

ARTICLE IX
MU – Mixed Use District

901 Purpose.

In accordance with the objectives of the Hereford Township and Washington Township Joint Municipal Comprehensive Plan, and the purpose statements and community development objectives set forth in Article I of this Ordinance, the MU – Mixed Use District is established to provide for a broad mix of office, commercial, limited industrial, community institutional, and specialized residential development. The MU District has been located where convenient access and services are available or most likely may be made available in the future. The MU District is intended to provide for larger-scale and automobile-oriented uses which may not be compatible within conventional residential or historic village districts. The regulations set forth herein are intended to achieve the following specific purposes:

- A. To provide for a variety of uses which will be an asset to the community, both from the standpoint of local service and in terms of diversification of the local tax base;
- B. To accommodate larger scale uses in locations which can feasibly be served by public or community sewage disposal and/or water supply systems, and with convenient access to the principal roads of the Township;
- C. To protect the groundwater and surface waters of the Township;
- D. To assure that non-residential activities will be conducted in a manner which respects the surrounding residents and land owners;
- E. To provide incentives to individuals who are willing to develop in a manner which respects the architectural heritage of the community; and
- F. To provide opportunity and incentives for the receipt of transferable development rights (TDR), both to enhance mixed-use development opportunities and to support conservation of lands in designated TDR sending areas within the Township.

902 Use Regulations.

- A. Uses permitted by right.

A building or other structure may be erected, altered, or used, and a lot may be used or occupied, for any one of the following principal uses, together with the permitted accessory uses, by right in accordance with the terms of the Ordinance:

1. Non-intensive agricultural uses subject to the provisions of Section 1905.
2. Single family detached dwelling.
3. Retail establishment involving the sale of goods or services to the general public, excluding automobile service stations, gasoline stations or sale of gasoline or other fuels.
4. Business, professional, medical, or government office building, including multiple offices if contained in a single building.
5. Financial service establishment, including bank, brokerage, and savings and loan institution.
6. Eating and drinking establishment, excluding fast-food restaurant and drive-through service.
7. Police station, fire company station, or similar facility for a provider of an emergency service.
8. Library.
9. A building, structure, or facility owned and used by an electric, telephone, or other public utility or other government regulated industry, but not including communications towers or communications equipment buildings.
10. Research, development, or testing of products or processes.
11. Public utility operating facility.
12. Forestry, where conducted in compliance with all applicable provisions of Article XVIII of this Ordinance.
13. Public Park.
14. Conservation uses including woodlands preserve, game preserve, arboretum or other similar use.
15. Winery including facilities for the processing of grapes and the production of wine but excluding vineyards.
16. Municipal use, including municipal communications facilities.
17. No-Impact Home-Based Business.

B. Uses permitted by special exception.

Within the MU – Mixed Use District the following uses may be permitted by the Zoning Hearing Board as a Special Exception in accordance with the provisions set forth in Article XVI of this Ordinance. Special Exception uses shall be compatible with the surrounding neighborhood and shall not be detrimental to public health, safety, or welfare:

1. Accessory dwelling unit subject to the standards of Section 1902.B.4.
2. Conversion of agricultural structures subject to the standards of Section 1912.
3. Home occupation, pursuant to Section 1917. Home occupations shall only be permitted in single family detached dwellings or buildings accessory thereto.

C. Uses permitted as conditional use.

Within the MU – Mixed Use District the following uses shall be permitted when approved as a conditional use by the Board of Supervisors in accordance with Section 1504, the applicable standards contained in Article XIX, and any other applicable provisions of the Ordinance:

1. The receipt of Transferable Development Rights (TDRs) under the applicable provisions set forth herein.
2. Multi-use development including any combination of two or more principal uses on a single lot or tract, whether individually permitted by right, special exception or conditional use, and including shopping center, Multiple-residential development, Live-Work units, and Continuing Care Retirement Community (CCRC), but excluding Mobile Home Park. Such uses shall conform to all applicable standards herein, including requirements for receipt of transferable development rights as provided in Article VII.
3. Vehicular repair and automobile services. Sale of gasoline or other fuels shall be considered a separate principal use.
4. Sale of gasoline or other fuels.
5. Car wash.
6. Fast food restaurant with or without drive-through service as part of a Multi-use development where common access points to the development shall be used, and fast food restaurants do not have separate points of

ingress or egress onto public roads. Drive-through service shall comply with Section 1922.

7. Hotel or motel.
8. Bed and breakfast or Country Inns, pursuant to Section 1908.
9. Indoor recreation, including bowling alley, game room or arcade, or similar operation.
10. Health or fitness center or similar indoor recreational facility.
11. Theaters and cinemas.
12. The sale of automobiles, farm equipment, mobile homes, or trucks, including accessory service facilities.
13. Commercial parking garage.
14. Contractor's establishment.
15. Lumberyard.
16. Commercial greenhouses or nurseries.
17. Church or other place of worship, subject to the standards of Section 1910.
18. Cemetery or mausoleum, subject to the standards of Section 1909.
19. Public or private academic schools approved by the Pennsylvania Department of Education, but not including correctional institutions, subject to the standards of Section 1914.
20. Privately and publicly owned outdoor recreational areas and facilities, including playgrounds, picnic grounds, swim clubs, camps, golf courses, and country clubs, passive recreational uses, and open spaces. Amusement parks, miniature golf courses, and driving ranges are excluded.
21. Any other use not elsewhere provided for in this Ordinance which is, in the judgment of the Board of Supervisors, of the same general character as the uses permitted herein.

D. Accessory Uses.

The following accessory uses shall be permitted, where in compliance with all

applicable provisions of Article XIX of this Ordinance and provided that they shall be incidental to any of the foregoing permitted uses; accessory dwellings, secondary principal dwelling, and home occupations may be permitted by Special Exception as provided herein:

1. Private garage or private parking area.
2. Uses accessory to agricultural uses to the extent which they support the activity of the farm upon which they are located, including barns, silos, bulk bins, farm stands, and other structures essential to the farm operation.
3. Signs, pursuant to Section 1713.
4. Swimming pool.
5. Other customary accessory structures and uses.

903 Area and Bulk Regulations.

A. Area and Bulk Regulations for any single principal use, not part of a Multi-use development and not subject to the provisions of Section 903.E below.

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| 1. | Minimum Net Lot Area | one acre |
| 2. | Minimum lot width at street line | 50 feet |
| 3. | Minimum lot width at building line | 150 feet |
| 4. | Minimum setback from street right-of-way | 50 feet |
| 5. | Minimum side yard | 25 feet |
| 6. | Minimum rear yard | 25 feet |
| 7. | Maximum building coverage,
may be increased up to 30 % through receipt of
TDRs, as provided in Article VII | 15 % |
| 8. | Maximum lot coverage,
may be increased up to 65 % through receipt of
TDRs, as provided in Article VII | 35 % |
| 9. | Maximum building height for single family detached
dwellings | 35 feet |
| 10. | Maximum building height for all other uses | 25 feet but not |

more than 1 ½ stories; may be increased up to 40 feet or 3 ½ stories through receipt of TDRs, as provided in Article VII

B. Area and Bulk Regulations for Multi-use development including combinations of two or more principal uses on a single lot or tract, whether individually permitted by right, special exception or conditional use, including shopping center, office or industrial park, but excluding Multiple-residential development and CCRC. Apartments may be provided on floor(s) above ground or first floor area devoted to non-residential use(s) subject to the standards set forth below and shall not be separately regulated as to density or area and bulk.

1. Receipt of a minimum number of TDRs shall be a qualifying condition for any multi-use development. The minimum number of TDRs required shall equal the number of principal uses proposed within the multi-use development. Receipt of TDRs shall comply with the provisions of Article VII.
2. Minimum Net Lot Area
 - a. Shopping center, office or industrial park five (5) acres
 - b. Other permitted uses two (2) acres
3. Minimum lot width at street line 150 feet
4. Minimum lot width at building line 150 feet
5. Minimum setback from public street right-of-way 50 feet;
Building setbacks from private internal access drives may be reduced to 25 feet
6. Minimum side yard 25 feet
7. Minimum rear yard 25 feet
8. Maximum building coverage, 15 %;
may be increased up to 30 % through receipt of TDRs, as provided in Article VII
9. Maximum lot coverage, 35 %;
may be increased up to 65 % through receipt of TDRs, as provided in Article VII
10. Maximum building height for single family detached dwellings 35 feet

- 11. Maximum building height for all other uses 25 feet but not more than 1 ½ stories; may be increased up to 40 feet or 3 ½ stories through receipt of TDRs, as provided in Article VII
- 12. The intensity of permitted development, in regard to building and lot coverage, square footage of leasable space, and numbers of residential units, where applicable, shall be subject to reduction based upon availability of adequate water supply and the suitability of the site for a community sewage system and the ability of the system to serve the proposed development. Soil test results and supporting information shall be provided to the Township in sufficient detail to make a determination of the site’s ability to adequately service the sewage needs of the proposal. Where both public water and public sewer are available, this subparagraph shall not apply.

C. Area and Bulk Regulations for Multiple-residential development, except for CCRC, and except for apartments provided on floor(s) above ground or first floor area devoted to non-residential use(s), as provided above.

- 1. Minimum Net Lot Area or Net Tract Area five (5) acres
- 2. Minimum lot (tract) width at street line 50 feet
- 3. Minimum lot (tract) width at building line 150 feet
- 4. On any tract proposed for Multiple-residential development, a minimum of 25 % of the Net Lot Area of the entire tract shall be used or set aside for future use for permitted non-residential purposes. Such area shall be excluded from Net Lot Area for purposes of calculating permitted residential density, as provided below, but may be used to meet area and bulk requirements for any non-residential uses (including apartments provided on floor(s) above ground or first floor area devoted to non-residential use(s), as provided above).
- 5. In addition to the non-residential set-aside, regardless of use, a minimum of 20 % of the Net Lot Area of the entire tract shall comprise permanent open space. Such open space may be included within the Net Lot Area of the tract for purposes of calculating permitted residential density as provided below. Additional lands, including lands not contributing to calculation of Net Lot Area (e.g., wetlands) may also be included in designated open space. Ownership and maintenance of open space shall comply with the provisions of Article VI.
- 6. Maximum residential density, measured in dwelling units (du):
 - a. Without receipt of TDRs 3 du/Net Acre

- b. With receipt of TDRs as provided in Article VII up to 6 du/Net Acre
- 7. Minimum tract perimeter setback 50 feet
- 8. Minimum setback from public street right-of-way 50 feet;
Building setbacks from private internal access drives may be reduced to 25 feet
- 9. Minimum separation between residential structures:
 - a. side to side, within 60 degrees of parallel, at the narrowest point 25 feet
 - b. any other measurement of building separation 50 feet
- 10. Maximum length of individual residential structure 150 feet
- 11. Maximum building coverage 15 %;
(includes allocation for non-residential set-aside), may be increased up to 25 % through receipt of TDRs, as provided in Article VII
- 12. Maximum lot coverage, 30 %;
(includes allocation for non-residential set-aside), may be increased up to 50 % through receipt of TDRs, as provided in Article VII
- 13. Maximum building height for single family detached and two-family dwellings 35 feet
- 14. Maximum building height for all other uses 25 feet but not more than 2 stories; may be increased up to 40 feet or 3 ½ stories through receipt of TDRs, as provided in Article VII
- 15. Calculation of the maximum density or intensity of development, in terms of numbers of dwelling units and amount of imperious coverage, shall be subject to reduction from the maximum allowed based upon availability of adequate water supply and the suitability of the site for a community sewage system and the ability of the system to serve the proposed number of dwelling. Soil test results and supporting information shall be provided to the Township in sufficient detail to make a determination of the site’s ability to adequately service the sewage needs of the proposal. Where site characteristics make the requisite sewage treatment and disposal capacity to serve the maximum number of dwellings unavailable, and/or where adequate water supply cannot be established the number of dwellings shall

- at the narrowest point 25 feet
- b. any other measurement of building separation 50 feet
- 10. Maximum length of individual residential structure, excluding enclosed breezeways no more than one and a half stories in height 150 feet
- 11. Maximum building coverage 20 %;
may be increased up to 40 % through receipt of TDRs, as provided in Article VII
- 12. Maximum lot coverage, 35 %;
(includes allocation for non-residential set-aside),
may be increased up to 60 % through receipt of TDRs, as provided in Article VII
- 13. Maximum building height: 30 feet but not more than 2 stories; may be increased up to 50 feet or 4 stories through receipt of TDRs, as provided in Article VII, provided that no more than fifty percent of the total building footprint within the CCRC may exceed 3 stories in height. Where approved as a condition of conditional use approval, building height may be extended above the applicable maximum height in order to accommodate skylights, pitched roofs and similar architectural features that do not involve floor space occupied by persons.
- 14. Calculation of the maximum number of dwelling units and subsequent skilled nursing beds shall be subject to reduction from the maximum allowed based upon availability of adequate water supply and the suitability of the site for a community sewage system and the ability of the system to serve the proposed number of dwelling and beds. Soil test results and supporting information shall be provided to the Township in sufficient detail to make a determination of the site’s ability to adequately service the sewage needs of the proposal. Where site characteristics make the requisite sewage treatment and disposal capacity to serve the maximum number of dwellings and skilled nursing beds unavailable, and/or where adequate water supply cannot be established the number of dwellings and/or skilled nursing beds, as applicable, shall be reduced accordingly. Where both public water and public sewer are available, this subparagraph shall not apply.

E. Modification of Standards through Receipt of TDRs

Maximum building or lot coverage or maximum height may be increased as provided in Article VII, through receipt of TDRs, including TDRs received to comply with the minimum TDR requirement set forth in Section 903.B.1. In addition, for any development where at least twenty (20) Transferable

Development Rights are received, any applicable area and bulk requirement may be modified, or in the case of building or lot coverage or building height, further modified, subject to conditional use approval as provided in Article VII. Such modifications shall be limited to no more than twenty-five (25) percent of the otherwise applicable standard. For example, where a lot width at street line otherwise may be set at 300 feet minimum, it might be modified up to 25 % or 75 feet, to a minimum of 225 feet.

904 Design Standards.

- A. General Design Standards. All applicable standards provided in Article XVII of this Ordinance shall apply to any use within the MU – Mixed Use District.
- B. Enclosure of activity.

Without exception, all of the following activities permitted within this district shall be conducted in completely enclosed buildings.

1. Office and administrative.
 2. Manufacture, assembly, processing, cleaning, testing, repair, or distribution of materials, goods, or foodstuffs.
 3. Research, development, or testing of products or processes.
 4. Vehicular repair services.
 5. Uses not specifically provided for in this Ordinance, but permitted under Section 902.C.27, unless the applicant for such use can demonstrate to the satisfaction of the Board of Supervisors that performance of activities attendant to such use within an enclosed structure presents a hazard to the public health, safety, or general welfare.
- C. Additional Standards for Multi-use development, developed as provided in Section 903.B, above.
 1. A tract of land to be developed for Multi-use development shall be under single and separate ownership, or, in the case of multiple ownership, shall be developed according to a single overall plan with common authority and responsibility.
 2. The tract and all uses thereon shall have access to the road network via common point(s) of ingress and egress. No individual use shall have an access designed in such a way that other uses within the development are excluded from utilization of such access.

3. The development plan shall satisfy all applicable requirements of the Hereford Township Subdivision and Land Development Ordinance and shall further show:
 - a. A unified layout of buildings and lots;
 - b. A master plan for landscaping; and
 - c. Parking areas and internal circulation – both vehicular and pedestrian including the point(s) of access to the public road system.
 4. Where a Multi-use development constitutes a shopping center, all retail stores shall be under common ownership and may not be owned separately, except that a store containing at least 30,000 square feet may be owned separately under a condominium arrangement if Hereford Township approves the contractual provisions relating to matters which affect continuing responsibility for maintenance of common elements such as parking areas, storm water control facilities, sewage disposal, etc.
 5. Uses permitted in a shopping center shall be limited to the following:
 - a. Retail sale of goods and services
 - b. Financial services and offices
 - c. Business, professional, or medical offices
 - d. Eating and drinking establishments, including Fast food restaurants with or without drive-through service
 - e. Indoor places of entertainment, wholly enclosed within a building, and excluding adult bookstores, adult motion picture theaters, or other adult businesses. No indoor place of entertainment shall have audio speakers or sound equipment installed in such a way that sound can emanate to the exterior of the building.
- D. Additional Standards for dwelling units contained within a principal nonresidential structure:
1. Any dwelling unit shall have a floor area of not less than 650 square feet.
 2. Total floor area devoted to dwelling units within the structure shall not exceed four times the total floor area of the ground floor nonresidential use or uses.

3. Entrance to any dwelling unit may be shared with another unit or units, but shall be independent of the nonresidential use or uses.
4. Off-street parking required for each dwelling unit shall be in accordance with Section 1711, and shall be in addition to the parking required for the nonresidential use or uses except to the extent that a reduction in parking is approved at the discretion of the Township.
5. Where two or more dwelling units are to be created above the ground floor, requisite approvals of interior layout, emergency exits, etc. shall be obtained from the Pennsylvania Department of Labor and Industry, and a copy provided to the local fire company upon receipt of such approval.

E. Additional Standards for Multiple-residential development:

1. Plans submitted for conditional use approval shall include and demonstrate adherence to a master plan for the layout of buildings and open spaces, parking and access management, fire protection and emergency medical services, non-vehicular circulation and landscaping, including all components and phases proposed for the Multiple-residential development. The master plan also shall document long-term ownership and management means and proposed guarantees.
2. The architectural design of any residential structures containing multiple dwelling units shall include finishes, textures, extensions, placement of glass and other features to mitigate the visual impact(s) of larger buildings as viewed from any street. The applicant shall demonstrate that the overall design of the Multiple-residential development, in terms of the locations, form, massing, height, and architecture of all structures and facilities, as applicable, taken as a whole, shall minimize impacts to surrounding residences, neighborhoods and public roads. The applicant shall submit typical architectural elevations and landscaping cross-sections as necessary to demonstrate compliance with this provision.
3. A coordinated system of non-motorized access means shall be provided throughout the Multiple-residential development, including sidewalks, bicycle routes, and trails as necessary to connect all buildings and parking areas and to interconnect with pedestrian and bicycle circulation means outside the development, where recommended by the Township.

F. Special Provisions for Continuing Care Retirement Community (CCRC).

1. A tract of land to be developed for a CCRC shall be under single and separate ownership, or, in the case of multiple ownership, shall be developed according to a single overall plan with common authority and

responsibility for all components and phases of the development.

2. A CCRC shall include Independent Living Residences, Assisted Living Residences and skilled nursing beds in a Nursing Facility located on site, subject to the density limitations set forth herein.
3. A CCRC may include other uses intended principally to serve the residents or staff of the CCRC or to facilitate the operation and management of the CCRC, including administrative offices and operational facilities, child or adult day care, personal service shops such as barber shop, beauty salon or commissary; branch bank and/or automated teller machine; dining facilities; community center; library; cultural, educational, social, religious and recreational facilities; fitness center and swimming pool; physical therapy facilities, physicians' offices, patient hostel, rehabilitative services center or wellness center, specialized facilities for "memory care," or Alzheimer's and/or dementia care, and other medical facilities, or other similar uses. Any such facilities may be available for use or patronage by persons other than those residing or employed within the CCRC.
4. Development of any facilities within a CCRC, including residential components, may be phased to reflect the anticipated timing of need, subject to any conditions of approval required by the Board. If at any time, the number of nursing beds or Assisted Living Residences exceeds actual demand from within the CCRC, persons from outside the CCRC may be permitted to occupy such nursing beds or residences on a temporary basis.
5. Plans submitted for conditional use approval shall include and demonstrate adherence to a master plan for the layout of buildings and open spaces, parking and access management, fire protection and emergency medical services, non-vehicular circulation and landscaping, including all components and phases proposed for the development of the CCRC. The master plan also shall document long-term ownership and management means and proposed guarantees.
6. The architectural design of the CCRC shall include finishes, textures, extensions, placement of glass and other features to mitigate the visual impact(s) of larger buildings as viewed from any street. The applicant shall demonstrate that the overall design of the CCRC, in terms of the locations, form, massing, height, and architecture of all structures and facilities, as applicable, taken as a whole, shall minimize impacts to surrounding residences, neighborhoods and public roads. The applicant shall submit typical architectural elevations and landscaping cross-sections as necessary to demonstrate compliance with this provision.
7. A coordinated system of non-motorized access means shall be provided

throughout the CCRC, including sidewalks, bicycle routes, and trails as necessary to connect all buildings and parking areas and to interconnect with pedestrian and bicycle circulation means outside the development, where recommended by the Township.