



TOWNSHIP OF HEREFORD

Hereford
Berks County, PA

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Township of Hereford

Mailing address: P.O. Box 225, Hereford, Pa 18056

Shipping address: 3131 Seisholtzville Road, Macungie, Pa 18062

Office Hours:

- Monday, Tuesday, Thursday, Friday - 7:00 AM to 12:00 PM & 1:00 PM to 3:00 PM
- Wednesdays -7:00 AM to 11:00 AM

Phone: 610-845-2929

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Office Staff

Secretary/Treasurer

Norann Warmkessel

Email: nwarmkessel@herefordtownship.org

Right-to-Know Officer

Norann Warmkessel

Email: nwarmkessel@herefordtownship.org

Assistant Right-to-Know Officer

John Membrino

Email: jgmembrino@ptd.net

Board of Supervisors

- **Chairman:** John G. Membrino (term ends 2020) **Email:** jgmembrino@ptd.net
- **Vice-Chairman:** Keith J. Masemore (term ends 2018) **Email:** kmmasemore@yahoo.com
- **Supervisor:** Karla T. Dexter (term ends 2016) **Email:** karladexter@comcast.net
- **Secretary:** Norann Warmkessel

- **Solicitor**

Eugene Orlando, Jr.
Orlando Law Offices, P.C.
2901 St. Lawrence Avenue, Suite 202
Reading, Pa 19606
Phone: 610-779-3830
Email: eorlando@orlandolawoffices.com

- **Engineer**

Technicon Enterprises, Inc. II
Jennifer McConnell
200 Bethlehem Drive, Suite 201
Morgantown, Pa. 19543
Phone: 610-286-1622
Fax: 610-286-1679

- **Zoning Officer/Building Inspector/Sewage Enforcement Officer**

Technicon Enterprises Inc., III
200 Bethlehem Drive, Suite 201
Morgantown, Pa. 19543
Phone: 610-286-1622
Fax: 610-286-1679

The Hereford Township Board of Supervisors meets the first and third Tuesday of every month at 7:30 pm. The Board is a three member governing body elected for staggered six-year terms.

The Board of Supervisors is charged with the general governance of the Township and the execution of legislative, executive, and administrative powers in order to ensure sound fiscal management and to secure the health, safety, and welfare of the citizens of the Township.

Planning Commission

- **Chairman:** Curt Kuhns (term ends 2015)
- **Vice-Chairman:** Albert Ciccarone (term ends 2017)
- **Secretary:** Karla Dexter (term ends 2016)
- **Assistant Secretary:** Justin Smith (term ends 2018)
- **Member:** Karen Wright (term ends 2018)
- **Engineer**

Technicon Enterprises, Inc. II
Jennifer McConnell

200 Bethlehem Drive, Suite 201
 Morgantown, Pa. 19543
 Phone: 610-286-1622
 Fax: 610-286-1679

The Planning Commission consists of five residents who serve as volunteers appointed by the Board of Supervisors for staggered four-year terms.

The Planning Commission is an advisory board to the Board of Supervisors. Its function is to review subdivisions, land development plans, conditional use applications, and to make recommendations regarding these matters to the Board of Supervisors.

The Planning Commission meets monthly on the last Wednesday of the month at 7:00 p.m.

Zoning Hearing Board

- **Chairman:** Richard Rachor (term ends 2015)
- **Vice-Chairman:** Connie Wayes (term ends 2017)
- **Secretary:** Gordon C. McAlpin (term ends 2016)
- **Alternate Member:** William Dexter (term ends 2016)
- **Solicitor**
 Elizabeth A. Magovern
 Hartman/Shurr
 1100 Berkshire Boulevard, Suite 301
 Reading, Pa 19610
 Phone: 610-779-0772
 Email: emagovern@hartmanshurr.com
 Website: <http://www.hartmanshurr.com>

The Zoning Hearing Board's job is to help assure fair and equitable application and administration of the Zoning Ordinance by hearing appeals of the Zoning Officer's decisions and granting relief from the literal enforcement of the Ordinance in certain hardship situations.

The board consists of three residents and one alternate resident appointed by the Board of Supervisors.

The Zoning Hearing Board will meet if an application or an appeal has been filed. When the Zoning Hearing Board does have a meeting it starts at 7:00 pm.

Environmental Advisory Council

- **Chairman:** Shawn Leh (term ends 2017)
- **Vice-Chairman:** Mary Rives Young (term ends 2015)
- **Secretary:** Robert Bolen (term ends 2016)
- **Member:** Ed Land (term ends 2016)
- **Member:** Vacant (term ends 2014)

The Environmental Advisory Council meets monthly on the 2nd Monday of the month at 7:30 p.m.

Recreation Committee

- **Chairman:** Pam Dwyer (term ends 2015)
- **Secretary:** Dorothy Doyle (term ends 2019)
- **Member:** Vacant (term ends 2018)
- **Member:** Kathy Berry (term ends 2014)
- **Member:** Emily Doyle (term ends 2016)
- **Member:** Pam Haire (term ends 2018)
- **Junior Member:** Connor Haire

The Recreation Committee's job is to make recommendations to the Board of Supervisors and act on recommendations from them regarding maintenance and improvements to township parks. The committee consists of adult and teen resident volunteers. The Committee meets 8 months a year on the third Monday of those months at 7:00PM.

Board of Auditors

- **Member:** Harry Waterman (term ends 2015)
- **Member:** Timothy White (term ends 2016)
- **Member:** Ed Mosheim (term ends 2017)

Tax Collector

- Sharon Hilgar (term ends 2018)
 96 Greenhouse Lane , Barto , Pa 19504
 Phone: 610-845-3615

Work Crew

- **Road Master:** Keith J. Masemore
- **Road Superintendent:** Chris Day
- **Work Crew:** Ralph Shaner
- **Work Crew:** Bret Marks
- **Emergency Management**
- John Membrino (term ends 2014)
- Assistant: vacant

Vacancy Board

Paul Giangiacomo (term ends 2014)

Joint Board of Appeals

Robert Bolen (term ends 2014)

Agricultural Security Area Committee

- Joseph Hilgar (term ends 2014)
- Keith Masemore (term ends 2014)
- Glenn Hoffman (term ends 2014)
- Karla Dexter (term ends 2014)
- Karen Wright (term ends 2014)

Constable

Peter Glenn (term ends 2016)

Second Class Township

- 2000 Population - 2,997
- School District : Upper Perkiomen
- Municipal Tax Millage for 2014 - 0.96 mills
- School Tax Millage for 2013-2014 - 21.952 mills
- County Tax Rate for 2014 - 7.372 mills

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.

- | | | |
|-----|--|-----------------|
| 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
Building setbacks from private internal access drives may be reduced to
25 feet | 50 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
(includes allocation for non-residential set-aside),
may be increased up to 25 % through receipt of
TDRs, as provided in Article VII | 15 %; |
| 12. | Maximum lot coverage,
(includes allocation for non-residential set-aside),
may be increased up to 50 % through receipt of
TDRs, as provided in Article VII | 30 %; |
| 13. | Maximum building height for single family detached
and two-family dwellings | 35 feet |
| 14. | Maximum building height for all other uses
more than 2 stories; may be increased up to 40 feet or 3 ½
stories through receipt of TDRs, as provided in Article VII | 25 feet but not |
| 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 may be increased up to 40 % through receipt of TDRs, as provided in Article VII 20 %;
- 12. Maximum lot coverage, (includes allocation for non-residential set-aside), may be increased up to 60 % through receipt of TDRs, as provided in Article VII 35 %;
- 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.

ARTICLE IV
AP – AGRICULTURAL PRESERVATION DISTRICT

401 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 AP – Agricultural Preservation District is established to promote the preservation of agricultural land as a precious, irreplaceable natural resource and to promote continued agricultural activity. The AP District is further intended to promote the preservation of the rural-agricultural landscape, characterized by both cultivated and natural open lands, which is the physical quality most apparent to residents and visitors to the Township and the most prominent aesthetic resource of the community. The regulations set forth herein are intended to achieve the following specific purposes:

- A. To permit such development that will support the value of farmland while discouraging the conversion of productive agricultural lands to non-agricultural use;
- B. To encourage the preservation of large contiguous areas of farmland and inhibit development that is detrimental to or conflicts with agricultural activities;
- C. To protect the public investment in the Township’s existing preserved farms;
- D. To support the local agricultural economy including provision for accessory uses in association with active farms which contribute to overall economic viability;
- E. To preserve open space areas which are not necessarily used for agricultural purposes, but have scenic qualities which support the rural-agricultural character of Hereford Township or have historic features that represent the heritage of the Township;
- F. To preserve the quality and quantity of the Township’s water resources, including both surface waters and groundwater;
- G. To enable potential non-farm residential development to be transferred to other, more appropriate locations within the Township through provision for severance and conveyance of transferable development rights.

402 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 of the following principal uses, together with permitted

accessory uses, by right in accordance with the terms of the Ordinance:

1. Agricultural uses, including horticulture, crop farming, animal husbandry, grazing and pasturing, orchards, vineyards, tree farms, commercial greenhouses, and commercial nurseries, subject to the provisions of Section 1905.
2. Forestry, where conducted in compliance with all applicable provisions of Article XVIII of this Ordinance.
3. Conservation uses including woodlands preserve, game preserve, arboretum or other similar use.
4. No-Impact Home-Based Business
5. The severance or transfer of Transferable Development Rights (TDRs) under the applicable provisions set forth herein. Net Acreage previously restricted as a result of severance of TDRs shall not be used to calculate additional available TDRs
6. Winery including facilities for the processing of grapes and the production of wine.
7. One principal single family detached dwelling provided that the dwelling and its accessory buildings shall not be located within 200 feet of any structure used for housing farm animals. Where TDRs are severed, one of the originally available TDRs shall be retained for the principal single family detached dwelling.
8. Municipal use, including municipal communications facilities.

B. Uses permitted by special exception.

Within the AP-Agricultural Preservation 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. Second principal dwelling on an active agricultural property with a Net Lot Area of 10 acres or greater, subject to the standards of Section 403.C.3 below. Where TDRs have been severed, no second principal dwelling shall be permitted unless at least one of the originally available TDRs has been retained in addition to that retained for the first principal residence.
2. Accessory dwelling unit subject to the standards of Section 1902.B.4.

3. Temporary housing for farm laborers incident and necessary to the gathering of crops grown or other agricultural uses conducted on the premises, subject to the standards of Section 1905.D.
4. 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.

C. Uses permitted as conditional use.

Within the AP-Agricultural Preservation 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. Conversion of agricultural structure(s) subject to the standards of Section 1912.
2. Membership club or lodge for hunting, fishing, gunning, or other similar recreational purpose.
3. Non-commercial recreational uses.
4. Commercial stable or riding academy.
5. Heliport or private landing strip.
6. Animal shelter, animal hospital, veterinary office, or kennel, subject to the standards of Section 1906. Such uses shall not be permitted on tracts from which TDRs have been severed unless sufficient Net Acreage remains unrestricted to comply with the minimum lot area requirement for the subject use. Boarding kennels, and veterinary offices that also offer boarding service with outdoor kennels or runs, shall not be permitted in the AP District.
7. Bed and breakfast or country inn, subject to the standards of Section 1908.
8. Cemetery or mausoleum, subject to the standards of Section 1909. Cemetery or mausoleum use shall not be permitted on tracts from which TDRs have been severed unless a minimum of five (5) Net Acres remains unrestricted for each such use.
9. Church or other place of worship, subject to the standards of Section 1910. Church or other place of worship use shall not be permitted on tracts from

which TDRs have been severed unless a minimum of five (5) Net Acres remains unrestricted for each such use.

10. Communications antennas, communications towers and communications equipment buildings, subject to the standards of Section 1911.
11. Public or private academic schools approved by the Pennsylvania Department of Education, but not including correctional institutions, subject to the standards of Section 1914. Public or private academic school use shall not be permitted on tracts from which TDRs have been severed unless a minimum of five (5) Net Acres remains unrestricted for each such use.
12. 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 by right, special exception or conditional use. Any other use not elsewhere provided shall not be permitted on tracts from which TDRs have been severed unless a minimum of five (5) Net Acres remains unrestricted for each such use.

D. Accessory Uses.

The following accessory uses shall be permitted, where in compliance with all applicable provisions of Article XIX and provided that they shall be incidental to any of the foregoing uses permitted by right, special exception or conditional use:

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, and other structures essential to the farm operation; farm stands; accessory dwellings and secondary principal dwelling may be permitted by Special Exception as provided herein.
3. Signs, pursuant to Section 1713.
4. Home occupation, pursuant to Section 1917.
5. Non-commercial swimming pool.
6. Other customary accessory structures and uses.

403 Area, Bulk and Development Regulations.**A. Pre-Existing Parcels with a Net Lot Area less than Three (3) Acres:**

1. Use shall be limited to only one single-family detached dwelling and customary accessory residential uses.
2. Maximum Lot Coverage: 15%, except as provided below.
3. Maximum Lot Coverage may be increased to no more than 30%, where approved as a special exception subject to the following:
 - a. The sewage system shall be certified as adequate.
 - b. The Township Engineer shall certify that adequate stormwater recharge or storage facilities adequate to handle roof drainage and resolve any existing problems exist or shall be installed.
 - c. No such increase in coverage shall be permitted where any building requiring such increase shall require the installation of a sand mound or other non-conventional sewage system on a substandard lot of less than 1 acre.
4. Minimum Front Yard Setback: Fifty (50) feet
5. Minimum Rear Yard Setback: Fifty (50) feet
6. Minimum Side Yard Setbacks: Twenty (20) feet for one yard; fifty (50) feet aggregate.
7. Maximum Building Height: Thirty-five (35) feet, except as otherwise permitted by Section 1703.B.

B. Conventional Residential Development Option for Pre-Existing Parcels with a Net Lot Area less than Ten (10) Acres.

1. The use of this option shall be limited to tracts existing at the time of adoption of this Section with a Net Lot Area less than ten (10) acres.
2. The use of this option shall be limited to single-family detached residential use and customary residential accessory uses.
3. Application of Area & Bulk Regulations.
 - a. The conventional area and bulk regulations set forth in Subsection 403.B.4 below shall apply to the following situations:
 - 1) Any conventional subdivision NOT utilizing lot-averaging

- 2) Any residential lot existing at the time of adoption of this Section with a Net Lot Area greater than three (3) acres and not otherwise subject to subdivision or land development.
 - b. The lot-averaging area and bulk regulations set forth in Subsection 403.B.5 below shall apply to any conventional subdivision utilizing lot-averaging, where permitted subject to conditional use approval.
- 4. Conventional Area & Bulk Regulations
 - a. Minimum Net Lot Area: Three (3) acres.
 - b. Minimum Lot Width at building line: 200 feet.
 - c. Minimum Lot Width at street line: 200 feet, except that in the case of lots entirely fronting on a cul-de-sac turnaround, the lot width at street line may be reduced to no less than one-quarter (1/4) of the perimeter of the cul-de-sac turnaround.
 - d. Minimum Front Yard Setback: 50 feet.
 - e. Minimum Rear Yard Setback: 100 feet.
 - f. Minimum Side Yard Setback: thirty (30) feet.
 - g. Maximum Lot Coverage: 15%.
 - h. Maximum Building Height: 35 feet, except as otherwise permitted by Section 1703.B.
- 5. Lot-Averaging
 - a. Eligibility
 - 1) In consideration of conditional use approval for use of lot-averaging, each proposed subdivision shall be evaluated individually as to its impacts upon natural, scenic and cultural resources. It shall be the burden of the applicant to demonstrate to the satisfaction of the Board of Supervisors that the proposed design using lot-averaging promotes the conservation of local resources to a greater degree than would conventional subdivision design.
 - 2) Except where public or community sewage disposal acceptable to the Township is provided, all lots shall be capable of supporting individual on-lot sewage systems. Where on-lot sewage systems are proposed, each lot of the proposed subdivision shall have passed a percolation test prior to receiving subdivision approval.

- b. Minimum Average Net Lot Area Over Entire Subdivision: Three (3) acres
- c. Area & Bulk Regulations, applicable to lots resulting from a subdivision utilizing lot-averaging:
 - 1) Lots with a Net Lot Area in excess of three (3) acres shall comply with the conventional area and bulk regulations set forth in Subsection 403.B.4 above. No lot that is of sufficient size to otherwise be capable of further subdivision under the district regulations shall be included in determining the average lot area unless the possibility of such further subdivision is eliminated by a deed restriction or agreement in a form acceptable to the Township and duly recorded in the Office of the Recorder of Deeds of Berks County.
 - 2) Lots with a Net Lot Area less than three (3) acres shall comply with the following:
 - a) Minimum Net Lot Area per individual lot: One (1) Acre.
 - b) Minimum Lot Width at building line: 150 feet.
 - c) Minimum Lot Width at street line: 150 feet, except that in the case of lots entirely fronting on a cul-de-sac turnaround, the lot width at street line may be reduced to no less than one-quarter (1/4) of the perimeter of the cul-de-sac turnaround.
 - d) Minimum Yard Setbacks: All yards on lots abutting the perimeter of the tract shall comply with the conventional setbacks set forth in Subsection 403.B.4 above. All other yards shall comply with the following:
 - i. Minimum Front Yard Setback: 50 feet.
 - ii. Minimum Rear Yard Setback: 50 feet.
 - iii. Minimum Side Yard Setback: twenty (20) feet one yard, fifty (50) feet aggregate.
 - e) Maximum Lot Coverage: Twenty-five (25) percent,
 - f) Maximum Building Height: 35 feet, except as otherwise permitted by Section 1703.B.

C. Options for Parcels with a Net Lot Area of Ten Acres or Greater

1. Transferable Development Rights (TDRs).

The owner of any property with a Net Lot Area of 10 acres or greater, or having a Net TDR Area of 10 acres or greater as defined in Section 703.B.1, may sever TDRs and may transfer such rights to another party as set forth in Article VII, provided that at least one available TDR is retained for each existing or future principal dwelling located on the property. Where no principal dwelling presently exists on a property from which TDRs are severed, at least one TDR shall be retained for the potential future erection of such a dwelling unless the subject property is merged in title with another property upon which a principal dwelling may be erected. Net Acreage restricted as a result of severance of TDRs may not subsequently be used to calculate TDRs nor to meet the minimum lot area for certain uses as specified herein.

2. Limited Agricultural Subdivision. Except for development under the Conservation Design Option as provided in Article VI, subdivision of any property with a Net Lot Area of 10 acres or greater, for purposes of development of principal single-family detached dwellings, shall comply with the following standards:

a. On any tract undergoing subdivision or land development for residential purposes, the total maximum number of principal residential units, including new and existing units, shall be equal to:

- 1) Two (2) units for the first six (6) Net Acres, plus
- 2) Net Tract Area in acres, less 6, X 0.1

Computations resulting in fractional numbers of units shall be rounded to the nearest whole number; fractions of one half (0.5) shall be rounded up. Net Acreage restricted as a result of severance of TDRs may apply to this computation only to the extent that a number of the originally available TDRs have been retained at least equal to the number of permitted principal residential units resulting from this calculation.

b. Each lot subdivided under the provisions of this section for a single-family detached dwelling shall be as follows:

- 1) Minimum Lot Area: 1 Net Acre.
- 2) Minimum Lot Width at building line: 150 feet.
- 3) Minimum Lot Width at street line: 150 feet, except that in the case of lots entirely fronting on a cul-de-sac turnaround,

the lot width at street line may be reduced to no less than one-quarter (1/4) of the perimeter of the cul-de-sac turnaround.

- 4) Minimum Front Yard Setback: fifty (50) feet.
 - 5) Minimum Rear Yard Setback: fifty (50) feet.
 - 6) Minimum Side Yard Setback: twenty (20) feet one yard, fifty (50) feet aggregate.
 - 7) Maximum Lot Coverage: Twenty-five (25) percent .
 - 8) Maximum Building Height: Thirty-five (35) feet, except as otherwise permitted by Section 1703.B.
- c. No single residential lot created according to the standards of this Section shall occupy more than 1.5 acres of prime farmland or farmland of statewide importance, as defined in the Soil Survey of Berks County, US Department of Agriculture, Natural Resources Conservation Service, except under the following circumstances:
- 1) To the minimum extent necessary to provide for suitable individual sewage disposal service on the same lot;
 - 2) Where otherwise approved by the Board of Supervisors as a conditional use;
 - 3) Where a housesite has been allocated to a remaining lands parcel as provided in Section 403.C.2.d, below, the 1.5 acre limitation shall not apply.
 - 4) There shall be no limitation on the area of a single residential lot occupied by soils not classified as prime farmland or farmland of statewide importance.
- d. Remaining lands.
- 1) Subdivision of residential lots according to the standards of this Section shall be configured so as to create the least practicable disruption to agricultural operations. Not more than one (1) remaining agricultural parcel shall have a Net Lot Area less than ten (10) acres and in no case shall have a Net Lot Area less than five (5) acres.
 - 2) Each remaining agricultural parcel shall be allocated one residential development right from among the total permitted number of principal residential units calculated in accordance with Section 403.C.2.a above, unless such parcel is joined in deed with another parcel with an existing principal dwelling or retaining the right to build such.

- 3) Any remaining parcel with a Net Lot Area of 10 acres or greater shall be eligible to sever TDRs as provided in Section 403.C.1 and Article VII. Parcels in the RC District created under this Section (by reference) must have a Net Lot Area of not less than 15 acres to be eligible for severance of TDRs.
 - 4) Remaining agricultural parcels with a Net Lot Area of 10 acres or greater may be eligible for a second principal dwelling as provided in Section 402.B.1.
 - 5) Remaining lands, including any subdivided agricultural parcels, shall collectively have frontage on a public street equal to or greater than forty (40) percent of the frontage of the tract prior to subdivision.
 - 6) When the maximum number of residential lots has been created from the parent tract as it existed at the time of adoption of this Section, as determined by Section 403.C.2.a above, the remaining lands, regardless of use, shall be restricted from further subdivision or development for other than agricultural or open space purposes, except as specifically provided herein, by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Berks County. Such restrictions shall not preclude such remaining lands from being leased for agricultural uses as defined by this Ordinance.
3. In addition to the principal single family detached dwelling permitted by right (referred to hereafter as the “primary dwelling”), active agricultural properties with a Net Lot Area of ten (10) acres or greater may accommodate a second principal single family detached dwelling for a total of two (2) such dwellings upon a single tract. Approval for the second principal dwelling shall be granted upon satisfaction of the following conditions.
- a. Each dwelling shall have its own independent on-site water supply and sewage disposal system. Such systems may be shared only if they are DEP-approved community systems.
 - b. The second dwelling shall not be closer than sixty (60) feet to the primary dwelling at any point. The second dwelling shall not be closer than two hundred (200) feet to any other agricultural structure at any point.

- c. The second dwelling shall comply with all applicable area and bulk requirements of this Article, including street setback and building height.
 - d. The location of the second dwelling shall be arranged so that future subdivision of the property to create a separate lot for the second dwelling could result in a lot which satisfies all applicable requirements of this Ordinance.
- D. Conservation Design Option. Subdivision and development in accordance with the Conservation Design Option shall be permitted subject to the provisions of Article VI. Net Acreage restricted as a result of TDR severance shall not be available toward any calculation of permitted residential density nor toward compliance with minimum open space requirements in any development under the Conservation Design Option.
- E. Non-Residential & Non-Agricultural Uses. The following standards shall apply to tracts or lots used for any principal use permitted by right, special exception or conditional use, not subject to any of the residential development options or provisions for prime agricultural properties set forth herein, and except where otherwise provided in this Ordinance:
- 1. Minimum Net Lot Area: Five (5) acres, except where otherwise set forth in Article XIX, Supplemental Regulations.
 - 2. Minimum Lot Width: 200 feet
 - 3. Minimum Street Frontage: 200 feet, except that in the case of lots entirely fronting on a cul-de-sac turnaround, the lot width at street line may be reduced to no less than one-quarter (1/4) of the perimeter of the cul-de-sac turnaround.
 - 4. Minimum Front Yard Setback: 50 feet
 - 5. Minimum Rear Yard Setback: 50 feet.
 - 6. Minimum Side Yard Setback: 50 feet.
 - 7. Maximum Lot Coverage: 15%.
 - 8. Maximum building height: 35 feet, except as otherwise permitted by Section 1703.B.

404 Design Standards.

All applicable standards provided in Article XVII of this Ordinance shall apply to any use within the AP - Agricultural Preservation District.

405 Agricultural Nuisance Disclaimer.

Lands within the AP - Agricultural Preservation District are intended principally for use in commercial agricultural production, including the keeping or raising of livestock or poultry. Owners, residents, and other users of a lot may be subjected to inconvenience, discomfort, and the possibility of injury to a lot and health arising from normal and accepted agricultural practices and operations, including but not limited to: noise, odor, dust, the operation of machinery of any kind, the storage and disposal of manure, the application of fertilizers, herbicides, and pesticides. Owners, residents, and users of a lot should be prepared to accept these conditions and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, “The Right to Farm Law”, may bar them from obtaining a legal judgment against such normal agricultural operations.

