

**NEW FREEDOM BOROUGH  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE No. 2012 - \_\_\_\_**

**AN ORDINANCE OF THE BOROUGH OF NEW FREEDOM, YORK COUNTY, PENNSYLVANIA, AMENDING ZONING ORDINANCE TO (1) PERMIT “URBAN MIXED USE” IN CENTRAL BUSINESS DISTRICT BY CONDITIONAL APPROVAL; (2) ESTABLISH STANDARDS FOR URBAN MIXED USE; (3) REZONE AN AREA FROM LIGHT INDUSTRIAL EMPLOYMENT DISTRICT TO CENTRAL BUSINESS DISTRICT; (4) PERMIT ALL CENTRAL BUSINESS DISTRICT USES IN THE LIGHT INDUSTRIAL EMPLOYMENT DISTRICT; (5) REVISE STEEP SLOPE STANDARDS; (6) REVISE LANDSCAPE, BUFFER, AND SCREEN PLANTING STANDARDS; (7) REVISED GLARE STANDARDS WITH LIGHTING STANDARDS; (8) REVISE OFF-STREET PARKING STANDARDS; (9) REVISE OFF-STREET LOADING STANDARDS AND (10) REVISE ACCESS DRIVES STANDARDS**

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of New Freedom, York County, Pennsylvania, as follows:

**Section 1.** Section 307.D of the Zoning Ordinance of the Borough of New Freedom is hereby amended to read as follows:

12. *Urban Mixed Use, subject to the requirements of Section 437.*

**Section 2.** Article IV of the Zoning Ordinance of the Borough of New Freedom is hereby amended to read as follows:

**SECTION 437 URBAN MIXED USE**

*Urban Mixed Use is allowed in the Central Business District, subject to the requirements herein.*

A. *Definition and Purpose* – *The purpose of Urban Mixed Use is to allow a mixed use development consisting of business, retail, residential, and cultural uses in a pedestrian-oriented activity center. Urban Mixed Use is intended to encourage redevelopment of commercial areas of the Borough while stimulating reinvestment, generating jobs, increasing housing options.*

B. *General Provisions*

1. *The Urban Mixed Use provisions are voluntary and optional to the landowner.*
2. *Property located within the Central Business District Zone may be developed either according to the provisions of the Central Business District or provisions of the Urban Mixed Use.*

3. *The Urban Mixed Use establishes standards by which the Borough provides a wider range of land uses and greater land use intensity in exchange for the landowner's voluntarily accepting and agreeing to comply with the standards of the Urban Mixed Use. The landowner must agree to comply with the standards of the Urban Mixed Use in order to obtain the benefits to be derived from the Urban Mixed Use.*
4. *It is the intent of Borough Council that the design standards required by the Urban Mixed Use are essential to and inseparably connected with the creation of the Urban Mixed Use development and that the Urban Mixed Use development would not have been created without all of the provisions contained herein.*
5. *When the landowner elects to apply the Urban Mixed Use and the provisions of the Urban Mixed Use conflict with the underlying provisions of the Zoning Ordinance, the provisions of Urban Mixed Use shall apply.*
6. *The provisions of Section 437 shall control in the event of a conflict between Section 437 and any other ordinances, resolutions or practice of New Freedom Borough.*
7. *The following specific Sections of the Zoning Ordinance do not apply to Urban Mixed Use:*

<i>Section 307 A., B., C., D.1 through 11, E., F., G., H.1., J.</i>	<i>Section 502.B. Section 506 Section 516</i>	<i>Section 703</i>
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8. *Nothing contained herein shall eliminate or modify the requirements for a building permit, zoning permit, or certificate of occupancy.*

C. *Development Size*

1. *The Urban Mixed Use development shall contain a minimum of five (5) acres.*
2. *Subdivision of land within the Urban Mixed Use development for the purpose of financial arrangements with building occupants, including fee simple purchase, leases, and ground leases is permissible. There shall be no minimum or maximum lot size established for subdivision of lots within the Urban Mixed Use development.*

D. *Unified Design and Management*

1. *Each Urban Mixed Use development shall provide a unified and coordinated design theme of:*
  - a. *Streets, access drives, off-street parking and pedestrian ways;*
  - b. *Pedestrian oriented spaces;*
  - b. *Architectural;*
  - c. *Landscape design;*
  - d. *Lighting fixtures; and*
  - e. *Signage.*

2. *Each Urban Mixed Use development shall be under a single management and control agreement (ex., master association agreement), except out-parcels and ground leases may be developed under separate control and management in accordance with an approved and recorded master plan.*

*E. Permitted Uses*

1. *Automated teller machine (ATM) when provided as a component of a building that houses a permitted use designed as a walk-up facility located within a pedestrian courtyard. Drive-thru ATM is prohibited;*
2. *Bed and Breakfast Inn;*
3. *Cultural Facility;*
4. *Day Care Center, subject to Section 413;*
5. *Day Care Home (Family), subject to Section 414;*
6. *Day Care Home (Group), subject to Section 415;*
7. *Dwelling including multi-family, single family attached, single family detached, single family semi-detached and two-family dwellings;*
8. *Financial Institution, excluding drive-thru facility;*
9. *Hotel, Motel and similar lodging;*
10. *House of Worship and related uses;*
11. *Indoor Entertainment/Recreation Facility;*
12. *Indoor Mini-Storage Facility for the exclusive use of the Mixed Use residents;*
13. *Medical Clinic;*
14. *Personal Service Shop;*
15. *Private Club;*
16. *Professional or Business Office;*
17. *Public Use and Public Utility Structure;*
18. *Restaurant, tea room, café, tavern, confectionary, bakery, and similar establishments producing or serving food or beverages, excluding drive-thru for all uses;*
19. *Retail Store or Shop, excluding adult-related uses and fuel service;*
20. *Shopping Center involving any use permitted within this Zone;*

21. *Trade or Professional School;*
22. *Veterinary Office provided there are no outdoor kennels; and*
23. *Accessory uses customarily incidental to the above permitted uses. Such uses include, but are not limited to, clubhouse and other amenities for the sole use of the residents of the Urban Mixed Use development, real estate sales/rental/management office for the Urban Mixed Use development.*

F. Prohibited Uses

1. *Adult uses, cabarets, massage parlors, and tattoo establishments;*
2. *Drive-thru facility;*
3. *Kennel and outdoor keeping of animals;*
4. *On-site dry cleaning or laundry plants; and*
5. *Sales, service, repair garages and filling stations for automotive, boat, recreational vehicle and truck dealerships and similar vehicles.*

G. Floor Area Ratio

1. *The maximum gross floor area ratio shall be seventy percent (70%).*
2. *The maximum residential floor area ratio shall be sixty-five percent (65%).*
3. *The following areas are exempt from floor area ratio calculation:*
  - a. *Street kiosks and vendors;*
  - b. *Floor area located below grade;*
  - c. *Floor area used for enclosed off-street parking when exclusively for use by residents of the Urban Mixed Use development; and*
  - d. *Floor area located on the rooftop of a structure when used for rooftop recreational space, mechanical equipment, stair and elevator penthouses, communication equipment and antennas.*

H. Lot Area, Lot Width, Impervious Coverage, Building Height and Gross Floor Area.

<i>Minimum Lot Area</i>	<i>None</i>
<i>Lot Width</i>	<i>None</i>
<i>Maximum Impervious Coverage</i>	<i>Eighty five percent (85%)</i>
<i>Maximum Building Height</i>	<i>Sixty feet (60') excluding chimney, antennae, mechanical equipment and architectural tower</i>

I. Building Setback and Separation

1. *Building setback and building separation exclusively subject to applicable provisions of the Pennsylvania Uniform Construction Code Statute, 35 P.S. §§7210.101 to 7210.1103, as amended*
2. *Proposed buildings that are situated adjacent to an existing principal building shall be setback from the street right-of-way a distance that is equal to the existing building or screened from the existing building.*

J. Building Orientation

1. *When possible, buildings shall be sited to form a progression of grid-blocks to create a town streetscape.*
2. *Individual building footprints, at ground-level, shall not exceed twenty-five thousand (25,000) square feet.*
3. *Gateway structures may be utilized to identify entrances to the Urban Mixed Use. The gateway structure may extend over streets, service lanes, and/or access roads. Gateway structures may also be utilized as focal points at the terminus of streets and pedestrian corridors.*
4. *Free-standing exterior vending machines may be provided in conjunction with a commercial use provided the vending machine is contained within architecturally integrated enclosures that are attached to, and be a part of a commercial building. Vending machine enclosures shall shield machines from view from the rear and sides. Vending machine enclosures shall not exceed seventy-five (75) square feet in interior size, and no more than two (2) such enclosures shall be permitted in the Urban Mixed Use. Vending machines shall be controlled solely by the management company or the owner of the principal use where the vending machine is located.*
5. *Areas located between commercial buildings shall provide site amenities and/or site features (e.g., fountains, sculptures, kiosks, merchandise/vendor carts, landscape plantings) to create a focal point or aesthetic accent.*
6. *The Urban Mixed Use site plan (see Section 437.T.1.a) may illustrate future commercial establishments. Floor area associated with future buildings shall be attributable to total floor area coverage, and impervious coverage. Required amenities associated with future buildings are not required to be constructed until such time as a building permit is secured for the future building. Off-street parking may be located temporarily where future buildings are proposed provided that off-street parking shall be relocated and accommodated on site along with the additional off-street parking required by the future buildings at the time of building permit submission and approval.*

K. Architectural and Aesthetic Requirements

1. *Architectural facades shall be compatible with the historic character of the Central Business District.*
2. *Building facades which includes corporate identity, exclusive of signage, shall incorporate the corporate identity into the overall architecture of the building.*

3. *Roof top service equipment shall be screened from ground view through architectural treatments to roof lines and/or facades. Roof features may include parapets, overhanging eaves, or sloping roofs.*
4. *Awnings, canopies, and porches may be incorporated into building facades. Awnings and canopies shall extend no less than two feet (2') or more than twelve feet (12') from the facade of the building. Ground-floor awnings and canopies shall not exceed a height of fifteen feet (15') above the ground surface.*
5. *Existing buildings with nonconforming architecture may be retained as nonconformity structures.*

L. Utilities

1. *All uses shall be served by public water and public sewer facilities.*
2. *All utility service lines shall be placed underground.*

M. Vehicular Circulation - *Whenever feasible, the vehicle circulation patterns shall be coordinated between various uses.*

N. Parking Requirements

1. *The following minimum number of parking spaces shall be provided:*

<b>USE</b>	<b>MINIMUM PARKING SPACES</b>
<i>Automated teller machine (ATM)</i>	<i>None</i>
<i>Clubhouse and other amenities for the sole use of the residents of the Urban Mixed Use development</i>	<i>None</i>
<i>Dwelling including multi-family, single family attached, single family detached, single family semi-detached and two-family dwellings</i>	<i>1.9 per dwelling</i>
<i>Indoor Mini-Storage Facility for the exclusive use of the Mixed Use residents</i>	<i>None</i>
<i>All other uses</i>	<i>1 per 200 square feet of gross floor area</i>

2. *Off-street parking requirements stated in Section 437.N.1 may be reduced by Borough Council approval of a conditional use subject to Section 437.T and the following:*
  - a. *Submission of a parking study that proves to the satisfaction of Borough Council that the granting of the conditional use will not adversely affect parking availability in the immediate neighborhood. The person who conducted the parking study shall be present at the conditional use hearing to testify that the study is accurate.*
  - b. *Where on-street parking is to be considered, the parking study shall include a neighborhood parking analysis of the area within five hundred feet (500') of the Urban Mixed Use boundary and include:*

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- i. *The number of available off-street and on-street parking spaces within the study area during at least three different times of the day and week, including the peak time(s) of the proposed use and excluding days when streets are posted for cleaning or special events.*

*For computing the number of available on-street parking spaces, a stall length of 21 feet shall be used and setbacks of five feet from driveways/alleys and 25 feet from intersections shall be utilized. Areas restricted due to bus stops, fire hydrants, load zones, etc., shall not be counted as available on-street parking.*

- ii. *Number of existing units within the study area which generate a parking demand and the level of demand.*
- iii. *Anticipated parking impacts due to the proposed use.*
- iv. *Projects, developments or other factors which may have an impact on future availability of on-street parking and the projected impacts.*
- v. *Plotting of the proposed parking that is included in the study.*

*Borough Council reserves the right to reduce the extent of the parking study.*

- c. *Where shared parking is to be considered, the request shall include:*

- i. *A reciprocal written agreement, executed by all the parties, that assures the perpetual joint use of such common parking.*
- ii. *A parking study with all information deemed necessary to its decision-making on a shared parking arrangement. This information includes, but is not limited to:*
  - (a) *Type and hours of operation and parking demand, for each use.*
  - (b) *Site plan displaying shared use spaces in the lot and walking distance to the uses sharing the lot.*
  - (c) *Description of the character of land use and parking patterns of adjacent land uses.*
  - (d) *Estimate of anticipated turnover in parking space use over the course of 12 to 24 hours at the site.*

- d. *Where shared parking is to be considered:*

- i. *Parking spaces to be shared must not be reserved for individuals or groups on a 24-hour basis.*
- ii. *Uses sharing a parking facility do not need to be contained on the same lot, but each use shall be a maximum of five hundred feet (500') from the use.*
- iii. *Pedestrian access to the parking facility shall be safe and convenient, including well marked pedestrian crossings, signage, and adequate lighting.*

- iv. *The discontinuation of a shared parking arrangement constitutes a violation of zoning regulations for any use approved with shared parking. The applicant must then provide written notification of the change to the Zoning Official and, within 60 days of that notice, provide a remedy satisfactory to the Borough to provide adequate parking.*

O. *Loading Requirements*

1. *The loading areas shall not encroach into vehicle or pedestrian circulation areas and the number of loading area provided be based on the typical demand of the land use.*
2. *The loading areas may be located within ten feet (10') of the perimeter property line.*

P. *Landscaping Requirements*

1. *Landscaping shall be arranged to provide visual interest, define outdoor pedestrian oriented spaces, complement the proposed architectural style, and achieve other functional and aesthetic elements within the Urban Mixed Use.*

*Ground cover alone is not sufficient landscaping. Trees, shrubs or other approved material shall be provided. At least one (1) shade tree shall be provided for each eight hundred (800) square feet, or fraction, of landscape area.*

2. *A ten foot (10') wide landscape strip shall be provided along Urban Mixed Use perimeter boundary. Such landscape strip shall comply with the applicable requirements of this Section.*
3. *Surface parking lots that contain twenty (20) or more parking spaces shall provide a parking lot landscape planting area of four (4) square feet per parking space to be evenly distributed throughout the parking lot. When the required amount of dispersed landscape islands planting encumber the parking lot and traffic circulation functions, up to fifty percent (50%) of the required landscape planting area may be consolidated planting of large stands of trees to break up the scale of the parking lot, enhance an entrance, or enhance the perimeter of the parking lot.*
4. *Street trees shall be provided along all streets and access drives at a ratio of one (1) tree per fifty linear feet (50'). Up to twenty (20) percent of required street trees may be planted within adjoining pedestrian oriented spaces or corridors.*
5. *Plantings shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems and shall be free from disease, insects, insect eggs, and larvae. Plantings shall be selected from stock that was grown under climatic conditions similar to the locality of the property. All planting shall be performed in conformance with good nursery and landscape practice. Plantings shall be properly maintained and replaced if dead.*
6. *Type 1 Shade Trees shall be a minimum trunk caliper of one and one half inches (1 ½") at a height of six inches (6") above finished grade, minimum average height of ten feet (10') and have a clear trunk at least five feet (5') above finished grade.*
7. *Type 2 Shade Trees shall conform to the trunk caliper of the Type 1 shade Tree and not be less than two-thirds (2/3) the height of the Type 1 Shade Tree.*

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8. *Type 3 Shade Tree shall be a minimum trunk caliper of nine sixteenth inches (9/16") at a height of six inches (6") above finished grade, minimum average height of four feet (4') and have five (5) or more branches.*
  9. *Coniferous Evergreen Trees shall be a minimum height of six feet (6') with a height to spread ratio of no less than five (5) to one (1).*
  10. *Shrubs shall be a minimum diameter of twenty-four inches (24") at maturity.*
  11. *Any tree or shrub which dies shall be replaced. All landscaping and screening treatments shall be properly maintained. Landscape materials that die or are damaged shall be replaced within thirty (30) days, season permitting.*
  12. *Requirements for the measurements, branching, grading, quality, balling, and burlapping of trees shall follow the code standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSI Z60.1-2004, as amended.*
  13. *Curbing shall be provided in parking areas to insure no greater than a two and one-half foot (2½') overhang into the interior landscaped area. Curbing may be modified to accommodate surface water runoff facilities.*
- Q. *Trash/Recycling Dumpsters. Trash/recycling dumpsters shall be screened from street view with dense landscaping and/or architectural treatments.*
- R. *Modification of Standards. - Borough Council may permit the modification of the design standards, and other requirements of Section 437 by conditional use approval in order to encourage the use of innovative design.*
- An applicant desiring to obtain a modification of standards shall, when submitting an application for approval of a development within the Zone, submit an application for such conditional use approval. Borough Council shall consider both requests simultaneously. Any modification shall be subject to the conditional use criteria and a demonstration that the modifications will better serve the intended purpose of this Zone.*
- S. *Conditional Use Standards - The Conditional Use application for the Urban Mixed Use is subject to the following and not subject to Section 1005 of the Zoning Ordinance. Applicant shall contact the Borough Office to determine the time schedule for application and number of copies for submission and other administrative information.*
1. *Filing of Conditional Use - The Conditional Use application shall include the following information:*
    - a. *Site Plan - The site plan shall be drawn at a legible scale and include the following:*
      - i. *Project name or identifying title.*
      - ii. *Name and address of the tract owner and applicant.*
      - iii. *Location map, drawn to scale, relating the tract to existing streets and municipal boundaries within one thousand (1,000) feet of the property.*
      - iv. *The entire Development Tract boundary with bearing and distances.*

- v. *Names of all immediately adjacent landowners, and recorded plan name and record book numbers.*
- vi. *North point, graphic scale, written scale, and date.*
- vii. *Site data, including:*
  - Total acreage of the Development Tract,*
  - Proposed total gross floor area of commercial use(s),*
  - Proposed total gross floor area ratio, residential floor area ratio, impervious cover, number of proposed dwellings and total density for residential use,*
  - Proposed acreage and percentage of green space,*
  - Total number of proposed on-street and off-street parking spaces,*
  - Total number of proposed lots, and*
  - General description of all proposed land uses.*
- viii. *Landmarks within the tract, including the location of all existing streets, buildings, easements, rights-of-way, sanitary sewers, water mains, storm drainage structures, and watercourses.*
- ix. *All existing land uses and lot lines within two hundred (200) feet of the proposed development, including the location of all public and private streets, access drives, drives or lanes, railroads, historic sites, and other significant natural or man-made features, only to the extent such information is available from the York County GIS data.*
- x. *Existing topographic information at one (1) foot contour interval for up to three (3) percent slope; two (2) foot contour interval for over three (3) percent slope to twenty (20) percent slope, and five (5) foot contour for over twenty (20) percent slope. County GIS topography can be utilized to show existing contours.*
- xi. *Proposed lot configurations.*
- xii. *Location of proposed commercial building pad sites, floor area, and general description of use including proposed multiple story buildings.*
- xiii. *Location and number of proposed each residential units including proposed multiple story buildings.*
- xiv. *Proposed interior street alignments, including lane widths and traffic-calming devices.*
- xv. *Proposed on-street and off-street parking space configurations.*
- xvi. *Proposed location and design of pedestrian circulation system.*

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- xvii. *Proposed location of freestanding signs and known building signs.*
  - xviii. *Conceptual storm water management design.*
  - xix. *Proposed landscape screening and buffering plan, including a conceptual depiction of the proposed streetscape, landscaped areas and lighting.*
  - xx. *Phasing plan, if applicable.*
- b. *Reports - The following conceptual reports shall be submitted:*
- i. *A description of how the applicant proposes to provide for an integrated development.*
  - ii. *A description of how storm water management facilities will be designed to comply with the provisions of the Borough storm water requirements.*
  - iii. *A description of the building architectural design criteria, including conceptual graphic architectural elevations.*
  - iv. *A description of signage design criteria.*
  - v. *General information about the proposed covenants, restrictions, and other use requirements imposed by the developer. Final documents shall be submitted with the application under the Subdivision and Land Development Ordinance.*
  - vi. *A description of the impact generated by the development on Borough services and facilities, such as schools, fire protection, police protection, ambulance/rescue service, water supply, and sewage disposal.*
2. *Conditions - In granting a Conditional Use, Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in the Zoning Ordinance, as it may deem necessary to implement the purposes of the Zoning Ordinance.*
3. *Hearing Procedures - Hearings on the Conditional Use application shall be conducted in accordance with the Pennsylvania Municipalities Planning Code, as amended, and other applicable statutes.*
4. *Time Limitations - A Developer's Agreement with the Borough shall set forth the time period within which applications under the Subdivision and Land Development Ordinance shall be submitted and necessary permits shall be secured. The first phase shall be submitted within sixty (60) months of the date of Conditional Use Approval. The final phase shall be submitted within fifteen (15) years from the submission of the first phase. Borough Council may extend the period for additional five (5) year periods upon request of the Developer.*
5. *Vested Rights - See Sections 508(4) and 917 of the Pennsylvania Municipalities Planning Code, which provide an applicant with protection during certain time periods against changes to Borough ordinances that would adversely affect an approved development. For a Urban Mixed Use development that is granted conditional use approval, the five (5) year time limit for such protection of Section 508(4)(ii) and (iii) shall be extended to a maximum of fifteen (15) years from the date of the preliminary plan approval, and the six (6) month time limit for such protection of Section 917 shall be extended to a maximum of sixty (60) months from the date of the preliminary plan approval.*

**Section 3.** The Zoning Map of New freedom Borough incorporated by way of Section 301 of the Zoning Ordinance of New Freedom Borough is amended as follows:

The land so designated on EXHIBIT “A”, attached hereto and made a part hereof, shall be rezoned from Light Industrial Employment District to Central Business District.

**Section 4.** Section 308.B of the Zoning Ordinance of the Borough of New Freedom is amended to include the following permitted use:

25. Uses permitted in the CBD District

**Section 5.** Section 310 SS-Steep Slope Overlay District of the Zoning Ordinance of the Borough of New Freedom is deleted in its entirety.

**Section 6.** Article V of the Zoning Ordinance of the Borough of New Freedom is hereby amended to read as follows:

**SECTION 518 STEEP SLOPES**

A. *General - In all Districts, and subject to the requirements of that District, the steep slope conservation standards of Section 521 of the Subdivision and Land development Ordinance of New Freedom Borough shall apply.*

B. *Modification of Requirements - Modification of the requirements of Section 521 of the Subdivision and Land development Ordinance (SALDO) of New Freedom Borough that are proposed during the subdivision / land development process shall be permitted as a waiver according to Section 205 of the SALDO and, when granted, will not also require the grant of a variance under the terms of the Zoning Ordinance.*

*Modification of the requirements of Section 521 of the SALDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 1004 of the Zoning Ordinance and, when granted, will not also require the grant of a waiver under the terms of this Ordinance.*

**Section 7.** Section 516 Landscaping, Buffer and Screen Planting of the Zoning Ordinance of the Borough of New Freedom is revised to delete Subsection 516.C General Requirements

**Section 8.** Section 516 Landscaping, Buffer and Screen Planting of the Zoning Ordinance of the Borough of New Freedom is revised to include Subsection 516.C General. and Subsection 516.D Modification of Requirements as follows:

C. *General – In all Districts, and subject to the requirements of that District, when landscaping, buffer and screen planting is required the standards of Section 520 of the Subdivision and Land development Ordinance of New Freedom Borough shall apply.*

D. *Modification of Requirements - Modifications of the requirements of Section 520 of the Subdivision and Land development Ordinance (SALDO) of New Freedom Borough that are proposed during the subdivision / land development process shall be permitted as a waiver according to Section 205 of the*

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*SALDO and, when granted, will not also require the grant of a variance under the terms of the Zoning Ordinance.*

*Modification of the requirements of Section 520 of the SALDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 1004 of the Zoning Ordinance and, when granted, will not also require the grant of a waiver under the terms of this Ordinance.*

**Section 9.** Section 606 Glare of the Zoning Ordinance of the Borough of New Freedom is revised as follows.

#### **SECTION 606 LIGHTING REQUIREMENTS**

- A. **General** - *In all Districts, and subject to the requirements of that District, the Lighting Requirements standards of Section 513 of the Subdivision and Land development Ordinance of New Freedom Borough shall apply.*
- B. **Modification of Requirements** - *Modification of the requirements of Section 513 of the Subdivision and Land development Ordinance (SALDO) of New Freedom Borough that are proposed during the subdivision / land development process shall be permitted as a waiver according to Section 205 of the SALDO and, when granted, will not also require the grant of a variance under the terms of the Zoning Ordinance.*

*Modification of requirements of Section 513 of the SALDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 1004 of the Zoning Ordinance and, when granted, will not also require the grant of a waiver under the terms of this Ordinance.*

**Section 10.** Section 704 Off-Street Parking Design Standards of the Zoning Ordinance of the Borough of New Freedom is revised to delete Subsections A through I in there entirety.

**Section 11.** Section 704 Off-Street Parking Design Standards of the Zoning Ordinance of the Borough of New Freedom is amended to include Subsection 704.A General and Subsection B Modification of Requirements as follows:

- A. **General** - *In all Districts, and subject to the requirements of that District, the Vehicular Parking standards of Section 508 of the Subdivision and Land development Ordinance of New Freedom Borough shall apply.*
- B. **Modification of Requirements** - *Modification of the requirements of Section 508 of the Subdivision and Land development Ordinance (SALDO) of New Freedom Borough that are proposed during the subdivision / land development process shall be permitted as a waiver according to Section 205 of the SALDO and, when granted, will not also require the grant of a variance under the terms of the Zoning Ordinance.*

*Modification of requirements of Section 508 of the SALDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 1004 of the Zoning Ordinance and, when granted, will not also require the grant of a waiver under the terms of this Ordinance.*

**Section 12.** Section 705 Off-Street Loading of the Zoning Ordinance of the Borough of New Freedom is

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revised to delete Subsection 705.B Design Specifications.

**Section 13.** Section 705 Off-Street Loading of the Zoning Ordinance of the Borough of New Freedom is amended to include Subsection 705.B General and Subsection 705.C Modification of Requirements as follows:

C. *General – In all Districts, and subject to the requirements of that District, when Off-Street Loading is required the standards of Section 509 of the Subdivision and Land development Ordinance of New Freedom Borough shall apply.*

D. *Modification of Requirements - Modification of the requirements of Section 509 of the Subdivision and Land development Ordinance (SALDO) of New Freedom Borough that are proposed during the subdivision / land development process shall be permitted as a waiver according to Section 205 of the SALDO and, when granted, will not also require the grant of a variance under the terms of the Zoning Ordinance.*

*Modification of the requirements of Section 509 of the SALDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 1004 of the Zoning Ordinance and, when granted, will not also require the grant of a waiver under the terms of this Ordinance..*

**Section 14.** Section 707 Access Drives of the Zoning Ordinance of the Borough of New Freedom is revised to delete Subsections A through D in its entirety.

**Section 15.** Section 707 Access Drives of the Zoning Ordinance of the Borough of New Freedom is amended to Subsection 704.A General and Subsection B Modification of Requirements as follows:

A. *General – In all Districts, and subject to the requirements of that District, when access drives are provided the standards of Section 506 of the Subdivision and Land development Ordinance of New Freedom Borough shall apply.*

B. *Modification of Requirements - Modifications of the requirements of Section 506 of the Subdivision and Land development Ordinance (SALDO) of New Freedom Borough that are proposed during the subdivision / land development process shall be permitted as a waiver according to Section 205 of the SALDO and, when granted, will not also require the grant of a variance under the terms of the Zoning Ordinance.*

*Modification of the requirements of Section 506 of the SALDO that are proposed during the zoning permit process that do not involve subdivision / land development review shall be permitted as a variance according to Section 1004 of the Zoning Ordinance and, when granted, will not also require the grant of a waiver under the terms of this Ordinance.*

**Section 16.** All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

**Section 17.** The Zoning Ordinance of the Borough of New Freedom is amended in no other way.

**Section 18.** 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

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affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. 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 19.** This Ordinance shall take effect and be in force from and after its approval as provided by law.

ENACTED AND ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2012 by Borough Council of the Borough of New Freedom, York County, Pennsylvania, in lawful session duly assembled.

ATTEST:

NEW FREEDOM BOROUGH COUNCIL

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
(Vice) President  
Borough Council

[BOROUGH SEAL)

Examined and approved as an Ordinance this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor