sanitary sewers, landscaping, traffic control devices, open space and restricted areas, and erosion and sediment control measures in conformance with the final plan as approved, the provisions of this chapter, the applicable provisions of PennDOT specifications and any other applicable regulations.
 - B. All of the following items to any residential major subdivision must be completed prior to issuance of the use and occupancy permit for the first new residential unit in the subdivision:
 - 1) Soil erosion control.
 - 2) Stormwater management system.
 - 3) Curbs along streets.

- 4) Construction of all streets including binder course of bituminous paving. Wearing course can be delayed until finish grading is completed but prior to issuing of occupancy permit for the last residential unit, or within one year of date of start of construction, whichever comes first.
 - 5) All underground utility main trunk lines and service branches to right-of-way line at each lot.
 - 6) Buffer and screening planting.
 - 7) Steep slope safety protection.
 - 8) Sidewalks, driveway and parking lot paving at each lot containing a completed residential housing unit.
- C. If land development of the subdivision is divided into phases, the first phase must be completed prior to beginning next phase.

22-702. Financial Security

1. In lieu of the completion of improvements required for final plan approval, financial security, in an amount required, shall be guaranteed to the Borough in compliance with the applicable requirements of the Pennsylvania Municipalities Planning Code. Such financial security shall assure the complete installation of all the required improvements to be completed on or before the date fixed in the plan approval, subdivision agreement, and/or development agreement for completion of such improvements.
2. The amount of such security to be posted for the completion of required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the required financial security by comparing the actual cost of improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after the original scheduled date for completion or a rescheduled completion date.
3. In determining the cost of the completion of improvements for setting the amount of financial security required in §22-702, such cost shall be based upon a detailed estimate of the cost of completion of required improvements submitted by the applicant or developer and prepared by a professional engineer and certified to be fair and reasonable. The Borough, under recommendation of the Borough Engineer, may refuse to accept the estimate for good reasons provided to the applicant. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer which is mutually chosen by the Borough and the applicant. The estimate certified by the third engineer shall be presumed to be fair and reasonable and shall be the final estimate.
4. When requested by the applicant in order to facilitate financing, the Borough Council shall furnish the applicant with a signed copy of a resolution indicating approval of the final plan contingent upon the applicant obtaining a satisfactory financial security. Final plans will not be signed or recorded until the Developer's Agreement and Financial Security Agreement are executed and the required escrow is provided. The resolution of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days, unless a written extension is granted by the Borough Council.
5. The Borough, at its option, may accept financial security in the form of a cash escrow placed with the Borough or an irrevocable standby letter of credit issued by a commonwealth or

federal chartered lending institution chosen by the party posting financial security, provided said institution is authorized to conduct such business in the Commonwealth of Pennsylvania.

22-703. Release from Performance Guarantee

The Borough Council may release all or parts of the posted financial security as completion of improvements proceeds, in compliance with the applicable requirements of the Pennsylvania Municipalities Planning Code.

1. Partial release of security. As the work of the installation of the required public improvements proceeds, the party posting the financial security may request the Municipality to release or authorize the release, from time to time, of such portions of the financial security necessary for the payment of the contractor or contractors performing the work. Any such request shall be done in writing addressed to the Borough. Upon receipt of the request for release of a portion of the improvement security, the Borough shall, within 45 days, allow the Borough Engineer to certify, in writing, that such portion of the public improvements has been completed in accordance with the approved plan and to determine the value thereof based on the estimated cost of completion, as adjusted pursuant to §22-702. Within the same time period and upon certification by the Borough Engineer, the Borough shall authorize the release to the applicant or his designee by the lending institution of an amount of funds equal to 85% of the value of the work completed with 15% of the approved amount being retained until completion of all improvements. If the Borough fails to act upon a request for release of security within 45 days, the Borough shall be deemed to have approved the full release of security as requested, less 15% of the requested amount being retained until completion of all improvements.
2. Incomplete improvements. If the required improvements are not completely installed within the period fixed or extended by the Borough Council, the Borough Council may:
 - A. Declare the financial security in default and require that all improvements be installed regardless of the extent of the building development at the time the agreement is declared in default;
 - B. Suspend final plan approval until the development improvements are completed and record a document to that effect for the purpose of public notice;
 - C. Obtain funds under the security and complete improvements;
 - D. Assign the right to receive funds under the security to any third party, including a subsequent owner of the property wherein improvements were not completed, in exchange for that subsequent owner's promise to complete improvements;
 - E. Exercise any other available rights under the Pennsylvania Municipalities Planning Code.
3. Post-completion security. The applicant shall be responsible for maintenance of all improvements until they are offered for dedication and accepted by the Borough. Fifteen percent of the financial security may be held as maintenance security, post-dedication to secure the structural integrity and functioning of these improvements in accordance with the design and specifications as depicted on the approved final plan.
4. Landscaping security. The applicant shall be responsible for the full replacement of all dead or diseased trees or shrubs for 18 months after they have been planted. Security in the amount of 15% of the full landscaping replacement costs shall be held for a period of 18 months following the planting of the required landscaping.

22-704. Inspection of Work and Materials

1. Notice. The developer shall notify the Borough Engineer at least 24 hours in advance of commencement of any construction operations requiring inspection.
2. Inspection Reports. Daily inspection report shall be filed with the Borough Inspections Department for each day of construction activity within landfill area when activity involves curbing, road and streets, storm sewer, sanitary sewers, water mains and building foundations. Inspections are to be performed by the Borough Engineer, Borough approved site engineers or independent testing laboratory. Cost of inspections shall be the responsibility of the owner/developer.
3. The construction or installation of all improvements shall at all times be subject to inspection by representatives of the Borough of Phoenixville. If such inspection reveals that work is not in accordance with approved plans and specifications, that construction is not being done in a workmanlike manner, or that erosion and sediment controls are failing to prevent accelerated erosion or waterborne sediment from leaving the site of construction, the said representative is empowered to require corrections to be made and/or the suspension of subdivision approval, and to issue a cease and desist order which may include any or all of the following sanctions:
 - A. No lot in the subdivision shall be conveyed or placed under agreement of sale.
 - B. All construction on any lots for which a building permit has been issued shall cease.
 - C. No further building permits for any lots shall be issued.
4. The said cease and desist order shall be terminated upon determination by the Borough that the said defects or deviations from plan requirements have been corrected.
5. No underground pipes, structures, subgrades or base course shall be covered until inspected and approved by the Borough Engineer or other qualified Borough representative. These inspections shall be affected in accordance with Subsection (3), above, and shall occur at the following intervals:
 - A. Prior to clearing and rough grading.
 - B. Upon completion of rough grading, but prior to placing topsoil, installing permanent drainage or other site improvements or establishing covers.
 - C. Upon excavation and completion of subgrade.
 - D. Upon excavation, installation and completion of drainage structures, community sewage systems or water supply systems.
 - E. Before placing stone base course, or before initial layer of screening.
 - F. Before placement of binder course.
 - G. Before placement of wearing course.
 - H. Upon completion.
6. Improvement specifications. All required road improvements should be constructed in accordance with the applicable provisions of PennDOT Form 408, current edition, including the latest revisions, and other applicable regulations. All other required improvements shall be constructed in accordance with approved specifications found in the Borough's Engineering Standards.
 - A. Specifications. The specifications will be furnished to the applicant by the Borough. If any of the specifications are unavailable at the Borough Office, the Borough Engineer shall provide the applicable specifications.
 - B. Sample of materials. During or after construction of any required improvement, if the Borough requires a sample of materials, said sample shall be furnished by the appropriate contractor, in a form specified by the Borough Engineer.

7. Delivery slips. Copies of all delivery slips for materials used in the construction of any storm sewers, sanitary sewers, roads, curbs, sidewalks, or any other facility within a borough right-of-way or easement shall be supplied to the Borough.

22-705. Off-site Improvements

Certain improvements beyond the geographical boundaries of a site to be subdivided and/or developed, including but not limited to road improvements, may be requested to be constructed where it can clearly be demonstrated that such improvements have been made necessary solely through the additional burden imposed by the subdivision and/or development of the site. All such improvements or contributions for future off-site improvements shall be considered voluntary and will not be refunded to the developer. The developer may also be requested to cover certain costs which must be incurred by the Borough or other governmental jurisdiction in order to make these improvements feasible. The legal and financial arrangements to cover costs of the off-site improvements shall be the same as those prescribed in §22-702.

22-706. Conditions of Acceptance

1. Upon completion of any public improvements shown on an approved subdivision plan and within 90 days after approval of such public improvements as herein provided, the developer shall submit written offer of such public improvements for dedication to the Borough. Said offer shall include a deed of dedication covering said public improvements together with satisfactory proof establishing the developer's clear title to said property. Such documents are to be filed with the Borough Secretary for review by the Borough Solicitor.
2. Deeds of dedication for public improvements may be accepted by resolution of the Council at a regular meeting thereof. The Borough Council may require that at least 50% of the lots in any approved subdivision or land development (or phase thereof, if final plan approval has been in phases) have certificates of occupancy issued for buildings thereon prior to acceptance of dedication. Should the streets, even though constructed according to the specifications of this chapter, deteriorate before the said 50% of the lots have certificates of occupancy issued, such streets shall be repaired, at the expense of the developer, in a manner acceptable to the Borough Council before being accepted by the Borough.
3. The Council may require that certain subdivision and land development improvements remain undedicated, with maintenance the responsibility of individual lot owners, a community association or an organization capable of carrying out maintenance responsibilities.
4. Conditions. The Borough shall have no obligation to accept dedication of any street or other improvement unless:
 - A. The required improvements, utility mains and laterals, and monuments shown on the approved plan or plans have been constructed to meet all requirements and are free of defects or deterioration.
 - B. It is established to the satisfaction of the Borough Council that there is a need for the dedication of improvements.
5. Acceptance. The Borough shall have no responsibility with respect to any street or other improvement, notwithstanding the use of the same by the public, unless the street or other improvement is accepted by an ordinance (or resolution) adopted by the Borough Council.

22-707. As-Built Plans

Within 30 days after completion and Borough approval of subdivision or land development improvements as shown on final plans, and before Borough acceptance of such improvements, the developer shall submit to the Borough Council a plan showing actual locations, dimensions and conditions of streets and all other public improvements, including easements showing geometry and monument locations certified by a registered engineer and or a registered surveyor to be in accordance with actual construction. As-built plans shall show elevations and inverts to all manholes, pipes and roads, lateral connections to sewer mains and water service connections to water service mains. The developer must provide a hard copy and electronic copy of the plan.

22-708. Guarantee of Completed Improvements

When the Borough Council accepts dedication of required improvements following their completion, the Borough Council may require posting of financial security by the applicant to secure the structural integrity and functioning of these improvements in accordance with the design and specifications as depicted on the approved final plan.

1. Said financial security shall be of the same type as otherwise required by §22-702 herein.
2. The amount of financial security shall be 15% of the actual cost of installation of the improvements.
3. The term of the guaranty shall be 18 months from the date of acceptance of dedication.

66-709. Private Maintenance of Improvements

Where the maintenance of improvements is to be the responsibility of individual lot owners, a homeowners' association or similar entity, or an organization capable of carrying out maintenance responsibilities, the Borough Council shall require that maintenance responsibilities be set forth in perpetual covenants or deed restrictions binding on the landowners' successors in interest and may further require that an initial maintenance fund be established in a reasonable manner.

22-710. Required Contracts

Before the Borough Council shall cause its approval to be endorsed upon the final plans of any subdivision or land development (except in the case of minor subdivisions wherein the Borough Council imposes no condition or conditions for the approval of the plan), and as a requirement for the approval thereof, the owners shall enter into a written agreement with the Borough in the manner and form set forth by the Borough Solicitor, which shall include but not be limited to the following:

1. To construct or cause to be constructed, at the owners' expense, all streets, curbs, sidewalks, fire hydrants, streetlights, drainage facilities, water and sewer facilities, street signs, monuments, capped sewers, parks, and other improvements shown on said final plan when required to do so by the Borough Council in accordance with the standards and specifications of the Borough.
2. To maintain, at the owners' cost, the said streets, curbs, sidewalks, drainage facilities, water and sewer facilities, street signs, parks, monuments, fire hydrants, streetlights, capped sewers, and other improvements, until the same are accepted or condemned by the Borough for public use, and for a period of 18 months thereafter to repair and reconstruct the same of any part of one of them when such repair or reconstruction shall be specified by the Borough Council as necessary by reason of faulty construction, workmanship, or materials, and, at or before acceptance of such improvements by the Borough.

3. To install, or cause to be installed, at the owners' expense and without any cost to the Borough for any part of such installation, street lighting facilities on all streets abutting the subdivision.
4. To pay all costs, charges or rates of the utility furnishing electric service for the lighting of the streets on or abutting said subdivision, from the lights installed by the owner, until such time as the streets shown on the subdivision plans shall be accepted as public streets of the Borough by resolution approved by the Court of Quarter Sessions or condemnation proceedings, and to indemnify and hold harmless the Borough from and against all suits, actions, claims, and demands for electric service to the streets shown on said plans, or any part thereof, to the time that said streets shall be accepted as public streets of the Borough in the manner hereinabove set forth.
5. To pay the inspection fees required by the Borough.
6. To obtain the easements and releases required when any street, drainage facility or other improvement in a subdivision abuts or traverses land of persons other than the person holding legal title to the lands of the subdivision, at his own cost, and obtain from the owner of the lands so abutted or traversed full releases from all damages which may result from a change in grade, construction, or otherwise, of the street, drainage facility or other improvements, and such releases shall inure to the benefit not only of the owner of the subdivision but to the Borough as well.
7. To promptly remove or cause to be removed snow from the streets as may be required for safe traverse of the streets prior to dedication.
8. To promptly reimburse to the Borough reasonable attorneys' and engineers' fees.
9. Such other provision(s) as deemed necessary or desired by the Borough Council.

Article VIII. Administration, Fees and Enforcement

22-800. General Administration

All provisions of this chapter shall be administered by the Borough Council or its officially designated representatives. All matters relating to this chapter shall be submitted to the Borough Manager, who will handle the matter in accordance with current municipal policies, procedures, and guidelines established by the Borough Council.

22-801. Records

The Borough shall keep a public record of its correspondence, findings, recommendations, and actions relating to plans filed for review, in accordance with the policies, procedures, and guidelines established by the Borough Council and Planning Commission.

22-802. Fees and Costs

1. No application for preliminary or final approval shall be deemed to have been submitted until the fee and escrow deposit, as set forth below, shall have been paid.
2. A subdivision or land development application fee (nonrefundable) and an escrow deposit shall be submitted with any application for preliminary or final plan approval to cover the costs of plan review and processing. Amounts of the application fee and escrow deposit shall be fixed by the Borough Council by resolution. The escrowed funds shall be used to reimburse the Borough for actual expenditures incident to these processes, including but not limited to fees of the Borough Engineer and legal fees in excess of the fee for review of the Borough's standard forms. Any costs incurred by the Borough in excess of the amount held in escrow shall be fully reimbursed by the applicant prior to the issuance of any permits. Any unexpected balance in the escrow deposit shall become part of the second deposit required by Subsection 3.
3. Any costs incurred by the Borough that are outside the various fee and escrow requirements otherwise described within this ordinance shall be reimbursable to the Borough in accordance with the Master Fee Schedule.
4. Following final plan approval and recording and the establishment of any required performance guarantee, a second escrow deposit shall be established to cover the cost of inspections of improvements construction, materials or site testing, or maintenance costs prior to the acceptance of improvements by the Borough. Any costs incurred by the Borough in excess of the amount held in escrow shall be fully reimbursed by the applicant. Any unexpected balance in the escrow deposit following acceptance of dedication improvements to the Borough shall be returned to the applicant. The amount of the escrow deposit shall be fixed by the Borough Council by resolution.

22-803. Waiver of Requirements

Upon review and recommendation by the Borough Planning Commission, the Borough Council may grant a modification of the requirements of one or more provisions of this chapter if the literal enforcement of them would exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification(s) will not be contrary to the public interest and that the purpose and intent of this chapter is observed. All requests for modification(s) shall:

1. Be in writing and part of an application for subdivision and/or land development;

2. State the grounds and facts of unreasonableness or hardship on which the request is based;
3. List the provision(s) of the ordinance involved;
4. State the minimum modification necessary; and
5. Be subject to approval by the Borough Council after receiving advisory recommendations from the Phoenixville Planning Commission.

22-804. Enforcement

1. Preventive Remedies.
 - A. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
 - B. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this chapter. This authority to deny such a permit or approval shall apply to any of the following applicants.
 - 1) The owner of record at the time of such violation.
 - 2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - 3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - 4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.
2. Revealing noncompliance with plans submitted under the provisions of this Chapter, the attached Appendix, or any amendments to this Chapter or the Appendix, shall be sufficient grounds for denial or withdrawal of building permits by the Borough under sections thereof, or other penalties or remedies, including relief, as may be provided by law.
3. Enforcement Remedies.
 - A. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinances enacted under this chapter or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$1,000 per day plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless

the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

Article IX. Amendments, Validity, and Repealer

22-900. Amendment Procedure

The Borough Council may, from time to time, amend, supplement, change, modify, or repeal this chapter by proceeding in accordance with the regulations of this article. The Borough Council shall, by resolution adopted at a regular or special meeting, fix the time and place of a public hearing on the proposed amendment and cause public notice thereof to be given as follows:

1. Amendments to the Subdivision and Land Development Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed ordinance pursuant to Article of the Pennsylvania Municipalities Planning Code. In addition, in case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing on such proposed amendment. At least 30 days prior to the hearing on the amendment, the Borough shall submit the proposed amendment to the County Planning Commission for recommendations.
2. Within 30 days after adoption, the Borough Council shall forward a certified copy of any amendment to the Subdivision and Land Development Ordinance to the County Planning Commission.
3. Proposed subdivision and land development ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Borough not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - A. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.
 - B. An attested copy of the proposed ordinance shall be filed in the County Law Library or other county office designed by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
4. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Borough Council shall, at least 10 days prior to enactment, re-advertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
5. Subdivision and land development ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

22-901. Referral to Planning Commission

All proposed amendments, before adoption, shall be referred to the Borough and Chester County Planning Commission at least 30 days prior to the public hearing for recommendation and report, which shall be advisory.

22-902. Validity

Should any section of this chapter be declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the chapter as a whole or any other part thereof.

22-903. Repealer

All ordinances and parts of ordinances inconsistent herewith are repealed upon the legally effective date of this chapter.