

ORDINANCE # 962 - 2023

AN ORDINANCE OF THE BOROUGH OF OXFORD, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 22, SUBDIVISION AND LAND DEVELOPMENT, OF THE CODE OF THE BOROUGH OF OXFORD REGARDING DEFINITIONS, STREET WIDTH, SIDEWALKS, TRAILS, IMPACT STUDIES, AND LIGHTING; AND CHAPTER 27, ZONING, OF THE CODE REGARDING DEFINITIONS, PARKING REQUIREMENTS FOR COMMUNITY CENTER, LANDSCAPING, LIGHTING, ACCESSORY USES, AND COMMON OPEN SPACE.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Oxford, Chester County, Pennsylvania, that certain provisions of Chapter 22, Subdivision and Land Development, and Chapter 27, Zoning, as amended, be further amended as follows:

SECTION 1. Chapter 22, Subdivision and Land Development, of the Code of the Borough of Oxford shall be amended as follows:

A. Part 3, Definitions, §22-301, Definitions and Word Usage, shall be amended as follows:

1. The definition of the term "DWELLING OR DWELLING UNIT" shall be amended in its entirety as follows:

DWELLING OR DWELLING UNIT

A building or entirely self-contained portion thereof containing complete housekeeping, sleeping, and lavatory facilities used as a residence by only one family with no enclosed space (other than vestibules, entrances, or other hallways or porches) in common with any other dwelling units. This definition excludes units in a motel, hotel, dormitory, hospital, and the like. Dwellings may be classified as follows:

- (1) Single-family detached – A building having only one dwelling unit from ground to roof and open space on all sides.
- (2) Two-Family:
 - (a) Twin – A building containing two dwelling units, separated by a party wall, each having independent outside access and open space on three sides.
 - (b) Duplex – A building containing two dwelling units, with one dwelling unit above the other and each of which has independent outside access and open space on all sides.
- (3) Multi-Family – A building containing three or more dwelling units, including but not limited to four-family dwelling (fourplex, quadraplex), townhouse (single-family attached), and apartment buildings.
 - (a) Four-family dwelling (fourplex, quadraplex) – A building containing four dwelling units, each unit being ground to roof with independent outside access, two non-parallel walls in common with adjacent dwelling units, and open space on two non-parallel sides.
 - (b) Townhouse (single-family attached) – A building containing dwelling units separated by parallel party walls, each of which has only one dwelling unit from ground to roof, independent outside access, not more than two walls in common with adjoining units, and open space to the front and rear (interior units) or front, rear, and one side (end units).
 - (c) Apartment – A building containing three or more dwelling units separated by party walls, and which may have more than one dwelling unit from ground to roof, common outside accesses, and hallways.

2. The definition of the term "MOBILE HOME" shall be amended in its entirety as follows:

MOBILE HOME

A transportable structure intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into a single integral unit capable of again being separated for repeated towing. A "mobile home" arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations and connection to a permanent foundation, including any addition or accessory structure, such as porches, sheds, decks, or additional rooms. A mobile home may qualify as a single-family detached dwelling provided that the mobile home meets all standards as established by all building and other applicable codes of the Borough of Oxford.

3. The following new terms and definitions shall be added as follows:

a. **TRACT**

One or more lots assembled and presented as a single property for purposes of subdivision or land development and/or building permit application, provided that the lots, when assembled, shall be contiguous (i.e., have significant common boundaries) and not separated or divided by an arterial or collector street.

b. **TRACT AREA**

The total acreage of a tract lying within existing property lines, as defined by the deed, prior to the initiation of subdivision or land development.

c. **RECREATION LAND**

An area of land and/or water, substantially free of structures and paved areas, permanently restricted for common enjoyment and recreational use by residents of a development and possibly the general public.

d. **TRAIL**

A corridor through which passes, or will pass, a pedestrian accessway and/or a bikeway. A trail is to serve transportation, commuting, and/or recreational functions as part of an intermodal transportation system. The term "trail" shall include the following:

- 1) **MULTI-USE ARTERIAL TRAIL** - A type of trail that offers low-speed transportation and recreation opportunities to pedestrian and bicycle users. Such trail segments provide the principal connecting routes between destinations within the Borough and to multi-municipal and regional trail systems beyond the Borough.
- 2) **BIKEWAY** - A type of trail corridor designed primarily for bicycle traffic, as authorized by the Borough. Bikeways may serve transportation and/or recreational functions. Except where a designated bikeway route is contained within a road cartway or road shoulder, bikeways shall exclude all motorized vehicles, except (a) motorized wheelchairs; (b) e-bikes that are both motorized and able to be operated manually by pedaling; and (c) as authorized by the Borough for maintenance, management, and emergency purposes.
- 3) **LOCAL/COLLECTOR TRAIL** - A type of trail designed as an on-site recreation resource and as a means of connection to one or more multi-use arterial trails. Such trail may, but need not, serve multi-use functions.

e. **TRAIL CARTPATH**

The area within a trail right-of-way that is designed and constructed for regular use by the intended trail users and provided with an appropriate surface for that purpose.

f. **TRAIL SHOULDER**

The areas within a trail right-of-way that are immediately adjacent to the trail carpath and designed in accordance with the standards of this chapter.

B. Part 7, Design Standards, §22-702, Street Standards, subsection 3, Street Widths, A, Minimum street right-of-way and cartway widths, shall be amended as follows:

1. The provisions for “Minor Street” shall be amended in their entirety as follows:

Minor Street

Right-of-way	50 feet
Cartway – if parking on both sides	34 feet
Cartway – if parking on one side	30 feet

2. The provisions for “Permanent Cul-de-sac” shall be amended in their entirety as follows:

Permanent Cul-de-sac

Right-of-way	50 feet
Cartway – if parking on both sides	34 feet
Cartway – if parking on one side	30 feet

C. Part 7, Design Standards, §22-703, Block Standards, subsection 4, Sidewalks, subsection A shall be amended in its entirety to read as follows:

A. Sidewalks shall be required along both sides of all streets. Sidewalks shall be designed, located and constructed in accordance with the specifications in §21-905.3 and any subsequent amendments thereto.

D. Part 7, Design Standards, §22-709, Public Use and Service Areas, subsection 1, Open Space and Recreation Lands and Facilities: Residential Applications, shall be amended to add new subsection J, Trails, as follows:

J. Trails.

- (1) A system of trails, including multi-use arterial, local/collector, and/or bikeway, as defined in this chapter, shall be established and maintained as part of any age-restricted residential community.
- (2) Any multi-use arterial trail shall be available for use by the general public. A multi-use trail shall connect to any existing or proposed trail or sidewalk that abuts the tract on adjacent properties. The connection shall be in a location or locations that facilitate a continuous trail corridor consistent with Borough plans and policies. Local collector trails shall be for the exclusive use of residents of the age-restricted residential community and their guests.
- (3) On any tract containing an existing trail, the plan for development of the tract shall incorporate and protect the existing viability of the trail.
- (4) Where the site of a proposed age-restricted residential community contains an existing trail that does not fully comply with the standards for such a trail in this section, Borough Council may require that the trail be improved to meet such minimum standards.
- (5) Where the tract does not contain an existing trail, new local/collector and, as applicable, multi-use arterial trails shall be created that enable pedestrian and bicycle connections to existing or potential trail corridors off the site and provide internal circulation and/or recreation opportunities. Trail routes and functions shall be coordinated with trails, or recorded plans for trails, on adjacent tracts. The applicant shall submit a trail map showing the location of the proposed trail and points at which linkages will be made off site.

- (6) A trail route may utilize a sidewalk only where site design or open space alternatives do not exist, or where such location best facilitates off-site connection with an existing trail. Approval of any such trail routing on sidewalks shall be at the sole discretion of Borough Council.
- (7) Trail corridors traversing areas of common open space shall be owned and maintained by a homeowners' association, created and operated in accordance with the terms of §27-1317(3)(B), or by means of dedication to an organization capable of carrying out ownership and maintenance responsibilities that is specifically approved by Borough Council.
- (8) Regardless of ownership, the developer shall, as a condition of final plan approval, prepare and submit a trail easement to the Borough. Such easement shall, at a minimum, cover the full width of the trail corridor right-of-way, as required by this section. Terms of the easement shall, at minimum:
- (a) Assure that any multi-use arterial trail that will connect to off-site trails on adjacent tracts will be accessible to the public;
 - (b) Stipulate that there is no cost to the Borough for easement acquisition (other than costs incidental to the transfer);
 - (c) Establish a maintenance agreement acceptable to the Borough; and
 - (d) Guarantee to the Borough the right of entry for inspection, emergency, and maintenance purposes.
- (9) The applicant shall obtain any applicable permits, approvals, or waivers from other regulatory agencies with jurisdiction over proposed trail location, materials, construction, or road crossings, or where the identified trail corridor will impact natural resources for which disturbance permits are required, including but not limited to stream crossing or wetland disturbance.
- (10) Dead-end trails shall be avoided, except as logical termini or as stubs to permit future trail extension into or from adjoining tracts.
- (11) Where a trail continues into an adjacent municipality, evidence of compatibility of design, particularly with regard to trail surfacing, width, and right-of-way shall be submitted. The applicant shall coordinate such designs with both municipalities to avoid abrupt changes in width, surfacing, or improvements.
- (12) With the exception of motorized wheelchairs, e-bikes, and maintenance vehicles, motor vehicles may not be used on trails.
- (13) Trail widths.
- (a) The minimum cartpath and shoulder widths (per shoulder) for all new trails in the Borough shall be as follows:

<u>Trail type</u>	<u>Cartpath (ft)</u>	<u>Shoulder (ft)</u>
Multi-use arterial	8 (6 min. for one-way)	2
Bikeway	6	N/A
Local/collector	5	1-2
 - (b) Right-of-way width for any local/collector trail shall not be less than 12 feet. Right-of-way width for any multi-use arterial trail shall not be less than 20 feet.
 - (c) Additional right-of-way and/or cartpath widths may be required by Borough Council for the following purposes:
 - [1] to promote public safety and convenience.
 - [2] to assure proper management of stormwater.
 - [3] to accommodate special topographic circumstances which may result in cut/fill slopes extending beyond the standard trail width. These cut/fill slopes should in all circumstances be included within the trail right-of-way to assure accessibility for trail maintenance operations. Any cut or fill area adjacent to a trail shoulder shall have a maximum slope of 3:1.

- (14) Trail construction.
- (a) Except where an alternative surfacing material is specifically authorized by Borough Council under the terms of Subsection (b), below, all trails shall consist of a six-inch base surface of crushed stone with a two-inch asphalt top coat. The asphalt top coat shall consist of a wearing course containing crushed stone no larger than one-half inch.
 - (b) Where Borough Council deems it appropriate for reasons including but not limited to, environmental sensitivity, stormwater management, protection of scenic landscapes, or similar purposes, Borough Council may authorize the use of surfacing materials and techniques such as boardwalk crossings of wet areas or a minimum of five inches of 3/8-inch crushed stone, compacted with fine particles.
 - (c) All trails shall be underlined with Class 4 geotextile fabric.
 - (d) Overhead clearance for all trails shall be not less than 10 feet.
 - (e) Trail shoulders shall be free of woody vegetation, graded to provide adequate drainage and smooth transition from the trail carpath surface, planted and maintained with appropriate ground cover, and underlined with Class 4 geotextile fabric.
- (15) Trail maintenance
- (a) Where the maintenance of trails is to be the responsibility of a homeowners' association or similar entity, or an organization capable of carrying out maintenance responsibilities, such maintenance responsibilities shall be as established under the terms of a declaration or easement that shall be reviewed and approved by the Borough Solicitor and recorded at the Office of the Chester County Recorder of Deeds. Clearing of snow and similar winter maintenance shall not be required, except where otherwise specifically mandated, e.g., as part of a sidewalk or multi-use arterial trail system.
 - (b) Where it is anticipated that trail usage will contribute significantly to trail maintenance, responsible parties shall inspect trails on a periodic basis and provide needed maintenance. The Borough shall have the right, but not the obligation, to keep trails passable.
- (16) Timing of trail installation
- The trail system approved as part of the final plan for a tract shall be addressed as follows:
- (a) All portions of multi-use arterial trails and bikeways and local/collector trails located on the tract shall be set forth on a Declaration Plan along with all other public improvements to be either dedicated or maintained by the community, consistent with the approved land development plan. The Declaration Plan shall be subject to the approval of the Borough Engineer and Solicitor and shall be provided to all property owners within the age-restricted residential community prior to and at the time of sale and incorporated into the recorded Declaration of Covenants and Restrictions establishing any homeowners' association.
 - (b) The cost of construction of proposed local/collector trails shall be included in the improvements covered by the Agreements required by §§22-410 and 22-411. The applicant shall offer easements for dedication to the Borough and pay a fee in lieu of the installation of the approved multi-use arterial trails in the age-restricted residential community, as set forth in subsection (c) below,

and such continuing offer shall be noted on the approved land development plans.

- (c) Notwithstanding the terms of §22-709.1(H) regarding a fee in lieu of open space, Borough Council, at its sole discretion and at the request of the applicant, may accept a fee in lieu of the installation of a specified segment of the approved trail system under the following conditions:

[1] The applicant shall prepare and submit the trail easement applicable to the trail segment in question, as required in subsection (8), above.

[2] The terms of §22-709.1(H) regarding the amount, timing, processing, and expenditure of the fee shall be applicable to a fee in lieu of trail construction, with the following exceptions:

[a] The terms of §22-709.1(H)(2) shall not apply to this fee in lieu process. The applicant shall provide an estimate of the costs involved in creating the trail within the corridor limits established by the trail easement. Such estimate, and a narrative statement explaining the basis for the estimate, shall be reviewed by the Borough Engineer. If deemed acceptable by Borough Council, it shall serve as the basis for calculating the fee. Where the estimate is not accepted by Borough Council, its deficiencies shall be indicated and a revised estimate shall be submitted by the applicant.

[b] The terms of §22-709.1(H)(5) shall be applicable to this fee process, but the expenditure of such funds shall not be limited to Borough land.

E. Part 7, Design Standards, shall be amended to add new §22-710, Impact Studies, as follows:

§22-710. Impact Studies.

1. Traffic Impact Study.

A. A traffic impact study shall be required under any one of the following conditions:

(1) The proposal will increase the number of peak-hour trips on adjacent roads by more than fifty (50), according to the most recent trip-generation information from the Institute of Transportation Engineers.

(2) The proposal will increase the then-current average daily trips on any abutting road by more than 10% or 500 trips, whichever is less.

(3) For any proposed land use that does not meet the criteria in §§22-710.1(A)(1) or (2), the Borough may require a modified traffic impact study that evaluates peak hour traffic operations at the site access and adjacent intersection(s) if determined necessary for the purpose of confirming safe and effective access design and traffic operations.

B. The Traffic Impact Study shall be prepared by a qualified professional traffic engineer with verifiable experience in preparing such studies.

C. The study area for the Traffic Impact Study shall be based on engineering judgment and an understanding of existing traffic conditions at the site and represent the area which is likely to be affected by the development. The study area can be established based on a market study or, if no market study is available, based on travel patterns of the existing roadway network surrounding the proposed development. Other methods, such as using trip data from an existing development with similar characteristics, using an existing origin-destination survey of trips within the area, or

based on the methodologies outlined in PennDOT Pub. 282, may be used to delineate the boundaries of the impact.

- D. The study limits shall be subject to reasonable approval of Borough Council.
- E. The Traffic Impact Study shall contain the following elements:
- (1) The study area boundary and identification of the roadways included within the study area.
 - (2) A general site description, including:
 - (a) Size, location, existing and proposed land uses and dwelling types, construction staging, and completion date of the proposed development.
 - (b) Existing land uses, approved and recorded subdivision and land developments, and subdivisions and land developments pending before the Borough but not yet approved and recorded in the study area that may have bearing on the development's likely impact shall be described and considered.
 - (c) Within the study area, the applicant must describe existing roadways and intersections (geometrics and traffic signal control) as well as improvements contemplated by government agencies or private parties.
 - (3) Analysis of existing conditions, including:
 - (a) Daily and Peak Hour(s) Traffic Volumes. Schematic diagrams depicting daily and peak hour(s) traffic volumes shall be presented for roadways within the study area. Turning movement and mainline volumes shall be presented for the three peak hour conditions (AM, PM and site generated, if applicable) while only mainline volumes are required to reflect daily traffic volumes. The source and/or method of computation for all traffic volumes shall be included.
 - (b) Volume/Capacity Analyses at Critical Points. Utilizing techniques described in the Highway Capacity Manual Transportation Research Board Special Report 209 (6th edition (2016) or most recent edition) or derivative nomographs, an assessment of the relative balance between roadway volumes and capacity are to be described. The analysis shall be performed for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.
 - (c) Level of Service at Critical Points. Based on the results obtained in the previous section, levels of service (A through F) shall be computed and presented. Included in this section shall also be a description of typical operating conditions at each level of service.
 - (d) A tabulation of accident locations during the most recent three-year period shall be provided.
 - (4) Analysis of future conditions without the proposed development. The future year(s) for which projections are made will be specified by the Borough and will be dependent on the timing of the proposed development. The following information shall be included:
 - (a) Daily and Peak Hour(s) Traffic Volumes. This section shall clearly indicate the method and assumptions used to forecast future traffic volumes. The schematic diagrams depicting future traffic volumes shall be similar to those described in §22-710.1(E)(3)(a) in terms of location and times (daily and peak hours).
 - (b) Volume/Capacity Analyses at Critical Locations. The ability of the existing roadway system to accommodate future traffic (without site development) shall be described in this section. If roadway improvements or modifications

are committed for implementation the volume/capacity analysis shall be presented for these conditions.

- (c) Levels of Service at Critical Points. Based on the results obtained in the previous section, levels of service (A through F) shall be determined.
- (5) Trip Generation. The amount of traffic generated by the site shall be presented in this section for daily and the three peak hour conditions. The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of Borough Council. Trip Generation (11th or most recent edition) published by the Institute of Transportation Engineers shall be used unless Borough Council approves other studies.
- (6) Trip Distribution. The direction of approach for site generated traffic shall be presented in this section for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work shall be clearly stated in order that the Borough can replicate these results.
- (7) Traffic Assignment. This section shall describe the utilization of study area roadways by site generated traffic. The proposed traffic volumes shall then be combined with anticipated traffic volumes from §22-710.1(E)(4)(a) to describe mainline and turning movement volumes for future conditions with the site developed as the applicant proposes.
- (8) Analysis of Future Conditions with Development. This section shall describe the adequacy of the roadway system to accommodate future traffic with development of the site. Any unique characteristics of the site or within the study area (i.e., weekend tourists and antique sales, or holiday shopping) affecting traffic shall be considered. If staging of the proposed development is anticipated, analysis for each stage of completion shall be made. The following information shall be included:
 - (a) Daily and Peak Hour(s) Traffic Volumes, Mainline and turning movement volumes shall be presented for the highway network in the study area as well as driveways and internal circulation roadways for the appropriate time periods.
 - (b) Volume/Capacity Analysis at Critical Points. Similar to §22-710.1(E)(3)(b), a volume/capacity analysis shall be performed for the appropriate peak hours for future conditions with the site developed as proposed.
 - (c) Levels of Service at Critical Points. As a result of the volume/capacity analysis, the level of service on the study area roadway system shall be computed and described in this section.
- (9) Recommended Improvements. In the event that the analysis indicates unsatisfactory levels of service (levels of service D, E or F) as described in Highway Capacity Manual, Transportation Research Board Special Report 209 (6th edition (2016) or most recent edition) will occur on study area roadways, a description of proposed improvements to remedy deficiencies shall be included in this section. These proposals would not include committed projects by the Borough and State which were described in §22-710.1(E)(2)(c) and reflected in the analysis contained in §22-710.1(E)(4)(b). The following information shall be included:
 - (a) Proposed Recommended Improvements. This section shall describe the location, nature and extent of proposed improvements to assure sufficient roadway capacity. Accompanying this list of improvements shall be preliminary cost estimates.
 - (b) Volume/Capacity Analysis at Critical Points. Another iteration of the volume/capacity analysis shall be described

which demonstrates the anticipated results of making these improvements.

(c) Levels of Service at Critical Points. As a result of the revised volume/capacity analysis presented in the previous Subsection, levels of service for the highway system with improvements shall be presented.

(10) Conclusion. The last section of the report shall be a clear concise description of the study findings. This concluding section shall serve as an executive summary.

2. Fiscal Impact Study.

A. A fiscal impact analysis shall be prepared for all conditional uses and proposed zoning changes to identify the fiscal characteristics related to the proposed project. The characteristics which shall be presented in narrative form shall include a profile of the Borough and school district revenues which the proposal may generate and the Borough and school district costs it may create. Such information shall be consistent with the methodology described in "The New Practitioners Guide to Fiscal Impact Analysis", Rutgers University Center for Urban Policy Research.

B. Conclusion. The last section of the report shall be a clear concise description of the study findings. This concluding section shall serve as an executive summary.

3. Environmental Impact Study.

A. The applicant shall minimize the negative environmental impact of the project and identify and propose effective mitigation measures to accomplish this.

B. The environmental impact report shall contain the following information:

(1) Plan and description of development, proposed use of site. A project description, which shall specify what is to be done and how it is to be done during construction and operation, complete with maps and drawings, said maps and drawings to be drawn on a scale or no smaller than one inch per 100 feet. The description shall include, but not be limited to, the following:

- (a) Topographic contours.
- (b) Buildings.
- (c) Roads.
- (d) Paved areas.
- (e) Grading and regrading.
- (f) Adjacent natural streams.
- (g) The project's relation to surrounding property and utility lines.
- (h) The method and schedule of construction, including grading and clearing operations.
- (i) Solid waste generation and disposal.
- (j) Wastewater pretreatment.
- (k) External noise.
- (l) Smoke or pollution generated from heating elements and power-generating facilities.

(2) Inventory of existing environmental conditions. Inventory or testing for development which is serviced by public water and sewer may be waived at the discretion of Borough Council. For all other development applications specified, an inventory of existing environmental conditions on the project tract and in the area affected by the proposed development, including the location of testing, shall be provided and shall describe:

(a) Water quality, water supply hydrology, groundwater level and condition.

[1] Surface and groundwater studies for all applications shall include the analysis of the state standards for residential cleanup and, without limitation, the following performed by a Pennsylvania state-certified laboratory facility:

[a] pH.

- [b] Nitrates.
 - [c] Nitrites.
 - [d] Total suspended solids.
 - [e] Total phosphates.
 - [f] BOD.
 - [g] Fecal coliform.
 - [h] Chlorides.
 - [i] Turbidity.
- [2] Any applicant whose property lies in a watershed affected by any upstream manufacturing or commercial establishment or whose property itself is such a manufacturing or commercial establishment shall include, in addition to the provisions above, the analysis of the following:
- [a] Arsenic.
 - [b] Cadmium.
 - [c] Chromium.
 - [d] Copper.
 - [e] Iron.
 - [f] Lead.
 - [g] Zinc.
 - [h] Mercury.
- (b) Air quality.
 - (c) Noise characteristics.
 - (d) Geology.
 - (e) Soils and properties thereof, including capabilities limitation.
 - (f) Topography.
 - (g) Slope.
 - (h) Slope stability.
 - (i) Terrain.
 - (j) Soil permeability. All such provisions shall be described with reference to criteria contained in the Chester County Soils Survey, and any other pertinent soil standards.
 - (k) On-site and off-site sewerage systems, public and private.
 - (l) Vegetation. A separate map of existing vegetation shall be submitted with a scale identical to the development plans.
 - (m) Wildlife.
 - (n) Wildlife habitat.
 - (o) Aquatic organisms.
- (3) Assessment and mitigation of environmental impact of project.
- (a) An assessment supported by environmental data of the environmental impact of the project upon the factors described above shall be submitted and shall include an evaluation of water use, liquid and solid waste disposal and the effects of liquid and solid waste on the quality and quantity of surface and ground waters. All potential impacts are to be defined to include, but not be limited to:
 - [1] Impact on geological and soil stability.
 - [2] Impact on soil erodibility.
 - [3] Impact on groundwater, aquifers and any aquifer recharge area.
 - [4] Impact on streams and lakes within or without the site, whether man-made or natural.
 - [5] Impact on vegetation and wildlife.
- (4) Any data submitted by the applicant with the application or to other agencies, having jurisdiction over one or more of the environmental elements specified in this section shall be accepted by the Borough as fulfilling the data requirements of this section, to the extent applicable.
- (5) Evaluation of environmental impacts. To the extent not covered above, an evaluation of:

- (a) Unusual environmental impacts and damages to natural resources both on the project tract and in the area affected.
- (b) A description of steps to be taken to minimize such impacts during construction and operation, with particular emphasis upon air or water pollution. The description of steps to be taken shall be accompanied by appropriate maps, schedules and other explanatory data as may be needed to clarify and explain the actions to be taken.
- (c) Increase in noise.
- (d) Damage to plant, tree and wildlife systems.
- (e) Increase in sedimentation and siltation.
- (f)
- (6) Alternatives. The applicant shall provide a statement of alternatives to the proposed project, consistent with the zoning on the site, which might avoid some or all of the unusual environmental effects of the proposed project. The statement shall include the reasons for the acceptability or non-acceptability of each alternative. One of the alternatives may show the mitigation of all the unusual environmental effect.

F. Part 7, Design Standards, new §22-711, Lighting, shall be added as follows:

§22-711 Lighting

1. Purpose. The standards established in this section set forth criteria for:
 - A. Providing lighting in outdoor public places where public health, safety and welfare are potential concerns;
 - B. Controlling glare from nonvehicular light sources that shine directly into drivers' and pedestrians' eyes and thereby impair their safe traverse;
 - C. Protecting neighbors and the night sky from nuisance glare and stray light from poorly aimed, placed, applied or shielded light sources;
 - D. Promoting energy-efficient lighting design and operation; and
 - E. Protecting the intended character within the Borough.
2. Applicability.
 - A. Outdoor lighting shall be required for safety and personal security for uses that operate during hours of darkness where there is public assembly and/or traverse, including but not limited to residential, commercial, industrial, public recreational, and institutional uses.
 - B. The Borough may require lighting to be incorporated for other uses or locations or may restrict lighting in any of the above uses as it deems necessary.
3. Criteria.
 - A. Illumination levels. Illumination, where required by this section, shall provide intensities and uniformity ratios in accordance with the current recommended practices of the "Illuminating Engineering Society of North America (IESNA) Lighting Handbook," from which typical uses and tasks are herein presented:

Use/Task	Maintained Footcandles	Uniformity Average Minimum
Streets, local residential	0.4 Avg.	6:1
Streets, local commercial	0.9 Avg.	6:1

Parking, residential, multifamily low vehicular/pedestrian activity	0.2 Min.	4:1
Medium vehicular/pedestrian activity	0.6 Min.	4:1
Parking, industrial/commercial/institutional/municipal:		
High activity, e.g., regional shopping centers/fast food facilities, major athletic/civic/cultural events	0.9 Min.	4:1
Medium activity, e.g., community shopping centers, office parks, hospitals, commuter lots, cultural/civic/recreational events	0.6 Min	4:1
Low activity, e.g., neighborhood shopping, industrial employee parking, schools, church parking	0.2 Min.	4:1
Walkways and bikeways	0.5 Avg.	-5:1
Building entrances	5.0 Avg.	-

NOTES:

- (1) Illumination levels are maintained horizontal footcandles on the task, e.g., pavement or area surface.
- (2) Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio, e.g., for commercial parking high activity, the average footcandles shall not be in excess of 3.6 (0.9 x 4).

B. Fixture design.

- (1) Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to Borough Council.
- (2) For lighting of predominantly horizontal tasks such as, but not limited to, roadways, pathways, parking, merchandising and storage, automotive fuel dispensing, automotive sales, loading docks, active and passive recreation, building entrances and sidewalks, fixtures shall meet full-cutoff criteria.
- (3) For the lighting of nonhorizontal surfaces such as, but not limited to, facades, landscaping, signs, fountains, displays, flags, and statuary, the use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes, and other fixtures not meeting cutoff criteria, such shall be permitted only with the approval of Borough Council, based upon acceptable glare control.
- (4) When necessary to redirect offending light distribution, fixtures shall be equipped with or be capable of being backfitted with light-directing devices such as shields, visors, or hoods.

D. Control of nuisance and disabling glare.

- (1) All outdoor lighting, whether or not required by this chapter, on private, residential, commercial, industrial, municipal, recreational or institutional property, shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare), and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property (light trespass and nuisance glare).

- (2) Floodlights or spotlights, when permitted, shall be so installed and aimed that they do not project their output into the window of a neighboring residence, an adjacent use, skyward or onto a roadway.
- (3) Unless otherwise permitted by Borough Council, lighting shall be controlled by automatic switching devices such as timers, motion detectors and/or photocells, to extinguish offending sources between 11:00 p.m. or one hour following close of business, whichever comes first, and dawn to mitigate glare and sky-lighting consequences. Where all-night safety or security lighting is deemed necessary, the lighting intensity levels shall generally not exceed 25% of the levels normally permitted by this chapter, but in no case shall they be less than the minimum levels for safety or security as invoked by IESNA. This provision shall not apply to street lights.
- (4) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as full-cutoff fixtures, shields and baffles, and appropriate application of mounting height, wattage, aiming angle, fixture placement, etc.
- (5) The amount of illumination projected onto a residential use from another property shall not exceed 0.1 vertical footcandle measured at line-of-sight from any point on the adjacent residential property.
- (6) The amount of illumination projected onto any nonresidential property line from another property shall not exceed 1.0 vertical footcandle measured at line-of-sight from any point on the property.
- (7) Lighting fixtures used to light the area under outdoor canopies, including but not limited to those used at automotive fuel-dispensing facilities, bank drive-through lanes, marquees and building entrances, shall have flat lenses and have no light emitted from the side of the fixture. The average maintained illumination in the area directly below the canopy shall not exceed 20 initial footcandles, with no value exceeding 30 footcandles.
- (8) When flags are to be illuminated all night, only the U.S. and state flags shall be permitted to be illuminated from dusk until dawn, and each flagpole shall be illuminated by a single source with a beam spread no greater than necessary to illuminate the flag(s). Flag-lighting sources shall not exceed 20,000 lumens per flagpole.
- (9) The correlated color temperature of LED sources in residential areas shall not exceed 2,700K and shall not exceed 3,000K in all other areas.
- (10) Luminaire, backlight, uplight, and glare zone light distribution ratings: back very high (BVH) and forward very high (FVH) zonal output shall not exceed 240 lumens in residential areas or 375 lumens in all other areas.

E. Security lighting. The Borough may require that grade-level windows be internally or externally illuminated during hours of darkness to facilitate police determination if a break-in has occurred.

F. Installation.

- (1) Fixtures meeting full-cutoff criteria shall not be mounted in excess of 20 feet above the finished grade ("AFG") of the surface being

illuminated, except that the Borough may approve, upon request, a fixture height of not more than 25 feet AFG for nonresidential parking lots with 100 or more parking spaces. Fixtures not meeting full-cutoff criteria, when their use is permitted by Borough Council, shall not be mounted in excess of 15 feet AFG.

- (2) Fixtures used for general area lighting shall be aimed to project their output straight down, unless otherwise approved.
- (3) Electrical feeds to lighting standards shall be underground.
- (4) Lighting standards directly behind parking spaces shall be placed a minimum of 5 feet behind the curb face or tire stops, or placed on concrete pedestals at least 30 inches high above the pavement, or suitably protected by other approved means.
- (5) Fixtures used for architectural lighting, e.g., facade, feature and landscape lighting, shall be aimed so as not to project their output beyond the objects intended to be illuminated and shall be extinguished between the hours of 11:00 p.m. and dawn.

G. Maintenance. Lighting fixtures shall be maintained to meet the requirements of this section at all times.

4. Plan submission. Lighting plans submitted for review and approval shall include:

- A. Layout of the proposed fixture locations;
- B. Ten-foot by ten-foot illuminance grid (point-by-point) plots carried out to 0.0 footcandle, which demonstrate compliance with the light trespass, intensities and uniformities set forth in this section or as otherwise required by the Borough. The lamp-lumen rating and nomenclature, source correlated color temperature, light-loss factors, and IES photometric file names used in calculating the illuminance values shall be documented on the plan;
- C. Description of the equipment, including fixture catalog cuts, photometrics, glare-reduction devices, lamps, control devices, mounting heights, pole foundation details and mounting methods proposed; and
- D. When requested by the Borough, the applicant shall submit a visual impact plan that demonstrates appropriate steps have been taken to mitigate glare.

5. Plan notes. The following notes shall appear on the lighting plan:

- A. The Borough reserves the right to conduct one or more post-installation nighttime inspections to verify compliance with the requirements of this section and, if appropriate, to require remedial action at no expense to the Borough.
- B. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Borough for review and approval prior to installation.

6. Compliance monitoring.

- A. Safety hazards.
 - (1) If the Borough judges that a lighting installation creates a safety or personal security hazard, the person(s) responsible for the lighting shall be so notified and required to take remedial action within a specified period of time.

- (2) If appropriate corrective action has not been effected within the specified time period, the Borough may take appropriate legal action.

B. Nuisance glare and inadequate illumination levels.

- (1) When the Borough judges that an installation produces unacceptable levels of nuisance glare, light trespass, or skyward light or that illumination levels are insufficient or not being maintained in accordance with this section, the Borough shall cause notification of the person(s) responsible for the lighting and require remedial action.
- (2) If the infraction so warrants, the Borough may take appropriate legal action.

C. Nonconforming lighting. Any lighting fixture or lighting installation existing on the effective date of this ordinance that does not comply with the regulations of this section shall be deemed legally nonconforming. However, such fixture and installation shall be made conforming when:

- (1) It is converted to or replaced by an LED luminaire;
- (2) The existing fixture is replaced, relocated, or abandoned;
- (3) Minor corrective action, such as re-aiming or adding shielding, will achieve compliance;
- (4) The number of fixtures is increased; or
- (5) The Borough declares a fixture or installation to be a hazard to the public health, safety, or welfare.

7. Streetlight dedication.

- A. The Borough may, but shall not be required to, accept dedication of streetlights in the instance of said lighting being in the right-of-way of a street dedicated to the Borough. Streetlights may be accepted along with the acceptance of the street. Prior to acceptance of dedication, a maintenance agreement and related financial security, as approved by the Borough, shall be put in place for a period of no less than 18 months from the date of acceptance of dedication, in accordance with the requirements of §22-808.
- B. Until such time that streetlights are accepted for dedication by the Borough, the developer of the tract or, if transferred by the developer, the appropriate private entity, shall be responsible for any and all costs associated with each streetlight. Such costs may include, but are not limited to, administration, placement, power supply, and maintenance.
- C. Streetlights not dedicated to the Borough will remain the responsibility of the developer or appropriate private entity to whom the lights are transferred. Said private entity shall then assume all costs and responsibilities for the lights and associated facilities in perpetuity.

SECTION 2. Chapter 27, Zoning, of the Code of the Borough of Oxford shall be amended as follows:

A. Part 1, General Provisions, §27-202, Definitions of Terms, shall be amended as follows:

1. The definition of the term "DWELLING OR DWELLING UNIT" shall be amended in its entirety as follows:

DWELLING OR DWELLING UNIT

A building or entirely self-contained portion thereof containing complete housekeeping, sleeping, and lavatory facilities used as a residence by only one family with no enclosed space (other than vestibules, entrances, or other hallways or porches) in common with any other dwelling units. This definition excludes units in a motel, hotel, dormitory, hospital, and the like. Dwellings may be classified as follows:

- (1) Single-family detached – A building having only one dwelling unit from ground to roof and open space on all sides.
- (2) Two-Family:
 - (a) Twin – A building containing two dwelling units, separated by a party wall, each having independent outside access and open space on three sides.
 - (b) Duplex – A building containing two dwelling units, with one dwelling unit above the other and each of which has independent outside access and open space on all sides.
- (3) Multi-Family – A building containing three or more dwelling units, including but not limited to four-family dwelling (fourplex, quadraplex), townhouse (single-family attached), and apartment buildings.
 - (a) Four-family dwelling (fourplex, quadraplex) – A building containing four dwelling units, each unit being ground to roof with independent outside access, two non-parallel walls in common with adjacent dwelling units, and open space on two non-parallel sides.
 - (b) Townhouse (single-family attached) – A building containing dwelling units separated by parallel party walls, each of which has only one dwelling unit from ground to roof, independent outside access, not more than two walls in common with adjoining units, and open space to the front and rear (interior units) or front, rear, and one side (end units).
 - (c) Apartment – A building containing three or more dwelling units separated by party walls, and which may have more than one dwelling unit from ground to roof, common outside accesses, and hallways.

2. The definition of the term “MOBILE HOME” shall be amended in its entirety as follows:

MOBILE HOME

A transportable structure intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into a single integral unit capable of again being separated for repeated towing. A "mobile home" arrives at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations and connection to a permanent foundation, including any addition or accessory structure, such as porches, sheds, decks, or additional rooms. A mobile home may qualify as a single-family detached dwelling provided that the mobile home meets all standards as established by all building and other applicable codes of the Borough of Oxford.

3. The definition of the term “TRACT” shall be amended in its entirety as follows:

TRACT

One or more lots assembled and presented as a single property for purposes of subdivision or land development and/or building permit application, provided that the lots, when assembled, shall be contiguous (i.e., have significant common boundaries) and not separated or divided by an arterial or collector street.

4. The following new terms and definitions shall be added as follows:

- a. **TRACT AREA**

The total acreage of a tract lying within existing property lines, as defined by the deed, prior to the initiation of subdivision or land development.

b. **COMMUNITY CENTER**

A building or buildings within a residential community, designed and intended for use by the residents and their guests, for purposes including but not limited to dining, assemblage, banquets, meetings, offices, recreation, and uses normally accessory thereto.

c. **RECREATION LAND**

An area of land and/or water, substantially free of structures and paved areas, permanently restricted for common enjoyment and recreational use by residents of a development and possibly the general public.

d. **TRAIL**

A corridor through which passes, or will pass, a pedestrian accessway and/or a bikeway. A trail is to serve transportation, commuting, and/or recreational functions as part of an intermodal transportation system. The term "trail" shall include the following:

- 1) **MULTI-USE ARTERIAL TRAIL** - A type of trail that offers low-speed transportation and recreation opportunities to pedestrian and bicycle users. Such trail segments provide the principal connecting routes between destinations within the Borough and to multi-municipal and regional trail systems beyond the Borough.
- 2) **BIKEWAY** - A type of trail corridor designed primarily for bicycle traffic, as authorized by the Borough. Bikeways may serve transportation and/or recreational functions. Except where a designated bikeway route is contained within a road cartway or road shoulder, bikeways shall exclude all motorized vehicles, except (a) motorized wheelchairs; (b) e-bikes that are both motorized and able to be operated manually by pedaling; and (c) as authorized by the Borough for maintenance, management, and emergency purposes.
- 3) **LOCAL/COLLECTOR TRAIL** - A type of trail designed as an on-site recreation resource and as a means of connection to one or more multi-use arterial trails. Such trail may, but need not, serve multi-use functions.

B. Part 12, General Regulations and Applicability, §27-12.1, Parking Regulations, subsection G, Nonresidential Parking Requirements, subsection (7) shall be amended to add the following use and minimum off-street parking requirement:

Community center	1 space/100 square feet of gross building area
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C. Part 12, General Regulations and Applicability, §27-12.3, Landscaping, shall be amended as follows:

1. Existing subsection 1 shall be redesignated as subsection 2 and shall be amended in its entirety to read as follows:
2. The location of existing trees shall be considered when planning the location of uses and improvements and required common open space. Where existing trees can be retained, no original grade change shall occur within a minimum radius of 10 feet measured from the tree trunk. This area shall be enclosed during construction with an approved temporary fence, in which no construction vehicle shall be operated and no construction materials or topsoil shall be stored.

2. Existing subsections 2, 3, and 4 shall be redesignated as subsections 3, 4, and 5, respectively.
3. New subsection 1 shall be added as follows:

1. Disturbance and/or removal of trees greater than or equal to 6 inches in caliper which are deemed by a certified arborist to be healthy and non-invasive shall be minimized. If a qualifying tree cannot be preserved in good condition it shall be replaced on a one-to-one basis by a tree of a minimum 2-inch caliper. Replacement trees shall be planted in common open space areas in accordance with a landscape plan prepared by a Registered Landscape Architect (RLA) or certified arborist. The replacement tree species shall be selected by an RLA and/or a certified arborist and shall be generally consistent with the tree species that were removed.

D. Part 12, General Regulations and Applicability, §27-1215, Lighting, shall be amended in its entirety as follows:

§27-1215 Lighting

1. Outdoor lighting shall be required for safety and personal security for uses that operate during hours of darkness where there is public assembly and/or traverse, including but not limited to residential, commercial, industrial, public recreational, and institutional uses. All proposed public and private road intersections shall have streetlights. Lighting shall be provided in accordance with the provisions of §22-711.

E. Part 13, Supplemental Land Use Regulations, §27-1302, Accessory Uses, Buildings, and Structures, subsection 2, Location, subsection B(1) shall be amended in its entirety to read as follows:

- (1) Where an accessory building or structure is intended for active use including, but not limited to, animal shelter, swimming pool, hot tub, tennis or basketball court, or woodshop, it shall be located no closer than 10 feet from any side or rear property line.

F. Part 13, Supplemental Land Use Regulations, §27-1317, Common Open Space Design, Ownership and Maintenance, shall be amended as follows:

1. Subsection 1, Applicability, shall be amended in its entirety as follows:
 1. Applicability. The provisions of this section shall apply to all uses requiring common open space, except for tracts less than four acres which shall comply with the provisions of §27-1317.2(J), and age-restricted residential communities which shall comply with the provisions of §27-1317.4.

2. Subsection 2, Common Open Space Design, subsection C, shall be amended in its entirety as follows:

- C. Any common open space shall be not less than 75 feet in its narrowest dimension and shall not exceed a dimension ratio of one to four. Where portions of the common open space are designed as trails, the narrowest dimension may be reduced to not less than 20 feet and the dimension ratio of one to four shall not apply. Where a trail runs between and immediately adjacent to residential lots on both sides, the minimum width shall be not less than 20 feet.

3. New subsection 4, Age-Restricted Residential Community, shall be added as follows:

4. Age-Restricted Residential Community

- A. For an age-restricted residential community, as permitted under the terms of §27-1333, the requirements for common open space contained in §§27-1317.2 and 27-1317.3, above, shall be applicable with the exception of the following sections which shall not apply: §§27-1317.2(A), (B), (D), and (J).
- B. Recreation lands and facilities, as deemed appropriate by Borough Council upon recommendation by the Borough Planning Commission, shall be required within the common open space. Such lands and facilities shall include trails, in accordance with the terms of §22-709.1(J), and may also include the following:
 - (1) Cultivation of nursery stock or orchard trees;
 - (2) Woodland, meadow, wetland, or similar conservation purpose.
 - (3) Park or outdoor recreation area.
 - (4) Amenities, but not including a community center.
 - (5) Community subsurface land application wastewater systems.
 - (6) Stormwater management facilities serving the development.
 - (7) Required buffer areas between any residential lot line and the right-of-way line of any street existing at the time of application.

SECTION 3. If any sentence, clause, section or part of this ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.

SECTION 5. This amendment shall take effect and be in full force and effect 5 days from and after the date of its final passage and adoption.

ENACTED AND ORDAINED this 20th day of November 2023.

OXFORD BOROUGH COUNCIL

By: Kathryn Cloyd
KATHRYN CLOYD, President

ATTEST:

Pauline Garcia-AlLEN
PAULINE GARCIA-ALLEN, Borough Secretary

APPROVED THIS 20th DAY OF November, 2023.

Philip Harris
PHILIP HARRIS, Mayor

