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**PART 1**

**GENERAL PROVISIONS**

**§101. Short Title.**

This Part shall be known and may be cited as the "Zoning Ordinance for the Borough of New Oxford."

(Ord. 12/21/1998, §100)

**§102. Purpose.**

The zoning regulations and districts as herein set forth are made for the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewage, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Borough.

(Ord. 12/21/1998, §101)

**§103. Community Development Objectives.**

The Borough of New Oxford intends this Chapter to implement the following Statement of Community Development Objectives, in accordance with Act 247 of 1967, as amended by Act 170 of 1988, the "Pennsylvania Municipalities Planning Code":

A. Historic Core.

- (1) Goal. Preserve and enhance the existing historic, architectural and cultural resources within New Oxford, with special emphasis placed on preserving the character of areas surrounding the Downtown Square that developed prior to 1900 A.D.
- (2) Objectives.
  - (a) Provide for the continuation of New Oxford's historic core as a mixed-use neighborhood and center of business activity that will offer residents, visitors, customers, and business

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clients a safe, secure, and visually pleasing environment in which to live, visit and conduct business.

- (b) Promote "infill" new construction that is respectful of and consistent with the size, scale, height, setback, lot coverage, and placement of adjoining historic structures and streetscapes.
- (c) Avoid the destruction of streetscapes within the New Oxford historic core by discouraging the inappropriate placement of curb cuts, the use of front yards for parking lots, excessive structural setbacks, and inappropriately situated or scaled construction.
- (d) Encourage any proposed building additions to be constructed to the rear of historically or architecturally significant buildings.
- (e) Require any proposed building additions to be designed in such a way that is architecturally consistent with the existing structure and the structures in the surrounding area as well.
- (f) Promote the continued residential use of structures in the historic core that were originally designed for residential purposes, while, at the same time, allowing for reasonable home occupations and limited commercial uses, particularly in larger historic structures.
- (g) Maintain the existing village atmosphere and streetscapes of New Oxford by discouraging the demolition of structures, particularly those traditionally used for residential purposes, that contribute to the Borough's "village character."
- (h) Maintain the existing village streetscapes by establishing standards to maintain and enhance the number and location of street trees in the historic core of the Borough.
- (i) Establish standards that will facilitate the use of signs that are consistent with the size, scale, and setting of structures in the Borough's historic core, and which are easily discernible to pedestrians and to occupants in vehicles traveling at speeds of 20 to 30 miles per hour through New Oxford.

### B. Residential Areas.

- (1) Goals. Provide for the enhancement of existing residential neighborhoods and for the development of new residential

neighborhoods in appropriate locations of the Borough, using such appropriate dwelling unit types and styles to provide housing opportunities for a wide range of households.

(2) Objectives.

- (a) Encourage home-ownership within New Oxford Borough, especially in existing residential neighborhoods and especially within the existing historic core area.
- (b) Encourage housing opportunities within the historic core of New Oxford as well as near other commercial and employment areas, so that residents may use pedestrian means of access to and from various activity centers, and so that dependence on the automobile will be reduced.
- (c) Promote residential lot design and landscaping standards which will enhance the existing "village character" that is found in all residential areas of the Borough.
- (d) Provide appropriate standards for the development of apartments and conversion apartments to ensure that each unit meets minimum acceptable standards for floor area, off-street parking, lot area and lot coverage, thus maintaining and improving living standards within the Borough.
- (e) Provide design standards for multi-family development to ensure that new and conversion dwelling units are visually compatible with the existing housing stock in New Oxford's residential areas.
- (f) Where appropriate, allow for the mixed usage of residential properties in New Oxford's residential areas by permitting low intensity home occupations similar to those currently prevalent in the Borough.
- (g) Maintain and enhance "village character" throughout the Borough by enforcing residential design standards which should include, but not necessarily be limited to, provisions for street trees, sidewalks, curbs, street lighting, and appropriately sized and designed signs for home occupations.
- (h) Provide for the continuation and future development of housing units of various types and styles in appropriate areas of the Borough to provide housing opportunities for a wide range of age and income groups.

C. Light Industrial/Employment Areas.

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- (1) Goal. Encourage the continuation and appropriate expansion of existing industrial and employment generating uses and structures as well as the development of new employment uses that will contribute to the economic base of the Borough and that blend well with existing community fabric.
- (2) Objectives.
  - (a) Encourage the development of new, light industrial and employment generating uses in compact settings which provide access to and from multiple businesses, while at the same time, minimizing the cost of providing public services to these businesses.
  - (b) Provide design and landscaping standards to ensure that new, higher intensity business development is compatible with the surrounding neighborhoods.
  - (c) Minimize conflicts between adjoining neighborhoods characterized by high and lower intensity land uses.
  - (d) Protect the historic village core by providing for the establishment of higher intensity businesses and light industrial uses in appropriate areas of the Borough where historic resources are less concentrated, thus minimizing adverse impacts on the historic downtown and residential areas of the Borough.
  - (e) Encourage light industrial development in areas that will not generate heavy business-oriented traffic within historic and residential neighborhoods.
  - (f) Encourage the adaptive reuse of older industrial buildings in New Oxford by allowing either the continued use of those structures as light industrial facilities or the innovative rehabilitation of these buildings into residential, limited commercial, public, semi-public or similar uses.

### D. Transportation.

- (1) Goal. Facilitate the development of a transportation network in New Oxford that provides for both local and regional vehicular traffic but which, at the same time, encourages pedestrian travel options, especially within the historic core area of the Borough.
- (2) Objectives:
  - (a) Locate high intensity traffic generators, such as drive-in or drive-through commercial businesses, outside of the historic

village core and in areas with good access to and from major roadways.

- (b) Re-enforce the existing mixture of less intensive uses, including residential, specialty retail, and limited general office, within the historic core area of New Oxford to minimize vehicular impacts in this area while, at the same time, maintaining the Borough's "village character."
- (c) Encourage the development of an appropriate mix of land uses within the historic core of New Oxford which will result in enhanced pedestrian activity among not only New Oxford residents, but visitors to the Borough as well.
- (d) Create a pedestrian transportation network that will encourage residents to travel on foot to and from shopping and other activities both in the historic core and the higher intensity commercial and employment areas on the village fringe.
- (e) Minimize the number of curb cuts permitted along all major streets throughout the Borough, and especially within the historic core, in order to limit conflicting traffic patterns and movements and to reduce traffic congestion within the Borough.
- (f) Avoid suburban "strip commercial" development patterns within the historic core of New Oxford.
- (g) Promote land uses and development policies that are responsive to regional transportation issues and needs.
- (h) Encourage the development of parking facilities designed to serve more than one use or property, thus minimizing curb cuts in commercial, residential and mixed-use areas of the Borough.

(Ord. 12/21/1998, §102)



**PART 2**

**DEFINITIONS**

**§201. Interpretation.**

As used in this chapter, words expressed in their singular include their plural meanings, and words expressed in their plural include their singular meanings. The word "person" includes a corporation, unincorporated association, and/or a partnership, as well as an individual. The word "may" is permissive; the words "shall" and "must" are mandatory. Words used in the present include the future tense.

(Ord. 12/21/1998, §200)

**§202. Definitions.**

**ACCESS DRIVE** — a paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

**ADULT ENTERTAINMENT USE** — an establishment having as a substantial or significant portion of its stock or trade, movies, shows, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or specific anatomical areas. As used herein, "sexual activities" means and includes any of the following: 1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; 2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; 3) masturbation, actual or simulated; or 4) excretory functions as part of or in connection with any of the activities set forth in this definition. As used herein, "specified anatomical areas" means and includes any of the following: 1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**AGE QUALIFIED HOUSING** — a residential community that may include single-family detached, two-family, single-family semi-detached, townhouse, or multi-family dwellings, or a combination thereof, and that is occupied solely by persons who are 62 years of age or older, and adheres to a policy that demonstrates intent to house persons who are 62 years of age or older.

**ALLEY** — a minor way, whether or not legally dedicated, intended and used primarily for vehicular service access to the rear of properties which abut on a street, and not intended for the purpose of through vehicular traffic.

**APARTMENT** — a dwelling unit within a multi-family dwelling.

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APARTMENT CONVERSION — an existing dwelling unit that has been converted or will be converted to individual dwellings for more than one family, without substantially altering the exterior of the building.

APPLICANT — a landowner or developer, as hereinafter defined, who has filed an application for subdivision, land development, a zoning permit, or action before the Zoning Hearing Board, including his heirs, successors, and assigns.

ASSISTED LIVING FACILITY — A multi-family residential care facility designed and managed for residents who require only intermittent cooking, nutrition, ambulatory, recreation, and similar care to sustain the activities of daily living, and that is occupied solely by persons who are 62 years of age or older, and adheres to a policy that demonstrates intent to house persons who are 62 years of age or older.

BED-AND-BREAKFAST INN — a business, located in a residential environment, which provides for sleeping arrangements and breakfasts in a residential environment for transient guests, in return for compensation to the owner of the establishment.

BILLBOARD — any sign that communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located. Such signs shall not include off-premises directional signs, as defined herein.

BOROUGH — the Borough of New Oxford.

BUILDING — a combination of materials which forms a permanent structure having walls and a roof, including, but not limited to, all mobile homes and trailers.

BUILDING HEIGHT — the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

CERTIFICATE OF OCCUPANCY — a certificate issued and enforced by the Zoning Officer after completion of the construction of a new building or after a change or conversion of the structure or use of a building, and prior to the use of said structure or building, which certifies that all requirements and regulations as provided herein, as well as all other applicable requirements, have been satisfied. See also, "zoning permit."

COMMERCIAL DAYCARE FACILITY — a building or structure where care, protection, and supervision are provided, for a fee, on a regular schedule to four or more persons, including, but not limited to, minor children and aged, infirm, or other dependent adults.

CONDOMINIUM — real estate, portions of which are designated for separate ownership and the remainder of which is designated for common area to be used solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

COUNTY — the County of Adams, Pennsylvania.

DEVELOPER — any landowner, agent of such landowner, tenant with the permission of such landowner, or one authorized and empowered by a landowner, who makes or causes to be made a subdivision of land or a land development or a resubdivision.

DRIVE-IN BUSINESS — an establishment that, by design of physical facilities, encourages or permits high volumes of customer traffic to obtain common goods and/or services during a short visit. Such establishments include, but are not limited to, convenience stores and branch banks.

DRIVE-THROUGH BUSINESS — an establishment that, by design of physical facilities, encourages or permits customers to receive goods and/or services from a service window while remaining inside their automobiles.

DUPLEX — a building used by two families, with one dwelling unit located above or on top of the other.

DWELLING — any building which is designed to include one or more units for permanent human residency; but not including hotels, boarding houses, tourist cabins, motels, fraternity houses and other accommodations used for transient occupancy.

DWELLING, MULTI-FAMILY — a dwelling occupied by three or more families living independently of each other and doing their own cooking, including apartment houses.

DWELLING, SINGLE FAMILY ATTACHED — a dwelling containing dwelling three or more dwellings, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings.

DWELLING, SINGLE FAMILY DETACHED — a building containing one dwelling unit, and having no party wall in common within adjacent property.

DWELLING, SINGLE FAMILY SEMI-DETACHED — a building containing one dwelling unit, and having a party wall in common with one adjacent property.

DWELLING, TWO FAMILY — a dwelling containing two dwelling units, arranged either in a side-by-side fashion sharing one common party wall or with one unit arranged over the other. See also the definition of "twin."

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DWELLING UNIT — an independent housekeeping unit consisting of living quarters of one or more rooms with cooking, sleeping, and sanitary facilities, arranged for use by one or more individuals.

FACADE — an exterior wall of a building exposed to public view.

FACADE, FRONT — the facade parallel or nearly parallel to the public or private street upon which the building has its primary frontage. The front facade usually contains the primary entrance to the building.

FACADE, SIDE — the facade parallel or nearly parallel to the side property line of the building.

GROUP HOME — a facility providing shelter, counseling, and other rehabilitative services in a family-like environment for no more than ten residents and such supervisory personnel as required by the licensing agency. Such facilities may provide supervisory and rehabilitative services, but medical care or nursing supervision shall not be provided. Such residents may include physically or mentally handicapped, elderly or similar residents.

HOME OCCUPATION — any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, provided that the use is clearly incidental and secondary to the use of the dwelling for residential purposes.

HOTEL — a building consisting of lodging rooms designed or occupied primarily as the temporary place of abode of individuals who are lodged for compensation (with or without meals), in which provisions for cooking are generally not made in individual rooms or suites.

INDEPENDENT LIVING FACILITY — A residential facility designed and managed for residents that includes self-sufficient residential opportunities for residents while, at the same time, providing access to limited nonmedical services needed to sustain the activities of daily living, and that is occupied solely by persons who are 62 years of age or older, and adheres to a policy that demonstrates intent to house persons who are 62 years of age or older. Such a facility may include single-family detached, single-family semi-detached, two-family, townhouse, or multi-family dwellings.

INFILL DEVELOPMENT — a building or structure constructed on a vacant lot within a previously developed area of the Borough.

LAND DEVELOPMENT — any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

- (1) 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
- (2) 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.

B. A subdivision of land.

C. Development in accordance with §503(1.1) of the Pennsylvania Municipalities Planning Code, Act 170, as amended.

**LIVING AREA** — the total floor area within a dwelling unit devoted to occupiable space. In calculating the living area for a dwelling unit, the floor area devoted to closets, or other storage areas, internal or external stairwells, and utility rooms shall not be included in the calculations.

**LOT** — a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or build upon as a unit.

**LOT AREA** — the area contained within the property lines of a lot, excluding any street right-of-way or driveway easement providing access to an adjoining property.

**LOT WIDTH** — the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

**MIXED-USE STRUCTURE** — a building occupied by more than one of the following types of uses: specialty retail commercial, residential or professional office uses.

**MOBILE HOME** — a transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designated 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.

**MOBILE HOME PARK** — a parcel or contiguous parcels of land which has been designated that it contains two or more mobile home lots for the placement thereon of mobile homes.

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**MOTEL** — a building or group of buildings, whether detached or in connected units, containing individual sleeping or dwelling units and used primarily for transient automobile travelers, together with off-street parking facilities. The terms "automobile court," "tourist court," "motor lodge," and "motor hotel" shall be used interchangeably with the term "motel," and shall have the meaning set forth in this Part.

**NONCONFORMING BUILDING** — a building or part thereof manifestly not designed to comply with the applicable used provisions of this Chapter for the Borough of New Oxford or amendment hereto or hereafter enacted, where such building lawfully existed prior to the enactment of this Chapter.

**NONCONFORMING STRUCTURE** — a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provision in this Chapter for the Borough of New Oxford or amendment hereto or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** — a use, whether of land or of structure, which does not comply with the applicable use provision of this Chapter for the Borough of New Oxford or amendment heretofore or hereafter enacted, where such was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

**NURSING HOME** — A residential care facility that provides food, shelter, assistance with daily activities, and regular medical attention excluding emergency and surgical services, and that is occupied solely by persons who are 62 years of age or older, and adheres to a policy that demonstrates intent to house persons who are 62 years of age or older.

**PARKING LOT** — any lot, municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles.

**PARKING SPACE** — the space within a building or a lot or parking lot for the parking or storage of one motor vehicle off the right-of-way of a public street or road.

**PLANNED SHOPPING/PERSONAL SERVICE PLAZA** — a group of retail stores and/or personal service establishments planned and designed to function as a unit, and having off-street parking and a landscaping plan as an integral part of the unit.

**PLANNED TOWNHOUSE COMMUNITY** — a group of townhouses, which share common parking, recreation, and landscaping areas and which is de-

signed as an integral architectural and landscape architectural entity, developed on a single parcel of land.

PRIVATE CLUB — an organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. The definition of "private club" shall not include adult-related facilities, off-track betting parlors, golf courses, shooting ranges, nightclubs, campgrounds and airports.

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 7 days from the date of the hearing.

RETIREMENT COMMUNITY — A residential and/or care complex including one or more of the following types of facilities, as herein defined: Independent Living Facility, Assisted Living Facility, and Nursing Home.

RIGHT-OF-WAY — a strip of land acquired by reservation, dedication, forced dedication prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses to allow the right of one to pass over the property of another.

ROWHOUSE — see "dwelling, single family attached."

SIGN — any device, fixture, placard, or structure that uses any color, form, graphic, illumination, method, symbol(s) or writing to advertise, announce, indicate the purpose of, or communicate information of any kind to the public.

SIGN, DIRECTIONAL — a sign located for the purpose of providing directions towards or indication of use not readily visible from the street. Such a sign may be located either on or off the premises of the use to which the sign is providing direction.

SIGN, FREESTANDING — any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

SIGN, OFF-PREMISES DIRECTIONAL — any sign, located along a major thoroughfare within the Borough, which provides directions to either vehicular or pedestrian traffic to a commercial or noncommercial establishment located on

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a parcel of land, within the Borough, separate from the parcel on which the sign is located.

**SIGN, PROJECTING** — any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

**SIGN, TEMPORARY** — a sign, with or without a structural frame, and intended for display for a limited period of time. Such signs include, but are not limited to, real estate sale or rental signs, garage or yard sale signs, contractor signs, and political signs.

**SIGN, WALL** — any sign attached parallel to, but within six inches of, a wall painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

**SPECIAL EXCEPTION** — a use permitted in a particular zoning district pursuant to the provisions of Part 14 of this Chapter.

**STREET** — an existing or platted way dedicated for the use of the general public, graded and paved or to be graded and paved, in order that the general public has the right to pass and to use it at all times, for all purposes of travel, transportation or parking to which it is adopted, devoted, and not otherwise restricted.

**SUBDIVISION** — the division or redivision 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 lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution of heirs or devisees, transfer of ownership or building or lot development.

**TOWNHOUSE** — a series of three or more single family dwelling units attached by one or more common walls.

**TOWNHOUSE, INFILL** — a single building, meeting the definition of the term "Townhouse," constructed on a vacant lot in a previously developed area of the Borough, situated on the site such that the main entrance to each dwelling unit faces the street and such that all parking is located to the rear of the building.

**TWIN** — a building containing two adjoining dwelling units, with the dwelling units arranged in a side-by-side fashion and sharing a common party wall. Also defined as a single-family semidetached dwelling.

**VARIANCE** — relief granted to specific requirements of this Chapter pursuant to the applicable provisions of Part 14 of this Chapter and consistent with Article IX of Act 170 of 1988, the Pennsylvania Municipalities Planning Code.

YARD — a space which is open to the sky and unoccupied by any building, structure or merchandise for display or sale, and which is located on the same lot with a building or structure.

YARD, FRONT — a yard on the same lot with a main building extending the full width of the lot, and situated between the lot line and the front building setback line.

YARD, REAR — a yard on the same lot with a main building, extending the full width of the lot and situated between the rear lot line and the required rear building line.

YARD, SIDE — a yard on the same lot with a main building, situated between a side line and the corresponding building line, and located between the front yard and the rear yard.

ZONING OFFICER — a municipal official duly appointed by the Borough Council of the Borough of New Oxford, or an official of County government or a consulting firm, appointed by the Borough Council through a contractual arrangement, to administer and enforce this Chapter.

ZONING PERMIT — a permit required by this Chapter for the Borough of New Oxford to ensure compliance with the applicable sections of this Chapter, and which must be obtained before any construction, structural modification, or changes in use proceed. See also, "certificate of occupancy."

(Ord. 12/21/1998, §201; as amended by Ord. 385, 9/7/1999, §1; and by Ord. 405, 12/8/2003, §1)



**PART 3**

**ESTABLISHMENT OF DISTRICTS**

**§301. Creation of Districts.**

For the purpose of this Chapter, the land contained within the boundaries of the Borough of New Oxford is hereby designated into the following districts:

- A. Town Center Mixed Use (TCM) District.
- B. Town Center Residential (TCR) District.
- C. Low Density Residential (LDR) District.
- D. Moderate Density Resident (MDR.) District.
- E. Professional Office (PO) District.
- F. Highway Commercial (HC) District.
- G. Light Industrial (LI) District.

(Ord. 12/21/1998, §300)

**§302. Zoning Map.**

The boundaries of said districts shall be shown upon the map attached to and made part of this Chapter for the Borough of New Oxford, which map is dated, and designated as the "Official Zoning Map for the Borough of New Oxford." The said map and all notations, references, and other data shown therein are hereby incorporated by reference into this Part as if all were fully described herein.

(Ord. 12/21/1998, §301)

**§303. District Boundaries.**

When uncertainty exists as to boundaries of any district as shown on said map, the following rules shall apply:

- A. District boundary lines are intended to follow or be parallel to the center line of streets, railroad, and lot or property lines as they exist on plans of record at the time of the adoption of this Chapter less such district boundary lines are fixed by dimensions as shown on the Zoning Map.

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- B. Where a district boundary is not fixed by dimensions and where said boundary approximately follows a lot lines, and where it does not scale more then ten feet therefrom, such lot line shall be construed to be such boundary line unless specifically shown otherwise.
- C. The permitted use of more than one half of the area of a lot of less than one acre shall determine the use for the entire lot.

(Ord. 12/21/1998, §302)

### **§304. Interpretation of Boundaries.**

In case of any uncertainty, the Zoning Hearing Board shall interpret the intent of the map and determine the location of district boundaries.

(Ord. 12/21/1998, §303)

**PART 4**

**TOWN CENTER MIXED USE (TCM) DISTRICT**

**§401. Statement of Legislative Intent.**

In expansion of the Community Development Objectives contained in Part 1 of this Chapter it is hereby declared to be the intent of the TCM District to establish reasonable standards to provide for a mix of residential and limited commercial and office uses within the TCM District. Furthermore, it is the intent of this Part to:

- A. Encourage the full economic use of historic structures along Lincolnway East and West, Hanover Street, Carlisle Street, and the area surrounding the New Oxford Square.
- B. Encourage the preservation of landscaped spaces surrounding structures in the Borough's historic core area.
- C. Encourage an appropriate mix of residential uses and limited commercial and office-oriented businesses similar to those that currently exist in the area.
- D. Require new infill development to be consistent with predominant architectural styles, setbacks, height, and bulk of structures located on adjoining properties and within the blockade in which infill development occurs.
- E. Prohibit drive-through or drive-in types of businesses in the TCM District.
- F. Prohibit off-street parking in the front of existing or new infill buildings.
- G. Recognize the predominant pattern of three-story buildings that exist in the TCM District and permit a mixture of uses within these structures.
- H. Discourage development of large-scale, retail commercial uses in the TCM District that would be more appropriately located in a "Highway Commercial (HC)" or "Light Industrial (LI)" district, because they require architectural styles dissimilar to those found in New Oxford's Historic Core, generate high volumes of traffic, a need for large paved parking areas, and numerous vehicular access points.
- I. Provide minimum standards for the conversion of single-family detached dwellings into apartments.
- J. Provide minimum standards for the use of existing structures for commercial purposes on lower floors and residential purposes on upper

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floors and for the future development of such use arrangements in appropriate structures within the TCM District.

(Ord. 12/21/1998, §400)

### **§402. Uses Permitted By-Right.**

Within the TCM District, the following uses are permitted by right. This Section permits, by right, only a single use on each property or within each structure. Properties or structures containing a mixture of uses are permitted provided the special exception standards of §402 and Part 15 are met.

- A. Single-family detached dwellings.
- B. Single-family semidetached dwellings (twins).
- C. Two-family dwellings (duplexes).
- D. Professional offices including offices for physicians, dentists, lawyers, accountants, real estate agents, insurance agents, artists, planners, architects, engineers, travel agencies and similar professional offices.
- E. Specialty retail shops including antique shops, florists, card shops, hobby and craft shops, gift shops, wearing apparel shops, furniture stores, bookstores (excluding adult bookstores and other "adult entertainment" uses), camera shops, jewelry stores, and similar specialty retail stores.
- F. Personal service shops including tailors, dressmakers, barbers, beauty salons, and similar professional service shops.
- G. Government offices.
- H. Churches.

(Ord. 12/21/1998, §401)

### **§403. Uses Permitted by Special Exception.**

Within the TCM District, the following uses are permitted by special exception. The Zoning Hearing Board may authorize a use as a Special Exception Use if it conforms, at a minimum, to the stated standards and criteria. The Zoning Hearing Board may apply additional criteria to specific projects where relevant, to protect the historic and architectural integrity of the Borough, and in the interests of public health, safety, and welfare.

- A. Restaurants (Excluding Drive-through and Drive-in Establishments).

- (1) Hours of operation shall be limited to 5 a.m. to 12 a.m.
- (2) Kitchen exhaust shall be vented through a vertical exhaust system. For restaurants located in a two or three story building, all kitchen exhaust shall be vented to an exhaust outlet located no lower than the second floor of the building. For restaurants located in a single story building, all kitchen exhaust shall be vented to an exhaust outlet located on the roof of the building.
- (3) Any trash containers, used for the disposal of restaurant waste products, shall be shielded from public view by a decorative solid fence or evergreen shrubbery.

B. Conversion Apartments.

- (1) Off-street parking shall be provided according to the following scale:

<b>Number of Bedrooms</b>	<b>Number of Parking Spaces</b>
1	1.0
2	1.5
3	2.0

- (2) Parking areas shall be located and designed according to the applicable standards of §1203.
- (3) Minimum apartment size shall conform to the following scale:

<b>Number of Bedrooms</b>	<b>Usable Living Area</b>
1	500 square feet
2	650 square feet
3	850 square feet

- (4) Only existing, single-family detached dwellings may be converted for conversion apartment use.
- (5) A maximum of four units may be created by the conversion of a single-family detached structure.
- (6) Access to each unit must be reviewed and approved by an appropriate local fire protection official. The property owner shall provide each unit with fire alarms, kept in working condition by the property owner at all times.

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- (7) The property owner shall provide exit signs in all hallways leading to and from second and third floor apartments. In addition, the property owner shall provide each hallway serving independent units with fire alarms, kept in working order by the property owner at all times.

### C. Mixed-Use Structures.

- (1) Mixed-use structures shall consist of two or more limited specialty retail or professional office uses or one or more specialty retail or professional office uses and one or more residential units.
- (2) Commercial uses outlined in §401(E) or (F) may be located on the first floor of the structure, and also, when access is approved by appropriate local fire protection officials, on the second floor of the structure.
- (3) Professional office uses outlined in §401(D) may be located on the first and second floors of a structure. The third floor of a structure may also be used for professional offices provided that the office space on the third floor is an extension of a professional office business which has its primary office space on the first or second floors.
- (4) Residential apartments may be located on the second and third floors provided that the minimum apartment sizes conform to the scale presented in §402(B)(3), and that off-street parking is provided according to the scale presented in §402(B)(1).
- (5) Access to and from residential units shall be independent of access to and from any commercial or professional office uses located within the mixed-use structure. Independent access may be provided externally to the building or from an internal system of hallways and staircases. Under no circumstances should residents be required to gain access to a residential unit through commercial or professional office spaces.
- (6) Access to second and third floor uses, whether residential, commercial or professional office in nature, shall be approved by appropriate local fire protection officials. The property owner shall supply all residential units and each floor of commercial or professional office space with fire alarms, kept in working condition by the property owner at all times.
- (7) The property owner shall provide exit signs in all hallways leading to and from second and third floor uses. In addition, the property owner shall provide each hallway serving independent units and each use area with fire alarms, kept in working condition by the property owner at all times.

- D. Bed-and-Breakfast Inns, and Hotels. Bed-and-breakfast inns, and hotels shall not include those temporary lodging facilities commonly known as motels. In interpreting this Section, motels are defined as one or two story structures, used as temporary lodging businesses, with parking located in the front yard area between the structure and the adjoining public streets.
- (1) A maximum of eight rooms or suites are permitted in bed-and-breakfast inns. Up to 12 rooms in hotels may be used as guest quarters.
  - (2) Meals served at bed-and-breakfast inns shall be limited to breakfasts. There shall be no meal restrictions at hotels, but appropriate licenses from the state and/or the Borough must be obtained.
  - (3) Cooking facilities are prohibited in all guest rooms.
  - (4) Common restrooms are permitted in bed-and-breakfast inns and establishments. If used, common restrooms in bed-and-breakfasts shall be provided at the rate of two bathrooms for every three guest rooms. In hotels, private bathrooms shall be provided in each guest room.
  - (5) Any required exterior improvements to the building, such as those required to meet applicable fire safety requirements, shall be located, to the maximum extent possible, to the rear of the building and shall not detract from the historic character of the building.
  - (6) For bed-and-breakfast inns, either the bed-and breakfast owner or a designated operator shall maintain a permanent residence within the bed-and breakfast inn.

(Ord. 12/21/1998, §402)

### **§403. Supplementary Regulations.**

The following regulations shall be applied to any property or structure with frontage on Lincolnway East, Lincolnway West, Hanover Street, or Carlisle Street within the TCM District.

- A. The following standards shall be applied to properties which contain structures on the effective date of this Chapter.
- (1) No special exception will be permitted if it is necessary to demolish an existing building in order to accommodate the special exception use.

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- (2) The proposed use must preserve the architectural character of the front and side facades visible from Lincolnway East or West, Hanover Street, Carlisle Street, or the New Oxford Square. Any expansions or additions built from the rear or side of the structure must conform in scale and building material to the existing building. Expansions or additions to the front of the structure are not permitted.
  - (3) Any rehabilitation or expansion of an existing building shall be of such size, scale, general appearance, and building materials so as to complement the adjoining historic neighborhood.
- B. The following standards shall be applied to all properties which do not contain structures on the effective date of this Chapter
- (1) New buildings may be constructed on a vacant lot, provided that the lot and building conform in all respects to the requirements of this zoning district.
  - (2) Any new building shall be of such size, scale, general appearance, and building materials so as to complement the appearance of surrounding buildings and not detract from the intent of this Part to preserve the appearance of the Historic Core of New Oxford. Applicants shall provide a rendering, as part of any zoning application, showing the front and side facades facing the street. The rendering shall show all architectural elements, material to be used in construction, color scheme, and the size and placement of any signage.

(Ord. 12/21/1998, §402)

### **§404. Area and Bulk Regulations.**

The following standards shall govern all uses, subdivision projects, and land development plans within the TCM District.

- A. The minimum lot size shall be 3,500 square feet.
- B. The minimum lot width shall be 30 feet at the building setback line.
- C. The maximum impervious lot coverage shall not exceed 65%. Impervious lot coverage includes features such as the building and paved parking lots and other such facilities that do not allow for the infiltration of water into the ground.
- D. Front yards shall meet the following standards.

- (1) The minimum front yard depth shall be 10 feet, measured from the street right-of-way line, unless an adjoining property contains a structure with less front yard depth. In that event, the front yard setback shall conform to the existing front yard depth of the adjoining properties.
  - (2) The entire front yard shall be maintained as a landscaped area, except for walkways connecting the entrances with the public sidewalk and for one access driveway.
  - (3) Existing trees in the front yard areas shall not be cut down unless they interfere with an existing or proposed driveway or become diseased.
  - (4) No parking shall be permitted in front yard areas.
  - (5) Side yards shall meet the following standards.
    - (a) The minimum side yard width shall be 6 feet. When the lot is located in an area of the TCM District where existing structures have been constructed to the property line, minimum side lot requirements may be waived.
- F. Rear yards shall meet the following standards.
- (1) The minimum rear yard depth shall be fifteen (15) feet.
- G. The maximum height of any structure within the TCM District shall not exceed 35 feet, unless authorized as a special exception by the Zoning Hearing Board. Under no circumstances shall a building exceed 45 feet in height. Appropriate local fire protection officials shall be given an opportunity to review and comment on any special exception request concerning height requirements.
- H. The maximum width or primary frontage of any structure within the TCM District shall not exceed 80 feet, measured horizontally along the front of the building.

(Ord. 12/21/1998, §403)



**PART 5**

**TOWN CENTER RESIDENTIAL (TCR) DISTRICT**

**§501. Statement of Legislative Intent.**

In expansion of the Community Development Objectives contained in Part 1 of this Chapter, it is hereby declared to be the intent of the TCR District to establish reasonable standards to provide for a mix of residential uses within the TCR District. Furthermore, it is the intent of this Part to:

- A. Apply the TCR District to those portions of New Oxford's historic core area which do not have direct access to Lincolnway East or West, Hanover Street, or Carlisle Street.
- B. Encourage the formation and continuance of a quiet, compatible, and uncongested neighborhoods where a variety of residential dwelling types intermingle harmoniously.
- C. Discourage the encroachment of commercial establishments or other uses which may adversely affect the residential character of the TCR District.
- D. Provide for uses that will create transitional areas between areas of the Borough which have developed as contemporary residential neighborhoods and the more intensely developed, mixed-use areas of New Oxford's Historic Core.
- E. Require any new infill development or building additions or expansions to be consistent with the general architectural styles, setbacks, height, bulk, and placement of structures located on adjoining properties and within the blockade in which the infill development or building addition or expansion is located.
- F. Recognize the predominant rowhouse, twin, and single-family residential dwelling unit patterns found in the TCR District and provide standards to maintain those patterns.
- G. Prohibit off-street parking in the front yards of existing buildings or in the front yards of new infill buildings.
- H. Provide minimum standards for the conversion of single-family detached dwellings into conversion apartments or room buildings.
- I. Provide for home occupations under appropriate circumstances.

(Ord. 12/21/1998, §500)

**§502. Uses Permitted by Right.**

Within the TCR District, the following uses are permitted by right.

- A. Single-family detached dwellings.
- B. Single-family semidetached dwellings (twins).
- C. Two-family dwellings (duplexes).
- D. Single-family attached dwellings including "Rowhouses and Infill Townhouses" but not including "Planned Townhouse Communities."

(Ord. 12/21/1998, §501)

**§503. Uses Permitted by Special Exception.**

Within the TCR District, the following uses are permitted by special exception. The Zoning Hearing Board may authorize a use as a special exception if it conforms, at a minimum, to the standards and criteria stated below. The Zoning Hearing Board may apply additional criteria to specific projects where relevant, to protect the historic and architectural integrity of New Oxford Borough, and in the interest of public health safety or welfare.

- A. Conversion Apartments.
  - (1) Off-street parking shall be provided according to the following scale:

<b>Number of Bedrooms</b>	<b>Number of Parking Spaces</b>
1	1.0
2	1.5
3	2.0

- (2) Parking areas shall be located and designed according to the applicable standards of §1204).
  - (3) Minimum apartment size shall conform to the following scale:

<b>Number of Bedrooms</b>	<b>Usable Living Area</b>
1	500 square feet
2	650 square feet
3	850 square feet

- (4) Only existing, single-family detached dwellings may be converted for conversion apartment use.
- (5) A maximum of four units may be created by the conversion of a single-family detached structure.
- (6) Access to each unit must be reviewed and approved by an appropriate local fire protection official. The property owner shall provide each unit with fire alarms, kept in working condition by the property owner at all times.
- (7) The property owner shall provide exit signs in all hallways leading to and from second and third floor apartments. In addition, the property owner shall provide each hallway serving independent units with fire alarms, kept in working order by the property owner at all times.

B. Home Occupations.

- (1) A home occupation may include art studios; barber shops and beauty salons containing a maximum of two chairs; educational or instructional services limited to two pupils at one time; professional offices for physician, dentist, lawyer, accountant, real estate agent, architect, or similar professional; taxidermist; or other activities of a similar nature.
- (2) The home occupation shall be conducted completely within an owner-occupied dwelling unit and the operator or practitioner must reside in the owner occupied unit.
- (3) Not more than three persons, including the property owner, shall be working at the home occupation during any given shift.
- (4) Not more than 25% of the floor area of the dwelling unit shall be devoted to the home occupation.
- (5) Exterior signs shall be limited to those signs permitted in the sign regulations of this Chapter.
- (6) Exterior storage of materials shall be prohibited.
- (7) The residential character of the dwelling shall not be altered to indicate the presence of the home occupation.
- (8) The home occupation shall not produce offensive noise, vibration, particulate matter, heat, glare, or other similar condition which would detract from the residential nature of the surrounding neighborhood.

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(Ord. 12/21/1998, §502)

### **§504. Supplementary Regulations.**

The following regulations shall be applied to any property or structure with frontage on Golden Lane, High Street, Hanover Street, Carlisle Street, Orange Street, Peters Street, or Berlin Avenue within the TCR District.

- A. The following standards shall be applied to properties which contain structures on the effective date of this Chapter.
  - (1) No special exceptions will be permitted if it is necessary to demolish an existing building in order to accommodate the special exception use.
  - (2) The proposed use must preserve the architectural character of the front and side facades visible from Golden Lane, High Street, Hanover Street, Carlisle Street, Orange Street, Peters Street, or Berlin Avenue. Any expansions or additions built from the rear or side of structure must conform in scale and building material to the existing building. Expansions or additions to the front of a structure are not permitted.
  - (3) Any rehabilitation or expansion of an existing building shall be such size, scale, general appearance, and building materials so as to complement the adjoining historic neighborhood.
- B. The following standards shall be applied to all properties which do not contain structures on the effective date of this Chapter.
  - (1) New buildings may be constructed on a vacant lot, provided that the lot and building conform in all respects to the requirements of this zoning district.
  - (2) Any new buildings shall be of such size, scale, general appearance, and building materials so as to complement the appearance of surrounding buildings and not detract from the intent of this Part to preserve the appearance of the Historic Core of New Oxford. Applicants shall provide a rendering, as part of any zoning application, showing the front and side facades facing the street. The rendering shall show all architectural elements, material to be used in construction, color scheme, and the size and placement of any sign age.

(Ord. 12/21/1998, §503)

**§505. Area and Bulk Regulations.**

The following standards shall govern all uses, subdivision projects and land development plans within the TCR District.

- A. The minimum lot size shall be 5,000 square feet for single-family detached structures, 3,500 square feet per unit for semi-detached or duplex structures, and 2,500 square feet per unit for rowhouses or infill townhouses.
- B. The minimum lot width shall be 40 feet for single-family detached or duplex structures, 25 feet per unit for semi-detached structures, and twenty 20 feet per unit for rowhouses or infill townhouses.
- C. The maximum impervious lot coverage shall not exceed 75%. Impervious lot coverage includes features such as buildings and paved parking lots and other such facilities that do not allow for the infiltration of water into the ground.
- D. Front yards shall meet the following standards.
  - (1) The minimum front yard depth shall be ten feet, measured from the street right-of-way line, unless an adjoining property contains a structure with less front yard depth. In that event, the front yard setback shall conform to the existing front yard depth of the adjoining properties.
  - (2) The entire front yard shall be maintained as a landscaped area, except for walkways connecting the entrances with the public sidewalk and for one access driveway.
  - (3) Existing trees in front yard areas shall not be cut down unless they interfere with an existing or proposed driveway or become diseased.
  - (4) No parking shall be permitted in front yard areas.
  - (5) Side yards shall meet the following standards:
    - (a) The minimum side yard width shall be four feet but the combined width of both side yards shall be 10 feet. When the lot is located in an area of the TCR District where existing structures have been constructed closer to the side property line than the required four feet, minimum side lot requirements may be waived.
- F. Rear yards shall meet the following standards:
  - (1) The minimum rear yard depth shall be 15 feet.

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- G. The maximum height of any structure within the TCR District shall not exceed 35 feet.
- H. The maximum width or primary frontage of any structure, excluding rowhouses or townhouses, within the TCR District shall not exceed 60 feet measured horizontally along the front of the building. The maximum width or primary frontage of rowhouses or townhouses within the TCR District shall not exceed 120 feet.

(Ord. 12/21/1998, §504)

**PART 6**

**LOW DENSITY RESIDENTIAL (LDR) DISTRICT**

**§601. Statement of Legislative Intent.**

In expansion of the Community Development Objectives contained in Part 1 of this Chapter, it is hereby declared to be the intent of the LDR District to establish reasonable standards to provide for single-family detached residences associated with perimeter of the Borough. Furthermore, it is the intent of this Part to:

- A. Preserve the quiet and uncongested neighborhoods that currently exist in New Oxford's single-family residential areas.
- B. Exclude incompatible commercial, industrial, and high density residential uses from locating in lower density residential neighborhoods.
- C. Provide for single-family detached residential neighborhoods within walking distance of amenities such as schools, churches, social clubs, and shopping opportunities in the mixed-use area of the historic core of New Oxford.

(Ord. 12/21/1998, §600)

**§602. Uses Permitted by Right.**

Within the LDR District, the following uses are permitted by right.

- A. Single-family detached dwellings.

(Ord. 12/21/1998, §601)

**§603. Uses Permitted by Special Exception**

Within the LDR District, the following uses are permitted by special exception. The Zoning Hearing Board may authorize a use as a special exception if it conforms, at a minimum, to the stated standards and criteria. The Zoning Hearing Board may apply additional criteria to specific projects where relevant, to protect the historic and architectural integrity of the Borough, and in the interest of public health, safety or welfare.

- A. Home Occupations.
  - (1) Home occupation may include art studios; barber shops and beauty salons containing a maximum of two chairs; instructional services limited to two pupils at a time; professional offices for a

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physician, dentist, lawyer, accountant, real estate agent, architect, or similar professional; taxidermist; or other activities of a similar nature.

- (2) The home occupation shall be carried on completely within the dwelling unit.
- (3) Not more than two persons, including the property owner, shall be employed in the home occupation.
- (4) Not more than 30% of the floor area of the dwelling unit shall be devoted to the home occupation.
- (5) Exterior signs shall be limited to those signs permitted in the sign regulations of this Chapter.
- (6) Exterior storage of materials shall be prohibited
- (7) The residential character of the dwelling shall not be altered to indicate the presence of the home occupation.
- (8) The home occupation shall not produce offensive noise, vibration, particulate matter, heat, glare, or other similar condition which would detract from the residential nature of the surrounding neighborhood.

(Ord. 12/21/1998, §602)

### **§604. Area and Bulk Regulations.**

The following standards shall govern all uses, subdivision projects, and land development plans within the LDR District.

- A. The minimum lot size shall be 10,000 square feet.
- B. The minimum lot width shall be 60 feet.
- C. The maximum impervious lot coverage shall not exceed 40%. Impervious lot coverage includes features such as the building and paved parking lots and other such facilities that do not allow for the infiltration of water into the ground.
- D. Front yards shall meet the following standards.
  - (1) The minimum front yard depth shall be 20 feet measured from the street right-of-way line, unless adjoining properties contain structures with less front yard depth. In that event, the front yard set-

back may conform to the existing front yard depth of the adjoining properties.

- (2) The entire front yard shall be maintained as a landscaped area, except for walkways connecting the entrance with the public sidewalk and for one access driveway.
- (3) Existing trees in front yard areas shall not be cut down unless they interfere with an existing or proposed driveway or become diseased.
- (4) Parking shall only be permitted in front yard areas on existing access driveways.

E. Side yards shall meet the following standards.

- (1) The minimum side yard depth shall be 10 feet.

F. Rear yards shall meet the following standards.

- (1) The minimum rear yard depth shall be 30 feet if the property does not have alley access. For properties with alley access, the minimum rear yard depth shall be reduced to 15 feet.

G. Maximum building height shall be 30 feet.

(Ord. 12/28/1998, §504)



**PART 7**

**MODERATE DENSITY RESIDENTIAL (MDR) DISTRICT**

**§701. Statement of Legislative Intent.**

In expansion of the Community Development Objectives contained in Part 1 of this Chapter, it is hereby declared to be the intent of the MDR District to establish reasonable standards to provide for single-family detached and single-family semidetached residences in areas of the Borough that have developed at a moderate residential density. Furthermore, it is the intent of this Part to:

- A. Preserve the quiet and uncongested environment that currently exists in those New Oxford neighborhoods devoted to single-family detached and semi-detached residential uses.
- B. Exclude incompatible commercial and industrial uses from locating in the moderate density residential neighborhoods.
- C. Provide for moderate density residential neighborhoods within walking distance of amenities such as schools, churches, social clubs and shopping opportunities found in the Historic Core of New Oxford.
- D. Allow for the development of higher density residential uses, such as townhouses and apartments, in appropriate areas of the MDR District and in accordance with specified development standards.

(Ord. 12/21/1998, §700)

**§702. Uses Permitted by Right.**

Within the MDR District, the following uses are permitted by right:

- A. Single-family detached dwellings.
- B. Single-family semidetached dwellings (twins).
- C. Two family dwellings (duplexes).

(Ord. 12/21/1998, §701)

**§703. Uses Permitted by Special Exception.**

Within the MDR District, the following uses are permitted by special exception. The Zoning Hearing Board may authorize a use as a special exception if it conforms, at a minimum, to the stated standards and criteria. The Zoning Hearing Board may

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apply additional criteria to specific projects where relevant, to protect the historic and architectural integrity of New Oxford Borough, and in the interest of public health, safety, or welfare.

### A. Home Occupations.

- (1) A home occupation may include art studios; barber shops and beauty salons containing a maximum of two chairs; instructional services limited to two pupils at a time; professional offices for a single physician, dentist, lawyer, accountant, real estate agent, architect, or similar professional; taxidermist; or other activities of a similar nature.
- (2) The home occupation shall be carried on completely within the dwelling unit.
- (3) Not more than two persons, including the property owner, shall be employed in the home occupation.
- (4) Not more than 25% of the floor area of the dwelling unit shall be devoted to the home occupation.
- (5) Exterior signs shall be limited to those signs permitted in the sign regulations of this Chapter.
- (6) Exterior storage of materials shall be prohibited.
- (7) The residential character of the dwelling shall not be altered to indicate the presence of the home occupation.
- (8) The home occupation shall not produce offensive noise, vibration, particulate matter, heat, glare, or other similar condition which would detract from the residential nature of the surrounding neighborhood.

### B. Planned Townhouse Communities.

- (1) The minimum lot size shall be 2,500 square feet for each unit.
- (2) The minimum parcel size for a planned townhouse community project shall be one acre.
- (3) The maximum permitted density shall be six dwelling units to the acre.
- (4) The maximum number of attached dwelling units in any townhouse structure shall be six dwelling units. Any structure containing four or more units must contain staggered front facades with a minimum differential of 2 feet.

- (5) The minimum dwelling unit width shall be 20 feet.
- (6) Off-street parking shall be provided. Two spaces for every dwelling unit are required. Parking areas shall be located either to the rear of individual townhouse buildings or in common parking areas. Under no circumstances shall parking be permitted within the required setbacks along the perimeter of the property.
- (7) A designated open space or recreation area shall be provided for any townhouse project site in excess of 12 units. The minimum open space or recreation area shall contain 300 square feet for each dwelling unit.
- (8) The minimum separation between townhouse buildings shall be 25 feet. Townhouse buildings shall be arranged, to the maximum extent possible, such that the front and rear facades of adjacent buildings do not face each other.
- (9) Architectural styles and building materials shall be similar to those found in the surrounding residential area. A rendering shall be supplied with each zoning permit application showing all architectural elements and indicating construction materials.
- (10) A site plan must be submitted with each zoning permit application showing the interrelationships between the proposed structures, open space or recreation areas, sidewalks, streets, parking areas, landscaping and other features necessary to evaluate the proposed site design.

C. Multi-Family Development (Apartments or Condominiums).

- (1) The minimum lot size shall be one acre for each proposed apartment building.
- (2) The maximum permitted residential density shall be eight dwelling units to the acre.
- (3) The maximum number of dwelling units in an apartment building shall be eight dwelling units.
- (4) Off-street parking shall be provided according to the following scale:

<b>Number of Bedrooms</b>	<b>Number of Parking Spaces</b>
1	1.0
2	1.5

**Number of Bedrooms**

**Number of Parking Spaces**

3

2.0

The off-street parking requirement may be reduced to one space per unit if the apartments are designed for elderly or handicapped residents and limited to one bedroom units. All parking spaces shall be located in a common parking area. A maximum of two access driveways are permitted to provide access to the common parking area from public streets. Under no circumstances shall parking be permitted at the edges of the development adjacent to existing public streets.

- (5) The minimum separation between apartment or condominium buildings shall be 50 feet.
- (6) Architectural style and building materials shall be similar to those found in the surrounding residential area. A rendering shall be supplied with each zoning permit application showing all architectural elements and indicating construction materials.
- (7) A site plan must be submitted with each zoning permit application showing the interrelationships between the proposed structures, open space or recreation areas, sidewalks, streets, parking areas, landscaping, and other features necessary to evaluate the proposed site design.

D. Mobile Home Parks.

- (1) All mobile home park proposals shall meet the applicable standards contained in the New Oxford Borough Subdivision and Land Development Ordinance [Chapter 22].
- (2) In addition, the following standards shall be met.
  - (a) Mobile homes shall be located at least 50 feet from all property lines of the mobile home park.
  - (b) A landscaped area, planted in such a manner to provide a visual screen of 40% opacity, shall be provided along all property lines of the mobile home park. The opacity percentage is defined as the percentage of the normal line of sight that is obscured by the visual screen.
    - 1) The landscaped area shall be a minimum of ten feet wide, measured inward from the property line.
    - 2) Landscaping materials shall include a mixture of the following: trees, grass, shrubs, mulch, or other suitable

landscaping material, not including sand or pavement or other similar material.

- 3) For the length of the landscaped area, a tree shall be planted at no less than 20 foot intervals.
- 4) When planted, the trees shall have a minimum height of eight feet and a minimum caliper of two inches. When mature, all trees shall reach a minimum height of 15 feet and a minimum caliper of five inches.
- 5) Any garbage or other waste and/or refuse which accumulates within the landscaped area shall be promptly removed and disposed of by the applicant.
- 6) All landscaped design shall be performed by a qualified landscaped architect, horticulturist, or similar landscaping specialist.

E. Retirement Community.

- (1) The minimum parcel size for a Retirement Community shall be two acres.
- (2) The maximum permitted density shall be 12 dwelling units to the acre. In calculating project density, the following ratios shall be used:
  - (a) One independent living dwelling unit shall equal one residential dwelling.
  - (b) One assisted living dwelling unit shall equal 0.8 of a residential dwelling.
  - (c) One nursing home dwelling unit shall equal 0.6 of a residential dwelling.
  - (d) A density bonus of three dwelling units per acre shall be awarded if the project achieves "Leadership in Energy and Environmental Design (LEED) Silver Certification" by the U.S. Green Building Council (USGBC). The Zoning Hearing Board shall be authorized to condition its special exception approval on the applicant's future receipt of such Certification, provided that the applicant submits documentation to the Board indicating how the applicant intends to achieve such Certification. However, the Zoning Officer shall not issue an occupancy permit to authorize occupation of the facility until such Certification is documented and the Certification is submitted to the Zoning Officer.

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- (e) A density bonus of five dwelling units per acre shall be awarded if the project achieves "LEED Gold Certification" by the USGBC. The Zoning Hearing Board shall be authorized to condition its special exception approval on the applicant's future receipt of such Certification, provided that the applicant submits documentation to the Board indicating how the applicant intends to achieve such Certification. However, the Zoning Officer shall not issue an occupancy permit to authorize occupation of the facility until such Certification is documented and the Certification is submitted to the Zoning Officer.
- (f) A density bonus of three dwelling units per acre shall be awarded if the applicant uses two or more of the following architectural and site design components:
  - 1) Courtyard Layout: Building elements shall surround a central courtyard on at least three sides. The courtyard shall contain elements that encourage the congregation of residents of the community. The courtyard may contribute to the area required for active and passive recreation by § 703.E.(6).
  - 2) Underground Parking: On-site parking shall be located in an underground parking structure rather than a surface parking lot.
  - 3) Landscaping Plan: A landscaping plan shall be prepared by a licensed landscape architect which includes at least 10 trees or 20 shrubs or flowering plants per acre, buffers parking or mechanical equipment areas, and encourages the use of outdoor community areas. Trees shall attain a mature height of at least 25 feet and shrubs or flowering plants shall attain a mature height of at least five feet.
  - 4) Dwelling Unit Access to Outdoors: Each dwelling unit, except nursing home rooms, shall have direct access to the outdoors, either through a ground-floor doorway or to a private balcony.
- (3) Off-street parking shall be provided. One parking space for every residential unit is required. Off-street parking may be provided on individual driveways or in individual garages where single-family detached, two-family, or single-family semi-detached dwellings are proposed. Where townhouse or multi-family dwellings are proposed, off-street parking shall be provided in common parking areas. In addition, one parking space for every employee on the large-

est shift shall be provided. Under no circumstances shall off-street parking for townhouses or multi-family dwellings, or employees, be permitted along the perimeter of the property or adjacent to existing public streets. All off-street parking area shall be landscaped in accordance with the provisions of Part 12 of this Chapter.

- (4) The minimum separation between individual buildings within a Retirement Community project shall be 50 feet.
- (5) Architectural form and scale shall be similar to that found in the surrounding residential area. A rendering shall be supplied with each special exception application showing all architectural elements and indicating the building form used for the project is consistent with residential forms in New Oxford Borough.
- (6) An area suitable for outdoor active and passive recreation opportunities shall be provided within the Retirement Community complex. The minimum outdoor recreation area shall contain 250 square feet for each dwelling unit. The special exception application shall depict the intended active and passive recreation amenities proposed for the site.
- (7) Two access driveways, designed in accordance with Borough requirements, shall be provided.
- (8) Retirement Community projects shall be provided with sidewalks or other suitable pedestrian facilities within the site, as well as suitable pedestrian connections to the existing pedestrian network of New Oxford Borough.
- (9) Where a Retirement Community is proposed to include a Nursing Home component, the applicant shall demonstrate that the nursing home operator is licensed by the appropriate agency of the Commonwealth of Pennsylvania.

F. Age Qualified Housing.

- (1) The maximum permitted density shall be 12 dwelling units to the acre. However, the applicant may apply for the following density bonuses:
  - (a) A density bonus of three dwelling units per acre shall be awarded if the project achieves "Leadership in Energy and Environmental Design (LEED) Silver Certification" by the U.S. Green Building Council (USGBC). The Zoning Hearing Board shall be authorized to condition its special exception approval on the applicant's future receipt of such Certification, provided that the applicant submits documentation to

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the Board indicating how the applicant intends to achieve such Certification. However, the Zoning Officer shall not issue an occupancy permit to authorize occupation of the facility until such Certification is documented and the Certification is submitted to the Zoning Officer.

- (b) A density bonus of five dwelling units per acre shall be awarded if the project achieves "LEED Gold Certification" by the USGBC. The Zoning Hearing Board shall be authorized to condition its special exception approval on the applicant's future receipt of such Certification, provided that the applicant submits documentation to the Board indicating how the applicant intends to achieve such Certification. However, the Zoning Officer shall not issue an occupancy permit to authorize occupation of the facility until such Certification is documented and the Certification is submitted to the Zoning Officer.
- (c) A density bonus of three dwelling units per acre shall be awarded if the applicant uses two or more of the following architectural and site design components:
  - 1) Courtyard Layout: Building elements shall surround a central courtyard on at least three sides. The courtyard shall contain elements that encourage the congregation of residents of the community. The courtyard may contribute to the area required for active and passive recreation by § 703.E.(6).
  - 2) Underground Parking: On-site parking shall be located in an underground parking structure rather than a surface parking lot.
  - 3) Landscaping Plan: A landscaping plan shall be prepared by a licensed landscape architect which includes at least 10 trees or 20 shrubs or flowering plants per acre, buffers parking or mechanical equipment areas, and encourages use of outdoor community areas. Trees shall attain a mature height of at least 25 feet and shrubs or flowering plants shall attain a mature height of at least five feet.
  - 4) Dwelling Unit Access to Outdoors: Each dwelling unit shall be provided direct access to the outdoors, either through a ground-floor doorway or to a private balcony.
- (2) The minimum parcel size for an Age Qualified Housing project shall be two acres.

- (3) Off-street parking shall be provided. One parking space for every residential unit is required. Off-street parking may be provided on individual driveways or in individual garages where single-family detached, two-family, or single-family semi-detached dwellings are proposed. Where townhouse or multi-family dwellings are proposed, off-street parking shall be provided in common parking areas. Under no circumstances shall off-street parking for townhouse or multi-family dwellings be permitted along the perimeter of the property or adjacent to existing public streets. All off-street parking area shall be landscaped in accordance with the provisions of Part 12 of this Chapter.
- (4) The minimum separation between individual buildings within an Age Qualified Housing project shall be 35 feet.
- (5) Architectural form and scale shall be similar to those found in the surrounding residential area. A rendering shall be supplied with each special exception application showing all architectural elements, and indicating the building form used for the project is consistent with residential forms in New Oxford Borough.
- (6) An area suitable for outdoor active and passive recreation opportunities shall be provided within the Age Qualified Housing complex. The minimum outdoor recreation area shall contain 200 square feet for each dwelling unit. The special exception application shall depict the intended active and passive recreation amenities proposed for the site.
- (7) Two access driveways, designed in accordance with Borough requirements, shall be provided.
- (8) Age Qualified Housing projects shall be provided with sidewalks or other suitable pedestrian facilities within the site, as well as suitable pedestrian connections to the existing pedestrian network of New Oxford Borough.

(Ord. 12/21/1998, §703; as amended by Ord. 405, 12/8/2003, §2)

#### **§704. Area and Bulk Regulations.**

The following standards shall govern all uses, subdivision projects, and land development plans within the MDR District unless stricter standards exist in §702 of this Part or in other New Oxford Borough ordinances.

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- A. The minimum lot size shall be 7,500 square feet for single-family detached or duplex structures, 5,000 square feet per unit for semi-detached structures, and 2,500 square feet for townhouses.
- B. The minimum lot width shall be 50 feet for single-family detached or duplex structures, 35 feet per unit for semi-detached structures, and 20 feet for townhouses.
- C. The maximum impervious lot coverage shall not exceed 40%. Impervious lot coverage includes features such as buildings and paved parking lots and other such facilities that do not allow for the infiltration of water into the ground.
- D. Front yards shall meet the following standards:
  - (1) The minimum front yard depth shall be 15 feet measured from the street right-of-way line.
  - (2) The entire front yard shall be maintained as a landscaped area, except for walkways connecting the entrance with the public sidewalk and for one access driveway.
  - (3) Existing trees in front yard areas shall not be cut down unless they interfere with an existing or proposed driveway or become diseased.
  - (4) Parking shall only be permitted in front yard areas on existing access driveways.
- E. Side yards shall meet the following standards:
  - (1) The minimum side yard depth shall be 15 feet.
- F. Rear-yards shall meet the following standards:
  - (1) The minimum rear yard depth shall be 25 feet.
- G. Maximum building height shall be 35 feet.

(Ord. 12/21/1998, §702)

**PART 8**

**PROFESSIONAL OFFICE (PO) DISTRICT**

**§801. Statement of Legislative Intent.**

In expansion of the Community Development Objectives contained in Part 1 of this Chapter, it is hereby declared to be the intent of the PO District to establish reasonable standards to provide for professional office uses in areas of New Oxford Borough experiencing a transition from residential to professional office use. Furthermore, it is the intent of this Part to:

- A. Establish and maintain a transitional zone between areas of existing commercial development, particularly along Lincolnway East and Lincolnway West, and nearby residential areas.
- B. Maintain the existing architectural styles and residential character that currently exist in the District by encouraging professional service providers to use existing buildings for business purposes and to require that all parking be located to the rear of the structure.
- C. Maintain and enhance, to the maximum extent possible, attractive "gateways" leading into and out of the Borough, especially along Lincolnway East and Lincolnway West, by encouraging the preservation of existing structures, landscaping, and street trees in the district.

(Ord. 12/21/1998, §800)

**§801. Uses Permitted by Right.**

Within the PO District, the following uses are permitted by right.

- A. Single-family detached dwellings.
- B. Professional office including offices for physicians, dentists, lawyers, accountants, real estate agents, insurance agents, artists, planners, architects, engineers, travel agencies, and similar professional offices, provided that all parking be located to the rear of the structure.
- C. The residential use of the floors above the ground floor, professional office use is permitted provided the standards in §403(C) are met and a maximum of two residential apartments are proposed.

(Ord. 12/21/1998, §801)

**§803. Uses Permitted by Special Exception.**

Within the PO District, the following uses are permitted by special exception. The Zoning Hearing Board may authorize a use as a Special Exception Use if it conforms, at a minimum, to the stated standards and criteria. The Zoning Hearing Board may apply additional criteria to specific projects where relevant, to protect the historic and architectural integrity of New Oxford Borough, and in the interests of public health, safety, and welfare.

A. Conversion Apartments.

- (1) Off-street parking shall be provided according to the following scale:

<b>Number of Bedrooms</b>	<b>Number of Parking Spaces</b>
1	1.0
2	1.5
3	2.0

- (2) Parking areas shall be located and designed according to the applicable standards of §1204.

- (3) Minimum apartment size shall conform to the following scale:

<b>Number of Bedrooms</b>	<b>Usable Living Area</b>
1	500 square feet
2	650 square feet
3	850 square feet

- (4) Only existing, single-family detached dwellings may be converted for conversion apartment use.

- (5) A maximum of three units may be created by the conversion of a single-family detached structure.

B. Specialty retail shops including antique shops, florists, card shops, hobby and craft shops, gift shops, wearing apparel, furniture stores, bookstores (excluding adult bookstores and other "adult entertainment" uses), camera shops, jewelry stores, and similar specialty retail stores.

- (1) All parking shall be provided to the rear of the structure.
- (2) The shop shall be located in an existing structure. A special exception request shall not be granted for a project which proposes

the demolition of an existing structure in favor of replacement with a new building.

- (3) The residential use of the floors above a ground floor, specialty commercial use is permitted provided the standards in §403(C) are met and a maximum of two residential apartments are proposed.

C. Commercial Daycare Facility.

- (1) The applicant shall demonstrate that all applicable State and Federal regulations are met.
- (2) The daycare operation shall be located in a structure existing as of the date of enactment of this Chapter. A special exception request shall not be granted for a project which proposes the demolition of an existing structure in favor of replacement with a new building.
- (3) The daycare operation shall be designed to minimize potential hazards to children being cared for at the facility. At a minimum, all outdoor play areas shall be separated by fencing from all streets, alleys, and parking areas, as well as any utility structures on the property.
- (4) A local fire protection official shall have the opportunity to review and comment on the daycare operation proposal prior to the issuance of a zoning permit.
- (5) Off-street parking shall be provided at the rate of one space for every employee and one space for every three children being cared for at the facility. All parking shall be located to the rear of the structure.

D. Group Homes.

- (1) The applicant shall demonstrate that all applicable State and Federal regulations are met.
- (2) The group home operation shall be located in a structure existing as of the date of enactment of this Chapter. A special exception use shall not be granted for a project which proposes the demolition of an existing structure in favor of replacement with a new building.
- (3) Any medical or counseling services provided shall be provided only for residents of the facility.
- (4) The lot on which a group home is to be located shall be at least 200 feet from any other lot on which another group home is lo-

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cated. The distance shall be measured in a straight line from the nearest point on one lot to the nearest point on the other lot.

- (5) No more than two group homes shall be permitted within the same block.
- (6) Off-street parking shall be provided for the resident supervisor and each additional employee per shift, as well as one space for every two residents. All parking shall be located to the rear of the structure.
- (7) Local fire protection officials shall have the opportunity to review and comment on the group home proposal prior to the issuance of a zoning permit.

(Ord. 12/21/1998, §802)

### **§803. Area and Bulk Regulations.**

The following standards shall govern all uses, subdivision projects, and land development plans within the PO District.

- A. The minimum lot shall be 7,500 square feet.
- B. The minimum lot width shall be 50 feet.
- C. The maximum impervious lot coverage shall not exceed 60%. Impervious lot coverage includes features such as the building and paved parking lots and other such facilities that do not allow for the infiltration of water into the ground.
- D. Front yards shall meet the following standards:
  - (1) The minimum front yards depth shall be 20 feet, measured from the street right-of-way line. Where neighboring buildings have been constructed within the required front yard setback, the required setback may be waived in favor of the front yard depth of adjoining structures.
  - (2) The entire front yard area shall be maintained as a landscaped area, except for walkways connecting the entrances with the public sidewalk and for one access driveway.
  - (3) Existing trees in front yard areas shall not be cut down unless they interfere with an existing or proposed driveway or become diseased.

- (4) Parking shall only be permitted in front yard areas, on existing access driveways, of single-family detached dwellings.

E. Side yards shall meet the following standards:

- (1) The combined side yard setback shall be no less than 15 feet with no less than 5 feet required for each side yard setback.

F. Rear yards shall meet the following standards.

- (1) The minimum rear yard depth shall be 25 feet where there is not access to a public alley and 10 feet where there is access to a public alley.
- (2) Where the rear yard of a professional office building borders a residential property, and where a portion of the rear yard is used for parking, a landscaped area shall surround the parking area. Vegetation within the landscaped area shall include deep-rooted species capable of withstanding automobile emissions and the salts used in snow melting and clearing operations.

G. The maximum building height shall be 35 feet.

(Ord. 12/21/1998, §803)



**PART 9**

**HIGHWAY COMMERCIAL (HC) DISTRICT**

**§901. Statement of Legislative Intent.**

In expansion of the Community Development Objectives contained in Part 1 of this Chapter, it is hereby declared to be the intent of the HC District to establish reasonable standards to provide for commercial uses within appropriate locations of New Oxford Borough. Furthermore, it is the intent of this Part to:

- A. Ensure that automobile-oriented uses, customarily associated with commercial areas along major roadways, are provided only in locations outside of New Oxford's historic, mixed use core and surrounding residential areas.
- B. Encourage, whenever possible, the creation of common access driveways and parking areas serving adjoining commercial uses, thereby preventing excessive curb cuts, providing adequate spacing between access points, and enhancing public safety.
- C. Maintain and enhance attractive "gateways," especially along Lincolnway East and Lincolnway West, forming entrances to and exists from the historic, mixed-use core of New Oxford Borough.
- D. Provide for appropriate landscaping and onsite improvements in commercial areas to ensure that aesthetic and environmental qualities are maintained and enhanced in New Oxford's commercial areas.
- E. Require appropriate building setbacks to allow for future road expansion, if necessary, and to provide a sufficient buffer from nearby residential and institutional areas.

(Ord. 12/21/1998, §900)

**§902. Uses Permitted by Right.**

Within the HC District, the following uses are permitted by right:

- A. Any commercial use permitted by right by §402 of this Chapter.
- B. Restaurants, excluding drive through or fast food establishments.
- C. Banks, excluding drive-through establishments.
- D. Automobile, motorcycle, boat, and similar vehicle sales.

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- E. Hotels and motels.
- F. Nursery and garden materials store.
- G. Contractor supply stores, provided that all materials are stored under roof.
- H. Heating, ventilation, and air conditioning sales, provided that all materials are stored under roof.
- I. Commercial recreation facilities and health and recreation clubs.

(Ord. 12/21/1998, §901)

### **§903. Uses Permitted by Special Exception.**

Within the HC District, the following uses are permitted by special exception. The Zoning Hearing Board may authorize a use as a special exception use if it conforms, at a minimum, to the following stated standards and criteria. The Zoning Hearing Board may apply additional criteria to specific projects where relevant, to protect the historic and architectural integrity of New Oxford Borough, and in the interests of public health, safety, and welfare.

- A. Restaurants (including fast food establishments), banks, and other similar commercial establishments with drive through service.
  - (1) Space for a minimum of six occupied vehicles is required for those vehicles waiting in the drive through line for service.
  - (2) The required space reserved for the drive through line shall be separated, to the maximum extent possible, from parking spaces for non-drive through customers and from pedestrian walkways and shall be incorporated into an overall circulation plan for the site.
  - (3) A site plan shall be provided showing building dimensions and placement, internal circulation, landscaping, location and size of sign age, and all other pertinent design information needed for the Zoning Hearing Board's complete review of the project.
- B. Convenience stores with or without gasoline sales, gasoline service stations and other businesses providing motorized vehicle services or repair, car washes and liquor stores.
  - (1) All services not normally associated with vehicular refueling shall be performed within a completely enclosed building.

- (2) A site circulation plan shall be devised that separates those vehicles awaiting fueling service from those awaiting other services.
- (3) A site plan shall be provided showing building dimensions and placement, internal circulation, landscaping, location and size of sign age, and all other pertinent design information needed for Zoning Hearing Board's complete review of the project.

C. Planned Shopping/Personal Service Plazas.

- (1) The center or plaza shall contain a minimum of four separate uses.
- (2) Off-street parking shall be provided at the rate of one parking space for every 200 square feet of floor area.
- (3) Parking lots shall be designed with an easily discernible circulation pattern.
- (4) The developer is encouraged to design the plaza at a pedestrian scale, such that the arrangement of buildings creates a cluster of commercial uses surrounding a center court. Parking areas shall be located to the sides or rear of the property. Under no circumstances will the typical "strip" development, with buildings arranged parallel to the road and parking located in front of the buildings, be permitted.
- (5) An architectural rendering showing the appearance of store facades, including all sign age, building materials, and colors, and a site plan showing, at a minimum, building placement and dimensions, parking and circulation patterns, and landscaping, shall both be submitted to the Zoning Hearing Board for review.
- (6) Only one ingress and egress point is permitted. The access shall be located on a road classified as an arterial road. The applicant shall work with the Borough, the County, and the State, as applicable, to determine the most suitable placement of the ingress and egress point. The applicant shall be responsible for any traffic control devices required as a result of the development.

(Ord. 12/21/1998, §902)

**§904. Landscaping Requirements.**

The following landscaping standards shall be applied to all proposed uses and subdivision and land development plans within the HC District. A landscape plan, conforming to the following standards, shall be provided for all uses listed in §902. The landscape element of the site plan requirement of §903 shall strictly conform

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to the following standards. All landscape design shall be performed by a qualified landscape architect, horticulturist, or similar landscaping professional.

### A. Standards for Landscape Materials.

- (1) All required trees shall be a minimum of 8 feet in height and shall have a minimum caliper of 2 inches immediately upon planting.
- (2) When more than 10 trees are required, a mixture of species shall be planted. The number of species required shall vary according to the following scale:

<b>Required Number of Trees</b>	<b>Minimum Number of Species</b>
11-20	2
21-30	3
31 or more	4

- (3) All required trees shall be deep-rooted species capable of withstanding automobile emissions and the salts used in snow melting and clearing operations.
- (4) All required landscaped areas not dedicated to trees shall be landscaped and maintained with grass, shrubs, mulch or other ground cover, or other appropriate landscape treatment. Sand and/or pavement or other similar materials shall not be considered appropriate landscape treatment.

### B. Standards for Landscaping Off-Street Parking Areas.

- (1) Interior landscaping of all off-street parking areas containing 25 or greater parking spaces shall be required.
- (2) Terminal islands shall be provided at both ends of all rows of parking spaces. Terminal islands shall be designed to protect parked vehicles, to help define the traffic circulation pattern of the parking lot, and to provide landscaping area.
- (3) Each terminal island shall measure not less than 5 feet in width and 15 feet in length.
- (4) Each terminal island shall include at least one tree, with the remaining area landscaped with appropriate ground cover or grass.
- (5) A divider strip between abutting rows of parking shall be provided. Divider strips shall be designed to help define the traffic circulation pattern, to provide visual breaks within the parking area, and to help separate pedestrian and automobile traffic.

- (6) Curbing or wheel stops shall be provided around the divider strip to prevent vehicular encroachment.
- (7) At least one tree shall be planted for every 20 foot interval within the divider strip. The remaining area of the divider strip shall be landscaped with appropriate ground cover or grass.

C. Standards for Landscaping the Perimeter of Parking Areas.

- (1) Perimeter landscaping strips shall be provided around the perimeter of all parking areas, except where the one side of the parking area is bounded by the commercial structure.
- (2) The minimum width of the perimeter landscaping strip around a parking area closest to the front property line shall be 10 feet, measured outward from the edge of the parking lot. The minimum width of the perimeter landscaping strip around a parking area closest to the side and/or rear property lines shall be 5 feet, measured outward from the edge of the parking lot.
- (3) At least one tree shall be planted for every 20 foot interval within the perimeter landscaping strip. The remaining area of the perimeter landscaping strip shall be landscaped with appropriate ground cover or grass.

D. Standards for Landscaping the Borders of a Property.

- (1) Perimeter landscaping strips shall be provided around the perimeter of the property. Landscaping strips along side boundary lines may be exempted if the bordering properties both contain commercial uses and share an access driveway.
- (2) The minimum width of the perimeter landscaping strip along the front property line shall be 10 feet, measured inward from the street right-of-way line. The minimum width of the perimeter landscaping strip along the side and/or rear property lines shall be 5 feet measured inward from the property line.
- (3) At least one tree shall be planted for every 15 foot interval within the perimeter landscaping strip. The remaining area of the perimeter landscaping strip shall be landscaped with appropriate ground cover or grass.
- (4) Where the required property perimeter landscaping strip overlaps a required parking area landscaping strip, the standards of this Section shall apply.

E. Standards for Maintenance of Landscaped Areas.

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- (1) Within landscaped areas, grass shall be mowed and other vegetation shall be trimmed and/or pruned at regular intervals.
- (2) The applicant shall, within any landscaped area, replace any plant which dies with another plant of the same or similar species, within one month of the death of the original plant.
- (3) Any garbage or other waste and/or refuse which accumulates within any landscaped area shall be promptly removed and disposed of.

(Ord. 12/21/1998, §903)

### **§905. Area, Bulk and Design Requirements.**

The following standards shall govern all uses, subdivision projects, and land development plans within the HC District.

- A. The minimum lot size shall be 20,000 square feet for individual commercial uses and 60,000 square feet for planned shopping/personal services plazas.
- B. The maximum building coverage shall not exceed 30% for individual commercial uses and 40% for planned shopping/personal services plazas.
- C. The maximum impervious lot coverage shall not exceed 60%. Impervious lot coverage includes features such as building and paved parking lots and other such facilities that do not allow for the infiltration of water into the ground.
- D. A maximum of one access way is permitted from the commercial property to each adjoining public street. A minimum distance of 100 feet between accessways shall be provided.
- E. Developers of individual sites are encouraged to negotiate with adjoining commercial property owners to provide shared access drives serving two or more commercial properties. If shared access drives are used, the maximum impervious lot coverage may be increased to 65% for individual commercial uses, upon review and comment of the Zoning Hearing Board.
- F. The maximum building height shall not exceed 25 feet.
- G. The minimum front yard setback shall be 30 feet for buildings and 20 feet for parking lots and outdoor storage areas. The front yard setback shall be measured from the street right-of-way line.

- H. The minimum side and rear yard setbacks shall be 25 feet for buildings and 15 feet for parking lots and outdoor storage areas. In instances where parking facilities are shared by adjoining uses, the side yard setback requirement of one side yard setback may be waived for such purposes.
- I. The minimum lot width shall be 100 feet for a single commercial use and 150 feet for a planned shopping/personal service plaza.
- J. The minimum lot depth shall be 150 feet.

(Ord. 12/21/1998, §904)



**PART 10**

**LIGHT INDUSTRIAL (LI) DISTRICT**

**§1001. Statement of Legislative Intent.**

In expansion of the Community Development Objectives contained in Part of this Chapter, it is hereby declared to be the intent of the LI District to establish reasonable standards to provide for the maintenance and appropriate expansion of the light industrial area of the Borough. Furthermore, it is the intent of this Part to:

- A. Create industrial development patterns that are efficient in design and which will minimize hazardous traffic conditions not only within the light industrial area itself, but on the roads leading to and from Lincolnway East, the main transportation artery serving the New Oxford light industrial area.
- B. Allow for the development of a variety of land uses, including medium to medium/high density residential, on vacant land areas within the New Oxford light industrial area, thus providing development flexibility within areas of the Borough containing both industry and large vacant land parcels.
- C. Provide for potential new housing opportunities in close proximity to workplaces, thus enabling people to walk from home to work.
- D. Require new industrial development to be adequately buffered from nearby residential land uses to ensure the maximum possible compatibility between land uses; conversely, require also that new residential development in light industrial area be buffered again to insure compatibility between land uses.
- E. Provide performance standards for industrial uses that ensure that the off-site impacts of industrial operations on surrounding, moderate density residential areas are minimized.
- F. Prohibit uses that, because of their nature and because of the lack of large vacant parcels that could supply adequate buffering, are inconsistent with the developed and historic village fabric that currently exists in New Oxford Borough.

(Ord. 12/21/1998, §1000)

**§1002. Uses Permitted by Right.**

Within the LI District, the following uses are permitted by right.

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- A. Light manufacturing uses defined as the processing and/or assembly of the following and similar types of products.
  - (1) Food and kindred products excluding those which process meat, fish or poultry products.
  - (2) Textiles and apparel.
  - (3) Limber and wood products excluding sawmills.
  - (4) Household and office furniture, fixtures and supplies.
  - (5) Printing, publishing and bookbinding.
  - (6) Audio-visual components, computers and office equipment.
  - (7) Electronic communications equipment.
  - (8) Paper products excluding paper mills.
  - (9) Pharmaceuticals.
  - (10) Scientific, technical and medical instruments.
- B. Corporate headquarters.
- C. Scientific and commercial testing laboratories.
- D. Contractor supply stores.
- E. Mini-warehouse of self-storage operations.
- F. Home related fuels sales.
- G. Plumbing, heating, ventilation, air conditioning electric, and structural building components sales and storage.
- H. Private club. [Ord. 385]

(Ord. 12/21/1998, §1001; as amended by Ord. 385, 9/7/1999, §2)

### **§1003. Uses Permitted by Special Exception.**

Within the LI District, the following uses are permitted by special exception. The Zoning Hearing Board may authorize a use as a special exception if it conforms, at a minimum, to the stated standards and criteria. The Zoning Hearing Board may apply additional criteria to specific projects where relevant, to protect the historic

and architectural integrity of New Oxford Borough, and in the interest of public health, safety, or welfare.

- A. Industrial uses including the processing and/or production of petroleum and/or coal products, rubber and/or plastic products, glass, primary metals, industrial machinery and/or equipment, motorized vehicles and other similar products.
  - (1) A 200 foot setback line shall be required along any boundary line which separates the site from a residential use or zoning district.
  - (2) Along such boundary line, the developer shall also provide a vegetative buffer to provide visual screening. The buffer shall contain various types and sizes of species, arranged in such a manner so as to provide an effective visual barrier. The type, sizes and arrangement of the various species shall be indicated on the site plan required by this Section.
  - (3) The outdoor storage of raw or finished materials is permitted provided the storage area is enclosed by a protective fence. The fence shall provide visual screening of the storage area.
  - (4) The developer shall submit, to the Zoning Hearing Board, information detailing the disposal of organic material and/or waste. The disposal process shall conform to all applicable State and Federal regulations.
  - (5) The site shall be designed such that the maximum number of delivery trucks and related vehicles can enter the operation from non-residential streets.
  - (6) A site plan shall be submitted to the Zoning Hearing Board showing the interrelationships between the proposed structures, open and landscaped areas, parking areas, storage areas, and other features necessary to evaluate the proposed site design.
  
- C. Warehousing and wholesaling operations including farm products warehousing and storage, refrigerated warehousing and storage, support services such as packing and crating operations, and other similar operations.
  - (1) A 200 foot setback line shall be required along any boundary line which separates the site from a residential area.
  - (2) Along such boundary line, the developer shall also provide a vegetative buffer to provide visual screening. The buffer shall contain various types and sizes of species, arranged in such a manner so as to provide an effective visual barrier. The types, sizes, and ar-

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rangement of the various species shall be indicated on the site plan required by this Section.

- (3) To the maximum extent possible, loading and unloading docks shall be located on the side of the building furthest removed from the closest residential area.
- (4) The loading and unloading areas shall be designed such that all truck maneuvering can be accomplished on the property inside all street rights-of-way.
- (5) The site shall be designed such that the maximum number of delivery trucks and related vehicles can enter the operation from nonresidential streets.
- (6) A site plan shall be submitted to the Zoning Hearing Board showing the interrelationships between the proposed structures, open and landscaped areas, parking areas, and other features necessary to evaluate the proposed site design.

### D. Planned Townhouse Communities.

- (1) The standards and procedures presented in §§703 and 704 of this Chapter which apply to planned townhouse communities are also applicable to planned townhouse communities proposed within the LI District.
- (2) The proposed planned townhouse community development shall adjoin and be a logical extension of the existing residential neighborhood.
- (3) At least one access point to the planned townhouse community development shall be from the existing and adjoining residential area, such that residents may travel to and from their residences without having to travel through the industrial area.
- (4) The developer shall provide a vegetative buffer along any property line bordering an industrial property. The buffer shall contain various types and sizes of species, arranged in such a manner so as to provide an effective visual barrier. The types, sizes, and arrangements of the various species shall be indicated on the site plan required by §703.

### E. Multi-Family Development (Apartments or Condominiums).

- (1) The standards and procedures presented in §§703 and 704 of this Chapter which apply to multi-family dwellings are also applicable to multi-family dwellings proposed within the LI District.

- (2) The proposed multi-family dwelling development shall adjoin and be a logical extension of the existing residential neighborhood.
- (3) At least one access point to the multi-family dwellings development shall be from the existing adjoining residential area, such that residents may travel to and from their residences without having to travel through the industrial area.
- (4) The developer shall provide a vegetative buffer along any property line bordering an industrial property. The buffer shall contain various types and sizes of species, arranged in such a manner so as to provide an effective visual barrier. The types, sizes and arrangement of the various species shall be indicated on the site plan required by §703.

(Ord. 12/21/1998, §1002)

### **§1003. Conditional Uses**

Within the LI District, the following uses are permitted as conditional uses. The Borough Council may authorize a use as a conditional use if it conforms, at a minimum, to the stated standards and criteria. The Borough Council may apply additional criteria to specific projects where relevant, to protect the historic and architectural integrity of New Oxford Borough, and in the interests of public health, safety and welfare.

- A. Adult entertainment uses, including, but not limited to, "adult bookstores."
  - (1) No more than one adult entertainment use shall be permitted in any one building.
  - (2) No adult entertainment use shall be located within 500 feet of any building within which is located another adult entertainment use.
  - (3) No adult entertainment use shall be located within 1,000 feet of a TCM, TCR, LDR, or MDR District. Where a residential development has been constructed within the LI District according to the special exception standards of this Part, the above location standard shall also be applied.
  - (4) No adult entertainment use shall be located within 1,000 feet of any lot upon which is located a school, church, child care facility, public park, or playground.
  - (5) The landscaping standards of §904 shall be met.

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- (6) The building occupied as an adult entertainment use shall have an opaque covering over all windows and/or glass doors to prevent items and/or services from being visible from outside the building.
- (7) No sign shall be erected on the premises depicting or giving a visual representation of the types of items and/or services offered within the establishment.

(Ord. 12/21/1998, §1003)

### **§1004. Performance Standards.**

Within the LI District, all industrial and related uses shall comply with the following performance standards.

- A. Dust and other similar types of air pollution borne by wind from storage areas, yards, parking areas, or other areas shall be minimized by landscaping, sealing or other acceptable means.
- B. No operation shall release materials capable of becoming odorous, either by bacterial decomposition or chemical reaction, to an extent so as to be readily discernible without instruments from the boundaries of the property.
- C. No operation may emit, from any process, smoke or steam that exceeds a density or equivalent capacity of Ringlemann No. 1, from the Ringlemann Chart as adopted and published by the United States Department of the Interior.
- D. Electric or electronic equipment shall be shielded such that no interference of radio and television broadcasts shall be discerned beyond the property.
- E. No operation shall produce a sound pressure level on adjacent property in excess 65 decibels for residential property and 70 decibels for non-residential property. The maximum permitted sound levels shall be reduced by 10 decibels between the hours of 6:00 p.m. and 7:00 a.m.
- F. No operation shall produce at any point along the property line a continuous earth borne vibration so as to be readily discernible without instruments from the boundaries of the property.

(Ord. 12/21/1998, §1004)

**§1005. Area and Bulk Regulations.**

The following standards shall govern all industrial uses, subdivision projects and land development plans within the LI District.

- A. The minimum lot size shall be one acre.
- B. The maximum building coverage shall not exceed 40%.
- C. The maximum impervious lot coverage shall not exceed 65%. Impervious lot coverage includes features such as buildings and paved parking lots and other such facilities that do not allow for the infiltration of water into the ground.
- D. Unless otherwise required by this Part, the minimum building setback from Commerce Street, South College Street or West Golden Lane shall be 50 feet. The minimum building setback from all other streets shall be 80 feet.
- E. The minimum side and rear setbacks for properties with adjoining industrial uses shall be 40 feet.
- F. Unless otherwise required by this Part, the minimum side and rear setbacks for an industrial property which borders a residential zoning district shall be 100 feet for structures and buildings and 50 for parking lots, loading areas and outdoor storage.
- G. The maximum building height shall be 45 feet.
- H. A landscaped area, planted in such a manner to provide a visual screen of 50% opacity, shall be provided along any property line that borders a residential zone, regardless of whether or not the residentially zoned parcel is developed. The opacity percentage is defined as the percentage of the normal line of sight that is obscured by the visual screen. Landscaping shall also be provided on any portion of the site not used for buildings, structures, parking, loading areas or storage areas.
  - (1) The landscaped area shall be a minimum of 15 feet wide, measured inward from the property line.
  - (2) Landscaping materials shall include a mixture of the following: trees, grass, shrub, mulch, or other suitable landscaping material not including sand or pavement or other similar material.
  - (3) For the length of the landscaped area, a tree shall be planted at no less than 15 foot intervals. For the entire area to be landscaped, at least one tree shall be planted for every 1,000 square feet of the landscape area.

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- (4) When planted, all trees shall have a minimum height of 8 feet and a minimum caliper of two inches. When mature, all trees shall reach a minimum height of 15 feet and a minimum caliper of 5 inches.
- (5) Any garbage or other waste and/or refuse which accumulates within the landscaped area shall be promptly removed and disposed of by the applicant.
- (6) All landscape design shall be performed by a qualified landscape architect, horticulturist, or similar landscaping specialist.

(Ord. 12/21/1998, §1005)

## PART 11

### SIGN REGULATIONS

#### **§1101. Statement of Legislative Intent.**

In expansion of the Community Development Objectives in Part 1 of this Chapter, it is hereby declared to be the intent of this Part to place reasonable standards on the erection and maintenance of signs within the Borough of New Oxford. Furthermore, it is the intent of this Part to:

- A. Maintain and enhance the aesthetic qualities of the historic, mixed-use core of New Oxford by requiring signs to be designed of sizes, shapes, colors and styles complimentary to the historic character of New Oxford.
- B. Allow signs in all zoning districts that balance the needs of individual landowners with the desire of the community to perpetuate an attractive, livable environment.
- C. Maintain adequate traffic safety standards by minimizing the negative sensory impacts of excessive sign age as well as minimizing sign age conflicts with necessary traffic control signs and equipment.
- D. Encourage sign age that will meet the needs of pedestrians and occupants of moving vehicles traveling at speeds of 20 to 30 miles per hour.

(Ord. 12/21/1998, §1100)

#### **§1102. General Regulations.**

The following regulations shall govern signs in all districts.

- A. No sign shall be erected, enlarged or relocated until a permit for doing so. has been issued by the Zoning Officer. Applications shall be on forms provided by the Borough. All applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, location on land or buildings, and all other relevant information.
- B. The following types of signs are exempted from the requirements of §1102(A), provided the sign meets all other applicable Sections of this Part
  - (1) Official street and traffic signs and any other signs required by law.
  - (2) Trespassing signs, signs indicating private ownership of roads and/or property, and similar signs, provided that such signs are

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spaced at intervals of no less than 100 feet and do not exceed two square feet in area.

- (3) Temporary, unlighted real estate signs advertising the sale or rental of the premises upon which they are erected, provided that the maximum area on any side of the sign shall not exceed six square feet, that the total area of the sign shall not exceed 12 square feet, that not more than two signs are placed on a property under single ownership, and that such signs are removed not more than five business days following the sale or rental of the premises.
  - (4) Temporary, unlighted signs of contractors, painters, or similar artisans, erected on the premises where the work is being performed, provided that the maximum area of any one side of the sign shall not exceed eight square feet, that the total area of the sign shall not exceed 16 square feet, that not more than one such sign shall be erected on any property under single ownership, and that the sign shall be removed within one day of the completion of the work.
  - (5) Temporary, unlighted yard or garage sale signs, provided that such signs shall not be displayed for more than 48 hours of each calendar month, that the total area of such signs shall not exceed four square feet, and that not more than two signs shall be displayed for any sale event.
  - (6) Temporary, unlighted political signs, provided that such signs shall exceed six square feet in area, that such signs shall not be displayed earlier than 30 days prior to an election, and that such signs shall be removed within three working days after the said election.
  - (7) Freestanding signs designating the "entrances" and "exits" to commercial and industrial establishments, provided that the signs be illuminated only be indirect lighting and that each side of the sign shall not exceed four square feet unless otherwise regulated by this Chapter.
  - (8) Signs displaying the name and street number of the occupant of a residence, provided that the total area of the sign shall not exceed two square feet.
- C. Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted.
- D. Off-premises directional signs are permitted in all districts by special exception. The Zoning Hearing Board may authorize the use of an off-premise directional sign if it conforms, at a minimum, to the stated

standards and criteria. The Zoning Hearing Board may apply additional standards to specific projects where relevant, to protect the historic and architectural integrity of New Oxford Borough, and in the interests of public health, safety, and welfare.

- (1) The maximum area of any one side of a sign shall not exceed 10 square feet.
  - (2) The total area of the sign shall not exceed 20 square feet.
  - (3) The maximum height of the sign shall not exceed 10 feet.
  - (4) Within the TCM, TCR, PO, LDR, and MDR Districts, the sign shall only be illuminated by shielded lighting. To meet the requirements of this Section, the light source shall be hidden from vehicular and/or pedestrian view by a vegetative screen or a fixture surrounding the light source which directs the light to the sign face.
  - (5) If three or more off-premises directional signs are proposed on the same property, the Borough may require the consolidation of the individual signs on a single off-premises directional sign. Compatibly designed business logos will be required. In addition, the following size requirements shall be required.
    - (a) The maximum area of any one side of a consolidated off-premises directional sign shall not exceed 6 square feet for each advertised use.
    - (b) The total area of a consolidated off-premises directional sign shall not exceed twelve square feet for each advertised use.
- E. No sign shall use the words "stop," "caution" or "danger" or shall use red, yellow and/or green lights resembling traffic signals, or shall resemble traffic control signs in terms of size, shape or color.
- F. No sign shall be located so as to interfere with the clear sight distance regulations of the New Oxford Borough Subdivision and Land Development Ordinance [Chapter 22].
- G. Signs may be illuminated, unless otherwise prohibited herein, only to the extent that is necessary to be seen and read at night at a distance not to exceed 250 feet for signs of ten square feet or more in area, and at a distance not to exceed 125 feet for signs of less than ten square feet in area.

(Ord. 12/21/1998, §1101)

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### **§1103. Prohibited Signs.**

The following types of signs and/or sign design features are prohibited in all districts.

- A. Flashing signs and/or flashing and/or rotating lights.
- B. Revolving, rotating or otherwise moving signs.
- C. Animated signs.
- D. Changeable copy signs except when copy is changed manually. Signs with the express purpose of displaying the time and temperature are exempted from this requirement.
- E. Moveable signs, whether mounted on a trailer, vehicle, temporary base, or similar such device. A vehicle, painted or decorated so as to display an advertising or related message, and parked in a visible location, shall be considered a moveable sign.

(Ord. 12/21/1998, §1102)

### **§1104. Signs Permitted within Residential Districts.**

Within the Low Density Residential (LDR) and the Moderate Density Residential (MDR) Districts, the following sign regulations shall apply:

- A. Signs advertising a home occupation are permitted, provided that the following requirements are met.
  - (1) The maximum area of any one side of the sign shall not exceed 4 square feet.
  - (2) The total area of the sign shall not exceed 8 square feet.
  - (3) The sign shall only be illuminated by shielded lighting. To meet the requirements of this Section, the light source shall be hidden from vehicular and/or pedestrian view by a vegetative screen or a fixture surrounding the light source which directs the light to the sign face. In no case shall lighting be permitted that either directly or indirectly produces glare affecting neighboring residential properties.
  - (4) The maximum height of the sign shall not exceed 6 feet, unless a wall sign or projecting sign is used.

- B. Unlighted signs identifying the name and entrances of a residential development are permitted, provided that the following requirements are met.
- (1) One free-standing sign may be located at the main entrance to the residential development. Such a sign shall not exceed 25 square feet in total area or 6 feet in height.
  - (2) One free-standing sign may be located at each secondary entrance to the residential development. Such a sign shall not exceed 6 square feet in area or 5 feet in height.
  - (3) All signs associated with a residential development shall be located in a landscaped setting. Acceptable landscaping materials include grass, mulch, shrubs, and trees. A landscaping sketch shall accompany the sign permit application.
  - (4) Signs may only be illuminated by shielded lighting. To meet the requirements of this Section, the light source shall be hidden from vehicular and/or pedestrian view by a vegetative screen or a fixture surrounding the light source which directs the light to the sign face. In no case shall lighting be permitted that either directly or indirectly produces glare affecting neighboring residential properties.

(Ord. 12/21/1998, §1103)

**§1105. Signs Permitted within the Professional Office (PO) District.**

Within the Professional Office (PO) District, the following sign regulations shall apply:

- A. Signs advertising a professional office or specialty retail establishment are permitted, provided that the following requirements are met:
- (1) The maximum area of any one side of a sign shall not exceed 10 square feet.
  - (2) The total area of the sign shall not exceed 20 square feet.
  - (3) The sign shall only be illuminated by shielded lighting. To meet the requirements of this Section, the light source shall be hidden from vehicular and/or pedestrian view by a vegetative screen or a fixture surrounding the light source which directs the light to the sign face. In no case shall lighting be permitted that either directly or indirectly produces glare on neighboring residential properties.

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- (4) The maximum height of the sign shall not exceed 6 feet, unless a wall sign or projecting sign is used.
- B. Unlighted signs identifying a commercial daycare or group home facility are permitted, provided that the following requirements are met:
- (1) Only wall signs shall be permitted. The sign shall be visually compatible, in terms of color and materials, with the building to which it is attached.
  - (2) The total area of the sign shall not exceed 6 feet.

(Ord. 12/21/1998, §1104)

### **§1106. Signs Permitted within the Highway Commercial (HC) district.**

Within the Highway Commercial (HC) District, the following sign regulations shall apply.

- A. A single sign shall be permitted on the same lot as a single business to which the sign refers, provided that the following requirements are met.
- (1) The total area of the sign shall not exceed 40 square feet.
  - (2) The maximum height of any free-standing sign shall not exceed 15 feet.
  - (3) The total area of the sign for a commercial property may be increased by 20% if the applicant chooses to use a wall sign.
  - (4) Any free-standing sign proposed for a commercial use in operation prior to the enactment of this Chapter for the Borough of New Oxford shall be located in a landscaped setting. Acceptable landscaping materials include grass, mulch, shrubs, and trees. A landscaping sketch shall accompany the sign permit application.
  - (5) Any free-standing sign proposed for a commercial use, developed in accordance with Part 9 of this Chapter, shall be incorporated into the landscaping required for the site.
- B. Where a single business has frontage on two public streets, two signs, meeting the requirements of §1106(A), shall be permitted.
- C. Signs within a shopping/personal service plaza shall meet the following requirements:

- (1) A free-standing sign may be erected to identify the name and entrance to the plaza, provided that the following requirements are met:
  - (a) The maximum area of any one side of the sign shall not exceed 75 square feet.
  - (b) The total area of the sign shall not exceed 150 square feet.
  - (c) The sign shall be located no less than 20 feet from the adjoining road right-of-way.
  - (d) The sign shall be incorporated into the landscaping required for the site.
- (2) A single wall sign is permitted for each individual establishment located within the plaza, provided that the following requirements are met:
  - (a) The total area of each wall sign shall not exceed 35 square feet.
  - (b) Each wall sign shall be designed to be visually compatible, in terms of color and materials, with buildings of the plaza.

D. Billboards are permitted within the HC District by special exception. The Zoning Hearing Board may authorize the use of a billboard if it conforms, at a minimum, to the stated standards and criteria. The Zoning Hearing Board may apply additional standards to specific projects where relevant, to protect the historic and architectural integrity of New Oxford Borough, and in the interest of public health, safety, and welfare.

- (1) Billboards shall only be proposed for parcels of land in excess of one acre in size.
- (2) The maximum area of any one side of the billboard shall not exceed 50 square feet.
- (3) The total area of the billboard shall not exceed 100 square feet.
- (4) The maximum height of the billboard shall not exceed 20 feet.
- (5) The billboard shall be located at least 100 feet from any principle structure within the HC District or surrounding zoning district.
- (6) The billboard shall be designed such that the support structure of the billboard contains no more than two vertically aligned poles.

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Signs that require support structure in excess of the two permitted vertical poles shall not be permitted.

- (7) The land surrounding the base of the billboard shall be planted with at least two of the following types of vegetation: grass, shrubbery, evergreen trees, or similar species.
- (8) Any garbage or other waste and/or refuse which accumulates within the landscaping shall be promptly removed and disposed of by the billboard owner.

(Ord. 12/21/1999, §1105)

### **§1107. Signs Permitted within the Town Center Mix Use (TCM) and the Town Center Residential (TCR) Districts.**

Within the Town Center Mixed Use (TCM) and Town Center Residential (TCR) Districts, the following sign regulations shall apply:

- A. A maximum of one sign shall be permitted for each nonresidential use of a structure, provided that the following requirements are met:
  - (1) The maximum area of any one side of a sign shall not exceed 12 square feet in the TCM District or 6 square feet in the TCR District.
  - (2) The total area of the sign shall not exceed 24 square feet in the TCM District or 12 square feet in the TCR District.
  - (3) Where wall signs are used, the maximum area of the sign shall not exceed 24 square feet in the TCM District or 12 square feet in the TCR District.
  - (4) Projecting signs above public sidewalks, driveways, or walkways shall be located so as to provide for eight feet of clearance beneath the sign. Such projecting signs shall not exceed 12 feet in height.
  - (5) All signs shall be constructed of a durable material, and designed in such a way to compliment the historic village character of New Oxford Borough.
  - (6) All signs shall be visually compatible, in terms of color, with the front facade of the structure to which the sign is attached. Dark backgrounds with light-colored lettering and/or designs are preferred.
  - (7) Signs shall only be illuminated by shielded lighting. To meet the requirements of this Section, the light source shall be hidden from

vehicular and/or pedestrian view by a vegetative screen or a fixture surrounding the light source which directs the light to the sign face. In no case shall lighting be permitted that either directly or indirectly produces glare affecting neighboring residential properties.

- B. Where the structure is located at the intersection of two public streets, the Zoning Officer may authorize additional signs, provided that all additional signs meet the regulations of §1107(A)

(Ord. 12/21/1998, §1106)

**§1108. Signs Permitted within the Light Industrial (LI) District.**

Within the Light Industrial (LI) District, the following sign regulations shall apply:

- A. A maximum of one sign shall be permitted that displays the owner/occupant of the premises and the activity conducted thereon, provided that the following requirements are met.
  - (1) The maximum area of any one side of a sign shall not exceed 100 square feet.
  - (2) The total area of the sign shall not exceed 200 square feet.
- B. A maximum of one sign may be erected at each entrance and/or exit to or from a public road that identifies the property's activity and the entrance and/or exit, provided that the following requirements are met:
  - (1) The maximum area of the side of such shall not exceed 10 square feet.
  - (2) The total area of the sign shall not exceed 20 square feet.
  - (3) The maximum height of the sign shall not exceed 6 feet.
- C. On parcels containing multiple activities, a single sign shall be permitted for each individual activity, provided that the following requirements are met:
  - (1) The maximum area of any one side of the sign shall not exceed 75 square feet.
  - (2) The total area of the sign shall not exceed 150 square feet.
- D. The maximum height of any freestanding sign within the Light Industrial (LI) District shall not exceed 15 feet. The maximum height of any wall or projecting sign shall not exceed a height equal to 75% of the

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height of the wall upon which the sign is located. The maximum height of any entrance or exit sign shall not exceed six feet.

E. For any residential development permitted by special exception in the Light Industrial (LI) District, the sign regulations of §1104 shall apply.

F. Billboards are permitted, provided the following standards are met:

- (1) The maximum area of any one side of the billboard shall not exceed 150 square feet.
- (2) The total area of the billboard shall not exceed 300 square feet.
- (3) The maximum height of the billboard shall not exceed 25 feet.
- (4) The billboard shall be located a minimum of 200 feet from any residentially zoned property or any property within the L1 District where residential development has occurred according to the applicable standards of §§1003(D) or 1004(E).

(Ord. 12/21/1998, §1107)

**PART 12**

**PARKING AND LOADING REGULATIONS**

**§1201. Statement of Legislative Intent.**

Off-street parking and loading facilities shall be provided to lessen congestion, to enhance safety, and to decrease the parking burden on and within public right-of-ways. The facilities required herein shall be available for the residents, occupants, patrons, or employees of the particular business or use for which such facilities are provided.

(Ord. 12/21/1998, §1200)

**§1202. Required Facilities.**

Within the Low Density Residential (LDR), the Moderate Density Residential (MDR), the Professional Office (PO), the Highway Commercial (HC), and the Light Industrial (LI), and unless otherwise regulated in this Part or elsewhere in this Chapter, the following parking facilities are required. Within the Town Center Mixed Use (TCM) and Town Center Residential (TCR) Districts, the following parking facilities are not required, unless deemed necessary by the Borough Council, upon recommendation by the Zoning Officer. The Borough Council reserves the right to require all, or a portion of, the parking facilities ordinarily required by this Article within the TCM or TCR Districts in the interests of public health, safety, and welfare. Any structure or building hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter developed for commercial, residential, or similar purposes, shall be provided with not less than the minimum off-street parking spaces, as set forth below. All spaces shall be readily accessible to the uses served thereby.

- A. Single-family Detached, Single-family Attached, Single-family Semi-detached, and Two-family Dwellings. Two parking spaces for each dwelling unit.
- B. Infl. Townhouses, Planned Townhouse Communities, and Multi-family Dwellings. One and one-half spaces for each dwelling unit.
- C. Bed-and-Breakfasts, Hotels, and Motels. One parking space for every guest room, one parking space for every employee on the busiest shift, and the required number of spaces to serve a restaurant, if one exists on the premises.
- D. Commercial Daycare Facilities and Group Homes. One parking space for every employee and one parking space for every five persons serviced by the facility.
- E. Churches. One parking space for every three patron seats.

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- F. Professional Offices. One parking space for every employee and two additional parking spaces for each professional.
- G. Personal Service Shops One parking space for every employee and two parking spaces for every work station.
- H. Government Offices. One parking space for every employee.
- I. Home Occupations. The required number of parking spaces for the residential unit shall be supplied in addition to one parking space for every three hundred 300 square feet of area in the residential unit devoted to the home occupation.
- J. Specialty Retail Shops. One parking space for every 200 square feet of gross floor area and one space for every two employees.
- K. Banks. One parking space for every 175 square feet of gross floor area and two 2 parking spaces for every drive through lane.
- L. Vehicle Sales Businesses. One parking space for every 500 square feet of vehicle display area.
- M. Nurseries, Garden Materials Stores, Contractor Supply Stores, and Heating, Ventilation, and Air Conditioning Stores. One parking space for every 300 square feet of gross floor area.
- N. Convenience Stores and Gasoline Service Stations. One parking space for every 150 square feet of gross floor area.
- O. Commercial Recreation Facilities and Health and Recreation Clubs. One parking space for every 200 square feet of gross floor area.
- P. Car Washes. One parking space for every car washing stall.
- Q. Liquor Stores. One parking space for every 200 square feet of gross floor area.
- R. Manufacturing and Industrial Establishments. One parking space for every 1.5 employees working during the largest shift.
- S. Corporate Headquarters and Scientific and Commercial Testing Laboratories. One parking space for every 175 square feet of gross floor area.
- T. Mini-warehouse and Self-storage Operations. One parking space for every four storage lockers
- U. Warehousing and Wholesaling Operations. One parking space for every 1.5 employees working during the largest shift.

- V. Adult Entertainment Uses. One parking space for every 150 square feet of gross floor area.
- W. Mixed-use Structures. The number of parking spaces required shall be equal to the total number of spaces required by each individual use within the mixed-use structure.

(Ord. 12/21/1998, §1201)

**§1203. Public Right-Of-Way Excluded.**

In no case shall parking within public rights-of-way be used to calculate the required parking needed by any applicant for any use.

(Ord. 12/21/1998, §1202)

**§1204. Design Standards.**

All off-street parking areas shall be designed to meet the following standards:

- A. Where three or more parking spaces are required under §1202 or elsewhere in this Chapter, such parking spaces shall be considered a parking lot.
- B. All off-street parking lots shall be paved so as to provide a durable and dust-free surface. Acceptable paving materials include concrete and asphalt. All entrance and exit drives shall be paved in accordance with Pennsylvania Department of Transportation specifications.
- C. All off-street parking lots shall be graded to provide for the adequate drainage of stormwater from the parking lot. The Borough Engineer shall be afforded the opportunity to review and comment on the grading plan for any parking lot.
- D. Circulation control shall be designed to provide one-way directional travel whenever possible. No parking shall be provided or permitted along any circulation drives or along entrances or exit drives. Drives shall be uniform in width and provide for 90 degree intersections, whenever possible.
- E. Customers and service traffic shall be separated whenever possible. Loading and unloading areas shall be located so as not to interfere with customer or employee parking areas.
- F. Where §904 of this Chapter regulates the landscaping of off-street parking areas, the requirements of §904 shall apply. Where the require-

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ments of §904 are not applicable, the following landscaping regulations shall apply:

- (1) A landscaping strip of no less than five feet in width shall be provided along the edge of each parking lot.
  - (2) Within each landscaping strip shall be planted a mixture of two or more of the following types of vegetation: grass, shrubs, flowering plants or trees. At least one shrub, flowering plant, or tree shall be planted at intervals of no less than 20 feet.
  - (3) Suitable breaks in the landscaping strip shall be permitted for access drives to or from a public street.
  - (4) The landscaping maintenance standards included in §904(E) shall apply.
- G. All parking lots shall be provided with wheel or bumper guards, located and arranged such that no part of any parked vehicle will extend beyond the boundaries of the parking lot.
- H. Each parking space shall not be less than 10 feet wide by 20 feet long.
- I. All spaces shall be delineated with a durable delineation material. The delineation material shall be maintained so that all parking spaces are clearly marked.

(Ord. 12/21/1998, §1203)

### **§1205. Off-Street Loading Requirements.**

Within the Low Density Residential (LDR), the Moderate Density Residential (MDR), the Professional Office (PO), the Highway Commercial (HC), and the Light Industrial (LI), and unless otherwise regulated in this Part or elsewhere in this Chapter, the following off-street loading facilities are required. Within the Town Center Mixed Use (TCM) and Town Center Residential (TCR) Districts, the following off-street loading facilities are not required, unless deemed necessary by the Borough Council, upon recommendation by the Zoning Officer. The Borough Council reserves the right to require the following off-street loading facilities ordinarily required by this Part within the TCM or TCR District in the interests of public health, safety and welfare.

- A. Off-street loading and unloading space(s), with proper and safe access from street or alley, shall be provided on each lot where it is deemed that such facilities are necessary to adequately serve the uses within the district. Each loading and unloading space:

- (1) Shall be at least 14 feet wide, 60 feet long, and shall have at least 15 feet of vertical clearance.
  - (2) Shall have a 60 foot maneuvering area.
  - (3) Shall have a paved surface to provide safe and convenient access during all seasons.
  - (4) Shall not be constructed between the street right-of-way and building set back line.
- B. Required off-street parking spaces (including access drives and aisles), shall not be used for loading and unloading purposes except during hours when business operations are suspended.
- C. Loading and unloading facilities shall be designed so that trucks need not back into or out of, or park in, any public right-of-way.
- D. No truck shall be allowed to stand in a right-of-way, an automobile parking area (including access drives and aisles), or in any way block the effective flow of persons or vehicles into, out of, or within the property.
- E. At least one off-street loading space shall be provided for all commercial and industrial operations in excess of 3,500 square feet of floor area. The number of loading and unloading spaces shall be left to the discretion of the developer; however, the minimum standards of this Section shall be maintained.

(Ord. 12/21/1998, §1204)



**PART 13**

**NONCONFORMING USES**

**§1301. General.**

All lawful uses of land or of a building or other structure existing on the effective date of this Chapter may be continued, altered, restored, reconstructed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located, providing such nonconforming uses shall comply with the provision of this Part.

(Ord. 12/21/1998, §1300)

**§1302. Alterations and Reconstruction.**

1. Repairs and structural alterations not constituting extensions, expansions, or enlargements, may be made to a nonconforming building or to a building occupied by a nonconforming use.
2. A nonconforming building which is damaged by fire, explosion, or natural disaster, may be rebuilt and used for the same purposes, provided that:
  - (1) The reconstruction of the building is commenced within one year from the date of the destruction of the building and is carried to completion without undue delay.
  - (2) The reconstructed building does not exceed the height, area, and volume of the building destroyed.
  - (3) The reconstructed building shall comply with the area, size, and yard regulations of the district in which it is located.

(Ord. 12/21/1998, §1301)

**§1303. Extensions, Expansions, and Enlargement.**

1. The Zoning Hearing Board may authorize, as a special exception, the following types of extension, expansions, and enlargements for nonconforming uses and buildings existing on the effective date of this Chapter.
  - A. The extension of a nonconforming use of land upon a lot occupied by such use.
  - B. The extension, expansion, or enlargement of a nonconforming building occupied by a nonconforming use.

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- C. The extension, expansion, or enlargement of a nonconforming building occupied by a nonconforming use.
  - D. The extension, expansion, or enlargement of a nonconforming building occupied by a conforming use.
2. The foregoing extension, expansions, and enlargements of such nonconforming buildings or uses shall be subject to the following conditions:
- A. The extension, expansion, or enlargement shall conform to the height, area, yard, and coverage regulations of the district in which the use would be permitted as a matter of right.
  - B. The entire building or use shall be provided with off-street parking and loading spaces as required by Part 13.
  - C. The extension, expansion, or enlargement does not replace a conforming use.
  - D. The extension, expansion, or enlargement of the nonconforming building or use shall not be permitted to extend into land adjacent to the initial parcel of existing land occupied on the effective date of this Chapter

(Ord. 12/21/1998, §1302)

### **§1304. Change of Use.**

Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

(Ord. 12/21/1998, §1303)

### **§1305. Abandonment and Discontinuance.**

1. If a nonconforming use of a building or land is abandoned for any period of time, the nonconforming status thereof shall be lost, and the subsequent use of such building or land shall be in conformity with all the provisions of this Part.
2. If a nonconforming use of a building or land ceases or is discontinued for a continuous period of one year or more, the nonconforming status thereof shall be lost, and subsequent use of such building or land shall be in conformity with all the provisions of this Part except in cases where the cessation or discontinuance was caused by circumstances beyond the control of the owner.

(Ord. 12/21/1998, §1304)

**§1306. Nonconforming Lots.**

1. Any lot held in single and separate ownership at the effective date of this Chapter which does not conform to one or more of the applicable area regulations in the district in which it is located shall be considered nonconforming. A building may be erected upon any vacant nonconforming lot provided a special exception is authorized by the Zoning Hearing Board, and further provided that the applicant does not own or control other adjoining property sufficient to comply with the provisions of this Chapter. Such development shall comply with the following provisions:
  - A. The proposed use is permitted by right within the district in which it is located.
  - B. The proposed building shall comply with all applicable area, height, and bulk regulations, including, but not limited to, applicable district requirements and yard requirements.

(Ord. 12/21/1998, §1305)

**§1307. Nonconforming Signs.**

1. Signs in existence at the effective date of this Chapter may be continued subject to the requirements contained in §1305 of this Chapter.
2. If and when a nonconforming sign is replaced, the new sign shall comply with the requirements of Part 11 of this Chapter. "Replacement" shall not only include simply revising the text or color of the sign, but shall also refer to structural replacement and/or relocation of the sign.

(Ord. 12/21/1998, §1306)



**PART 14**

**ADMINISTRATION AND ENFORCEMENT**

**§1401. Appointment and Powers of The Zoning Officer.**

For the administration of this Chapter, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed. The Zoning Officer shall administer this Chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Chapter.

(Ord. 12/21/1998, §1400)

**§1402. Enforcement.**

It shall be the duty of the Zoning Officer, and the Zoning Officer is hereby given the power and authority, to enforce the provisions of this Chapter. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Chapter, record and file all applications for permits with accompanying plans and documents, and make such reports as the Borough Council may require. Special exception uses, construction permits associated with special exceptions uses, and variances to the requirements of this Chapter shall be issued only upon approval of by the Zoning Hearing Board. Conditional uses and construction permits associated with conditional uses shall be issued only upon approval by the Borough Council.

(Ord. 12/21/1998, §1401)

**§1402. Permits.**

1. Requirement of Permits. A zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof; prior to the use or change of use of a building or land; prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No such zoning permit shall be required in case of normal maintenance activities, minor repairs, and alterations which do not structurally change a building or structure.
2. Application for Permits. All applications for permits shall be accompanied by plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existence and intended use of each building or

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part of a building, the number of dwelling units the building is designed to accommodate, and such information as may be necessary to determine compliance with this Chapter and all other ordinances. A copy of such plans shall be returned to the applicant when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become public record after a permit is issued or denied.

### 3. Issuance of Permits.

- A. No permit shall be issued until the Zoning Officer has certified that the proposed building, addition, or alteration complies with all the applicable provisions of this Chapter, as well as the provisions of all other applicable ordinances.
- B. The Zoning Officer shall act upon request within 30 days following the submission of the application.
- C. A permit issued hereunder shall become void 12 months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least 30 days prior to the permit expiration date.

(Ord. 12/21/1998, §1402)

### **§1404. Fees.**

1. The Borough Council shall establish a schedule of fees, charges, and expenses, as well as a collection procedure, for zoning permits, certificates of occupancy, appeals, variances, special exceptions, conditional uses, amendments, bonds, and other matters pertaining to this Chapter. The schedule of fees shall be posted in the office of the Zoning Officer, and may be amended only by the Borough Council.
2. Such fees shall be payable to the Borough, and until all applicable fees, charges, and expenses have been paid in full, the application shall be considered incomplete and no action shall be taken on the applications.

(Ord. 12/21/1998, §1403)

### **§1405. Inspection by the Zoning Officer.**

1. It shall be the duty of the Zoning Officer to make the following minimum number of inspections of property for which a permit has been issued:
  - A. Beginning of Construction. A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with

the approved permit application. If the actual construction does not conform to the application, a written notice of violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.

- B. Completion of Construction. A record shall be made indicating the time and date of the inspection and the findings of the Zoning Officer in regard to conformance to this Chapter, and the opinion of the Zoning Officer in regard to the issuance of a certificate of occupancy.

(Ord. 12/21/1998, §1404)

**§1406. Certificate of Occupancy.**

1. A certificate of occupancy shall be a statement issued by the Zoning Officer setting forth that a building, structure, parcel, or use of land complies with the provisions of this Chapter and other applicable ordinances of the Borough of New Oxford.
2. No vacant land shall be occupied or used, and no structure or part of a structure hereafter erected, substantially altered or changed in use, shall be occupied or used until a certificate of occupancy shall have been issued by the Zoning Officer.
3. A certificate of occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, either for whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a zoning permit, and shall be issued or denied within 15 days after a final inspection by the Zoning Officer.
4. A certificate of occupancy for changing or extending a nonconforming use, existing at the time of the passage of this Chapter or of an amendment thereto, shall be applied for and issued before any such nonconforming use shall be changed or extended. Such certificate shall be issued within 15 days after a final inspection and approval by the Zoning Officer.

(Ord. 12/21/1998, §1405)

**§1407. Certificate of Nonconformance.**

1. A certificate of nonconformance shall be issued by the Zoning Officer to the owner of any property which, at the time of the effective date of this Chapter, is identified as containing a nonconforming use or structure. The owner's property and the issuance date of such certificate shall be registered in the records of the Borough as follows:

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- A. The certificate of nonconformance shall set forth in detail all of the nonconforming conditions of said property.
- B. A copy of the certificate of nonconformance shall be retained and filed by the Zoning Officer.
- C. The certificate shall be for the purposes of insuring the owner the right to continue a nonconforming use in accordance with the regulations of this Chapter.

(Ord. 12/21/1998, §1406)

### **§1408. Special Exceptions; Application.**

1. Where provided for in this Chapter, the Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with stated standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter. The Board may grant approval of a special exception provided that the applicant complies with the following standards for special exceptions and that the proposed special exception shall not be detrimental to the health, safety, or welfare of the neighborhood.
2. In addition to any other submission requirements as may be required by this Chapter, the applicant shall submit a site plan, containing the following information, as part of the application for a special exception use for the Zoning Hearing Board to review. The site plan shall contain sufficient information, studies, and other data to demonstrate compliance with all applicable regulations.
3. Unless otherwise specified by the Board or by law, a special exception shall expire if the applicant fails to obtain a zoning permit within one year from the date of authorization thereof by the Board or by the court, if such special exception has been granted after an appeal, or fails to complete any erection, construction, reconstruction, alteration or change in use authorized by the special exception within two years from the date of authorization thereof by the Board or by the court, if such special exception has been granted after an appeal. The Board may, for reasonable cause, extend the approval for an additional period of up to one year upon the written request of the applicant.

(Ord. 12/21/1998, §1407)

### **§1409. Appeals and Applications.**

1. An appeal, or application for an amendment, special exception, conditional use, or variance from the terms of this Chapter shall be filed with

the Zoning Officer, and shall contain, in addition to any other submission requirements as may be required by this Chapter, the following information:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by such proposal.
- C. A brief description and location of the real estate to be affected by such proposal.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the Section of this Chapter under which the appeal or application requested may be allowed, and reasons why it should be granted; or a statement of the Section of this Chapter governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
- F. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for permits, indicating the location and size of the lot and location of improvements now erected, and proposed to be erected thereon.
- G. Any other pertinent data required by the Zoning Hearing Board, Borough Council, and/or Zoning Officer, as appropriate to their individual authorities set forth in this Part.

(Ord. 12/21/1998, §1408)

**§1410. Violations.**

Failure to comply with any provision of this Chapter, failure to secure permit, Zoning Hearing Board certification, when required, or failure to secure a Certificate of Occupancy, shall be violations of this Chapter.

- A. Enforcement Notice
  - (1) If it appears to the Borough that a violation of any zoning ordinance provision has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice, as provided by §616(1) of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

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- (2) The enforcement notice shall be sent to the owner of the record of the tract on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding said tract, and to any other person requested in writing by the owner of record.
  - (3) An enforcement notice shall state at least the following:
    - (a) The name of the owner of record and any other person against whom the Borough intends to take action.
    - (b) The location of the property in violation.
    - (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.
    - (d) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
    - (e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty 30 days of the date of the determination.
    - (f) The failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- B. Causes of Action. In case any building, structure, or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Chapter the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant or real property who shows that his or her property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping of land, or to prevent, in or about such premises, any act, conduct, business, or use constitution a violation. Such action is instituted by a landowner or Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint of the Borough Council.
- C. Enforcement Remedies.
- (1) Any person, partnership, or corporation, who or which has violated or permitted the violation of the provisions of this Chapter, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment

of or not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough and a result thereof. No judgment shall commence or be imposed, levied, or made 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 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 person, partnership, or corporation violating this Chapter to have believed that there was no such violation, in which ever 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. All judgments, costs and reasonable attorney fees collected for the violation shall be paid over to the Borough of New Oxford.

- (2) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- (3) 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.

(Ord. 12/21/1998, §1409)

**§1411. Appointment of A Zoning Hearing Board.**

The New Oxford Borough Council shall, by resolution and in accordance with §903 of Act 170 of 1988 (the Pennsylvania Municipalities Planning Code) appoint a Zoning Hearing Board consisting of three members, and in accordance with Section 906 of Act 170 of 1988, one alternate member. Said Zoning Hearing Board shall have such duties, powers, jurisdiction, and authority as set forth in Article IX of Act 170 of 1988. Members and alternative members of the Zoning Hearing Board shall be residents of New Oxford Borough and shall hold no other elected or appointed office in New Oxford Borough.

(Ord. 12/21/1998, §1410)

**§1412. Organization of The Zoning Hearing Board.**

1. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum

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shall be not less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in §908 of Act 170 of 1988.

2. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairperson of the board shall designate as many alternate members of the board to sit on the board as may be needed to provide a quorum. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
3. The Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The board shall keep full public records of its business, which records shall be the property of the Borough, and shall submit a report of its activities to the Borough Council as requested by the Borough Council.

(Ord. 12/21/1998, §1411)

### **§1413. Hearings.**

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

- A. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the Pennsylvania Municipalities Planning Code, Act 170 of 1988. Notice shall be given to the public, the applicant, the landowner, the Zoning Officer, such other persons as the Zoning Hearing Board shall designate, and any person who has made timely request from the same. Notices shall be given at such time and in such manner prescribed by adopted Rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- B. The Borough Council may establish reasonable fees for the holding of such hearings. Fees may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants, or expert witness costs.

- C. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- D. The hearing shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may prior to the decision of the hearing officer, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- E. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
- F. The chairperson or acting chairperson of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. The parties shall have the right to be represented by council and shall be afforded the opportunity to respond and present evidence and argument and to cross-examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- I. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- J. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact

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and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

- K. If the hearing is conducted by a hearing officer, and there has been no stipulation that his or her decision or findings are final, the Board shall make the hearing officer's report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer.
- L. Where the Board fails to render the decision within the period required by this section, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as herein above provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in §1413(A). Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- M. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him or her not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(Ord. 12/21/1998, §1413)

### **§1414. Jurisdiction.**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters, as set forth in the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

- A. Substantive challenges to the validity of this Ordinance, except those brought before the governing body pursuant to §§609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

- B. Challenges to the validity of a zoning ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after effective date of said ordinance.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act of the application therefore, the issuance of any cease and desist order or the registration or refusal to register any non-conforming use, structure or lot.
- D. Applications for variances from the terms of this Chapter pursuant to §910.1 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.
- E. Applications for special exceptions under this Chapter pursuant to §912.1 of The Pennsylvania Municipalities Planning Code, Act 170 of 1988.
- F. Appeals from the determination of any officer or agency charged with the administration of any performance density provisions of this Chapter.
- G. Appeals from the Zoning Officer's determination pursuant to §916.2 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.
- H. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V and VII of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

(Ord. 12/21/1998, §1413)

**§1415. Variances.**

- 1. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provision of this Chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made, where relevant, in a given case.
  - A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptionally topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally

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created by the provisions of this Chapter in the neighborhood or district in which the property is located.

- B. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, Act 170 of 1988, and this Zoning Ordinance of the Borough of New Oxford.

(Ord. 12/21/1998, §1414)

### **§1416. Special Exceptions, Review Procedure.**

Special exceptions may be granted or denied by the Zoning Hearing Board pursuant to expressed standards and criteria contained herein. The Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria as herein set forth and on the prescribed application form. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Chapter. The Zoning Hearing Board shall use the following procedures.

- A. The Zoning Hearing Board's decision to grant a permit for a special exception shall be made only after public notice and public hearing. Such permit shall apply specifically to the application and plans submitted and presented at said public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception.
- B. When and if a New Oxford Planning Commission is organized, no permit shall be granted by the Zoning Hearing Board for any special exception use until said Board has received and considered advisory

reports thereon received from the Planning Commission with respect to the location of such use in relation to the needs and growth pattern of the Borough of New Oxford, and wherever appropriate, with reference to the adequacy of the site area and the arrangement of buildings driveways, parking areas, off-street loading and unloading spaces, and other pertinent features of the proposal.

- C. When and if a New Oxford Planning Commission is organized, said Planning Commission shall have 30 days from the date of its receipt of the application within which to file its report thereon. In the event that the Planning Commission shall fail to file its report within 30 days, such application shall be deemed to have been recommended for approval by the Planning Commission. The Planning Commission may have representation at the public hearing held by the Zoning Hearing Board on such application. After receipt of the Planning Commission's report, the Zoning Hearing Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and made exceptions to the provisions of this Chapter. The Zoning Hearing Board may thereafter direct the Zoning Officer to issue a permit if, in its judgment, the request will not be detrimental to the health, safety, and general welfare of the Borough of New Oxford.
- D. A special exception use for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this Section shall be construed to be a conforming use.

(Ord. 12/21/1998, §1415)

**§1417. Parties Appellant Before the Zoning Hearing Board.**

Appeals under §909.1(a)(1), (2), (3), (4), (7), and (9) of Act 170 of 1988 may be filed with the Board in writing by the landowner affected, any officer or agencies of the Borough, or any person aggrieved. Requests for a variance under §910.2 of Act 170 of 1988 and for special exception under §912.1 of Act 170 of 1988 may be filed with the Board by any landowner or any tenant with the permission of such landowner.

(Ord. 12/21/1998, §1416)

**§1418. Time Limitations.**

- 1. No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by the Borough if such proceeding is designed to secure reversal or limit the approval in any manner unless such person alleges and proves that he or she failed to receive adequate notice of such approval. If such person has succeeded to his or her interest after such ap-

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proval, adequate notice to his or her predecessor in interest shall be deemed adequate notice to him or her. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Chapter or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

2. All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

(Ord. 12/21/1998, §1417)

### **§1419. Stay of Proceedings.**

Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order, or approval of the Zoning Officer or of any agency or body and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition to court having jurisdiction of zoning appeals to order such person to post bond as condition to continuing the proceedings before the Board in accordance with Section 915.1 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988.

(Ord. 12/21/1998, §1418)

**PART 15**

**LEGAL PROVISIONS**

**§1501. Interpretation.**

In interpreting and applying the provisions of this Chapter, all provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of this Chapter impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Chapter, the provisions of such statute, other ordinance, or regulation shall be controlling. This Chapter is not intended to interfere with, abrogate, or annul any easement, covenant, or other agreement between private parties. However, where this Chapter imposes greater restrictions than those imposed by such easement, covenant, or agreement, the provisions of this Chapter shall govern. Where such easement, covenant, or agreement imposes greater restrictions than those imposed by this Chapter, the provisions of such easement, covenant, or agreement shall govern.

(Ord. 12/21/1998, §1501)



*27 Attachment 1*

Borough of New Oxford

**Appendix A**

**Zoning Map Amendments**

<b>Ord./Res.</b>	<b>Date</b>	<b>Description</b>
394	4/1/2002	Rezoning certain real property at 104 West Golden Lane from the Light Industrial (LI) District to the Town Center Mixed Use (TCM) District.
394	4/1/2002	Replacing the Official Zoning Map dated December, 1998 in its entirety with the Official Zoning Map dated March 18, 2002.

