

MODEL ORDINANCE

Mixed Use Zoning + Development

Updated December 2015



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INTRODUCTION

The corner store or bar with apartments above standing at the end of a largely residential block. A factory, a church and homes found on the same block. This type of development that features different land uses side by side as well as buildings that serve multiple uses was at one time typical in our communities and towns. Development trends changed. They responded to the increased expectations of potential homebuyers. Uses became largely separated. Separation protects certain land uses like homes from the bothersome impacts of other uses like factory smoke and store traffic. The change occurred as large scale developers were able to control the future use of entire areas, instead of the days when each lot owner would make use of his lot in the way most suitable for his needs. Where builders and property covenants did not secure land use segregation, zoning became the tool with which segregation could be enforced.

While the separation of land uses was successful at providing pleasant residential areas and minimizing nuisances, some criticized the effects of the land use pattern. The Delaware Valley Regional Planning Commission report *Innovations in Zoning for Smart Growth* offered the following criticisms of the highly separated land use pattern. It produces sprawl, “requires large areas of land”, “necessitates a heavy reliance on automobile travel with long commutes”, provides little flexibility in designing different living environments, and “has also proven ineffective at responding to changes in consumer preference.” Smart growth has been promoted by groups like the American Planning Association and the Congress for the New Urbanism as an alternative development model. Mixed uses are a central component of smart growth. Smart growth posits that mixed use benefits can be achieved while simultaneously avoiding the once feared conflicts.

DESCRIPTION

Mixed land use refers to situations where two or more basic land use types are located near each other so that they interact. The basic land use types referred to in this guide are residential, offices, commercial/retail, public/quasi-public and business uses. This listing is not intended to exclude other land use types.

APPROACHES

Mixed land uses can take place in three different contexts, all of which will be covered in this guide. They are:

- **Mixed use buildings.** A single structure contains two or more basic land uses. Mixed use buildings can also be found in mixed use communities and planned mixed use developments.
- **Mixed use communities.** An area or zone that includes two or more basic land uses. Lots are individually developed. Individual lots do not necessarily involve two or more basic land uses.
- **Planned mixed use developments.** A master planned development where specific parcels are designated for a variety of basic land uses. Individual lots do not necessarily involve two or more basic land uses.



Mixed use buildings. Recently constructed mixed use building in Bethlehem features retail and other businesses on the ground floor and residential uses above.



Mixed use communities. The residents in this neighborhood have a convenient place to meet their food and pharmacy needs. The two businesses, both in buildings featuring apartments above, anchor this neighborhood business center in Allentown.



Planned mixed use developments. The Village of Caramoor is a mixed use development in Lower Macungie Township. Uses include single family detached dwellings, condominiums, an assisted living facility, retail and offices.

PURPOSES AND BENEFITS

Including mixed use provisions in a zoning ordinance can serve a variety of purposes and objectives. Municipalities having the following purposes and seeking the following benefits might consider allowing mixed uses to accomplish those purposes and achieve those benefits.

Purposes

Reflect existing community character. As we previously mentioned, many communities in the Lehigh Valley developed with either buildings that were designed to accommodate two or more basic land uses or that featured neighborhoods or areas where two or more basic land uses stood side by side. First, municipalities can use zoning provisions for mixed uses to allow the existing mixed use areas to thrive. As the mixed use areas evolve responsive to market conditions and opportunities, new uses would replace existing uses on specific properties. Mixed use zoning would allow the character of the area to remain and avoid requiring property owners to seek variances. Second, municipalities can use mixed use zoning to enable either the expansion of the existing mixed use areas or the development of new areas in harmony with the character of the existing mixed use areas.

Establish community character. Municipalities can enable the construction of mixed use development on greenfield sites to take advantage of mixed use development benefits. Mixed uses can be used as one element of a Smart Growth or a Traditional Neighborhood Development.

Benefits

Mixed use development is held as contributing to a wide array of community municipal benefits. The benefits can be divided into four categories: social, economic, transportation and transportation related. Of these, the social and economic benefits provide the most compelling arguments favoring mixed use development, as they are the most likely to be realized.

Social. Mixed uses are an element of highly desirable areas. Such areas attract businesses and visitors, as well as residents, based on the variety of ongoing activities. The mixture of uses builds interest. The area can be one where people choose to meet, interact and socialize. In sum, mixed uses help create active, vibrant and attractive areas. Safety and security are enhanced by the greater presence of people. Vibrant mixed use communities appeal to young, skilled workers who favor a sophisticated lifestyle. Mixed uses can help attract these workers to the community.

Economic. Mixed use areas can result in greater amounts of business. The nearby residents add to the customer base of shoppers and visitors. The greater amounts of business in turn lead to higher commercial property values and higher tax revenues for those municipalities that collect a mercantile tax.

Transportation. Smart growth advocates hold that mixed use development can lead to changes in transportation modal choice. *Getting to Smart Growth: 100 Policies for Implementation* written by the International City/County Management Association (ICCMA) explains. Residents of the mixed use development would be able to use transit and increase walking and bicycle use, substituting those modes for automobile use. The short distances between dwellings, businesses and shops will allow for the modal shift to take place. The short distances also would lead to reduced travel times. Assessing the likelihood of these changes resulting from mixed use development in the Lehigh Valley, one is left doubting that regionally significant changes would occur. While some trips will be internal within the mixed use development, external trips will continue to overwhelmingly use automobiles.



The bicycle rack provides evidence that local residents use bicycles to access a branch library in Allentown. The library is located in a largely residential area.

Transportation Related. A number of secondary benefits are directly attributable to the expected substitution of transit/walking/bicycling trips for automobile trips. According to the ICCMA, these secondary benefits include improved air quality (due to reduced auto trips), reduced amount of impervious cover (through a reduction in paved areas tied to reduced parking demand), improved water quality (reduced pollution connected with the reduced amount of impervious cover) and improved public health (due to exercise gained with increased walking and bicycling).

MIXED USES IN THE LEHIGH VALLEY

Historical development (development taking place through the late 1940s) liberally featured mixed uses. Mixed land uses could be found anywhere and everywhere development concentrations occurred. Mixed uses were found both on the main thoroughfares and side streets in the cities and boroughs. Mixed uses were found in rural villages. Only the distances between uses in rural areas prevented the appearance of mixed uses in the countryside. Apartments above small stores were typical. Homes, stores, businesses and community uses were intermingled. This development pattern can still be seen today.



A single family detached dwelling and a bank are located on adjoining lots in this traditional mixed use area in Bethlehem.

Zoning has been blamed as the reason for the post World War II separation of uses both in the Lehigh Valley and throughout the nation and its resulting negative impacts. Analysis, at least from the Lehigh Valley, does not support this popular thinking. Conventional Lehigh Valley municipal zoning provides for more mixed uses than commonly perceived, given that the nature of Euclidean zoning is historically predicated upon encouraging a clearly articulated separation of uses. In addition, several Lehigh Valley municipalities have recently adopted mixed use provisions as part of Smart Growth initiatives.

An examination of twelve zoning ordinances was used to gauge the extent to which the ordinances provide for mixed uses. The selected municipalities were deliberately varied from geographic

location within the Lehigh Valley and type of community. The sample included four boroughs, two rural townships, two townships that have both rural and suburban areas and three suburban townships. The ordinances have 123 zoning districts of which 55 are described as residential and 68 have other purposes.

Creating mixed use communities requires zoning districts to allow two or more basic land uses. The data shows that the zoning districts largely allow such mixed land uses.

- Residential uses are allowed in about three quarters of the zoning districts (94 of the 123). These include all 55 residential districts and 39 districts with other fundamental purposes. If uses were truly segregated, the districts with other fundamental uses would not allow residential uses.
- Public and quasi-public uses such as churches, municipal buildings and facilities and civic organization facilities are allowed in nearly all of the districts that allow residential uses (90 of the 94). Thus, zoning allows for the integration of public and quasi-public uses into residential areas.
- Schools are allowed in most of the districts that allow residential uses (76 of the 94). Clearly, zoning is not the reason that schools are not being built in neighborhoods.
- Commercial uses are also allowed in districts that allow residential uses. About one third of the districts that allow residential uses also allow commercial uses. Of the districts that allow residential uses, 30 allow retail uses, 31 allow offices and 25 allow personal service uses.
- A few districts allow the siting of both residential and industrial (manufacturing) uses. Sixteen districts allow for this mixture of uses.
- Opportunities abound for the mixture of non-residential uses. Of the 38 zoning districts that allow industrial uses, most also allow retail (34 of the 38), office (26 of the 38) and personal service uses (24 of the 38). Workers in these districts can also have convenient locations for meeting their commercial needs. This finding is reinforced by the number of zoning districts that specifically provide for the types of complementary uses envisioned by smart growth. These districts allow restaurants and banks in zoning districts that can serve employees from offices and industrial operations.

At least five Lehigh Valley municipalities have recently adopted Smart Growth-based zoning provisions. Allentown, Catasauqua, Bethlehem Township and Lower Nazareth Township utilize overlay districts as the means of enabling Smart Growth Development. East Allen Township has made Planned Mixed Commercial/Residential Development a conditional use within the PC-2 zoning district. Lynn Township passed an amendment allowing for a Mixed Use Residential Neighborhood. Mixed uses are a component of these provisions. All of the ordinances *allow* mixed use development. Several *require* mixed uses.

These provisions serve multiple purposes. They include the following:

- Create a village center environment.
- Replicate a traditional neighborhood.
- Create a Main Street environment.
- Create distinctive, attractive development with a strong sense of place.
- Reduce the number and length of auto trips.
- Promote transit use.
- Create a pedestrian oriented area.

The stated purposes fall into two general categories. The first deals with the character or atmosphere of the area. The second deals with anticipated transportation benefits.

Development Community Response

Mixed use development is happening in the Lehigh Valley. An examination of LVPC subdivision and land development files and other files for the years 2000 through 2007 finds 26 projects that involve both residential and non-residential uses. These projects are extremely varied in size, location and uses. The largest proposal involves 800 residential units, 600,000 square feet of office space and 800,000 square feet of retail space spread over 300 acres. The other end of the spectrum finds the conversion of an existing building into an office and apartments. These projects are most commonly found in the three cities and in the townships, but can also be located in the boroughs. In uses involved, nearly half involve a mixture of residential and retail uses. Others involve mixtures of residential and office uses, residential and commercial uses and residential, office plus retail uses.

Many of the projects involve a mix of uses within the building. The majority of the projects involve single purpose buildings. The arrangement of uses in the development can be best described as Segregated Mixed Use Development. The pictured overview (Olde Towne, Upper Macungie Township) shows a mixed use development that contains single family detached dwellings, apartments and a shopping area. Although all three land uses were concurrently developed on the same original parcel of ground according to an overall site development plan, they function as three adjoining single use developments. All of the apartments are in one area. The shopping center is



Olde Towne is a mixed use development in Upper Macungie Township that includes single family detached dwellings, apartments and retail development. Each use is compartmentalized on a different part of the site.

oriented toward its parking lot and not to the nearby residences. The single family detached dwellings are similarly in a self-contained section of the development. The design does not attempt to integrate the three land uses. Trips from one land use to another will typically involve automobiles, so that the poor connectivity of this design nullifies most of the intended benefits of a true mixed-use development.

RECOMMENDATIONS

Lehigh Valley municipalities should retain zoning provisions that accommodate mixed uses where such provisions are already in place. Municipalities should also consider additional opportunities for mixed use development in appropriate circumstances. Mixed uses are appropriate in areas where:

- Compatible mixed uses already exist, particularly in town centers, neighborhood centers and villages. In these areas, mixed use zoning would support redevelopment, changes in uses and infill development.
- The expansion of existing mixed use areas is possible. Mixed use zoning would support development that is compatible in architectural character with existing development and replicate its positive features such as the activity levels and functions within the community.
- The creation of an interesting, vital community activity center is desired. Mixed use areas can be established in currently undeveloped urban and suburban settings as an alternative to conventional tract development.

Municipalities should consider zoning provisions that provide additional opportunities for buildings that involve two or more types of uses in appropriate circumstances. These include:

- Higher intensity activity centers whether in villages or towns.
- Areas where existing development patterns incorporate mixed use buildings.
- Planned town center areas.

Where planned mixed use developments are desired, municipalities should consider zoning provisions that require the integration of different land uses. This approach can be described as Prescribed Integrated Land Uses (PILU). The purpose of using PILU is that it precludes mixed use developments that function as a series of smaller, single use developments. PILU is described in more detail on page 10.

ZONING ISSUES

Districts

Mixed uses are appropriate in a wide range of zoning districts. Few districts need to allow only a single type of use. (Heavy industrial is one example of a district that should be restricted to a single type of use.) The more important issue is the nature of the mixed uses within a given district.

Uses

The uses should be tailored to support the particular benefits sought from mixed use development. These will vary within the municipality as well as between different municipalities. We offer the following general recommendations.

In rural areas, we recommend mixed uses in villages and hamlets. Recommended uses include a full range of mixed uses including but not limited to dwellings, retail stores, business and professional offices, personal service facilities, nonnuisance industries, wholesale establishments, warehouses, churches and public facilities.

In urban and suburban areas, we recommend mixed uses in high density residential districts, commercial and industrial areas. In high density residential areas, the menu of mixed uses can include but not be limited to dwellings, neighborhood retail or service uses intended primarily to serve the surrounding residential area, and public and community uses like schools, churches, community centers and municipal buildings. In commercial zones, uses can include commercial uses and high density residential uses such as apartments and condominiums. In light industrial zones and office-business zones, retail and service businesses oriented to the other uses in the zones can be sited.

Compatibility

Since the uses are purposely allowed or placed close enough to each other to interact, one needs to make sure that conflicts are not created. Conflicts arise when the nature or effects of one use reduce the suitability of a nearby property for another use. Common impacts include:

- Environmental issues like odor, smoke and noise, potentially as a by-product of a certain industry.
- Transportation issues like the amount of traffic and the presence of truck traffic, induced by a higher density of activity in a certain area.

Compatibility is often a matter of scale. A delicatessen may be an appropriate use in a mixed use area with numerous residences where a full-scale supermarket is not. Both uses deal with the sale of food products. The difference between the two is scale. The scale difference in turn influences the market area for the establishment's customers. The supermarket would draw customers from several miles away while the delicatessen would largely serve local customers. Of the two, the supermarket would generate a far greater amount of traffic due both to the larger number of customers and their greater likelihood of using the automobile.

Compatibility can also be enhanced by design that is sensitive to the potential impacts. The siting, arrangement and design of buildings can either aggravate or minimize potential impacts. Buffers are used to mitigate potential impacts. Landscaping and walls are among the buffers used.

Mixed Use Buildings

Several combinations of mixed use buildings are possible. These include:

- Retail, business or service uses on the first floor. Residences above.
- Offices on the first floor or floors. Residences above.
- Retail, business or service uses on the first floor. Offices above.

The uses are arranged so that the uses that generate the most visits by the general public are located on or close to the ground floor. Uses that desire greater privacy are higher. In this way, visitors to the building do not unnecessarily disturb building occupants other than the ones involved in the purpose of the visit.

Mixed use buildings are most appropriate in town and village centers, whether existing or part of a planned mixed use development. As described above, mixed use buildings invariably involve multiple stories. As such, they represent a means of increasing the intensity of the use.



Live-work development in Bethlehem features businesses on the ground floor and living quarters above.

Live-work buildings are a specialized kind of mixed use buildings. The concept is that the first floor would contain the store, office or business. The floors above would provide the living quarters for the proprietors and their families. The arrangement provides convenient access between work and home. Typically, live-work buildings are listed as a separate permitted use within the list of allowed uses.

Prescribed Integrated Land Uses

Some mixed use developments of the past have failed to create the type of development reminiscent of traditional mixed use development and the objectives of mixed use zoning. The compartmentalized examples in Lower and Upper Macungie (on pages 3 and 7 respectively), for example, fail to achieve any significantly new impact on the built environment. Although the master planned developments have included different development types, those like Olde Towne have not meaningfully integrated the development types. Each of the development types is located in a separate enclave within the overall site. Connections between the areas are by automobile, therefore not promoting alternative travel modes. No intermingling of activity oc-

curs, no efforts to improve street or pedestrian connectivity have taken place and no special character has emerged as a result of the design.

Whereas the previous mixed use developments complied with the mixed use zoning regulations, one concludes that either: 1) regulations failed to produce the desired result or 2) the developer decided that a fully integrated mixed use proposal was not sufficiently marketable. A different zoning approach is needed. This approach can be named Prescribed Integrated Land Uses. These provisions are more detailed and directive. They control the arrangement of land uses within a development to assure a heterogeneous mixture of land uses that better replicates the “organic” nature of traditional development results and avoids monolithic development.

In addition to a requirement that multiple development types are included within the development and minimum and maximum portions of the development that may be composed of a particular use, PILU includes requirements that specify the placement of uses relative to other uses. The West Lampeter Township (Lancaster County) Neighborhood Design Option provisions in the zoning ordinance provide an example. “Single-family detached dwellings within a neighborhood development shall be dispersed throughout the neighborhood development (a) A minimum of 20% of the single-family detached dwellings shall be located immediately adjacent to or immediately across a street which is not greater than 32 feet in width from single-family semidetached dwellings, duplexes or townhouses.” Note that the regulation both provides a descriptive standard (“shall be dispersed”) and a measurable standard (“20%”). PILU standards can specify the composition of land uses on a block by block basis. (Provisions of the minimum and maximum portions of the development that may be composed of a particular use are routinely found in regulations relating to master planned communities like planned residential developments, traditional neighborhood developments and smart growth developments.)

Regulatory Approaches

The two chief approaches are to deal with the uses within the conventional ordinance structure of uses by right, special exception uses and conditional uses or by creating an overlay district. Using the conventional approach, the uses are allowed by one of the three modes. Detailed standards can be attached particularly if the uses are special exception or conditional. The detailed standards would be included in the section of the ordinance that compiles particular standards related to special exception and conditional uses. Alternately, extensive provisions can occupy a separate article of the ordinance. The separate article would be referenced in the list of allowed uses in the district. The main advantage of using the conventional ordinance structure is that it avoids confusion by keeping the ordinance structure simpler. We recommend the use of the conventional approach for mixed use buildings and mixed use communities. The conventional approach can also be used for planned mixed use developments.

The overlay approach involves the creation of a new zoning district that allows an alternative development choice for property owners/developers in the selected areas. The overlay approach is separately mapped and may involve more than one underlying district. The advantage of the overlay approach is that it can be targeted at selected properties without disrupting the underlying zoning scheme. The overlay district provisions would comprise a separate ordinance chapter. We recommend the overlay district approach for planned mixed use developments.

MODEL REGULATIONS

These model regulations are offered as a starting point for ordinance drafting for municipalities interested in increasing provisions to either encourage or mandate mixed use developments. The regulations should be customized to fit the particular character, circumstances and goals of the municipality. Because all communities differ from one degree to another, a single set of provisions would not be appropriate. These model regulations are intended to be incorporated into conventional zoning regulations. This orientation has been chosen because all Lehigh Valley municipalities except one which has a hybrid ordinance currently use conventional zoning regulations. Form based zoning is a different approach to zoning regulation. Mixed use development can also be achieved using form based zoning. The LVPC may prepare a guide and model regulations for form based zoning at some future point.

The model regulations have five components. Each serves to incorporate mixed uses in a separate circumstance or according to a particular objective. As can be seen, opportunities for mixed uses are available in both urban and rural areas. The components are composed of the following:

- **Village district.** These provisions are intended for use in connection with villages in rural areas. The use of on-lot sanitary sewer and water systems is presumed.
- **Residential district.** These provisions are intended for use in districts whose primary purpose is residential. These districts are in areas recommended for urban uses. These provisions are most appropriate for high density residential areas. Public sewerage and community water service is presumed.
- **Mixed use district.** These provisions are intended for urban areas where a variety of uses already exists or is desired. Town centers are typical of such areas. Public sewerage and community water service is presumed.
- **Prescribed integrated land use.** These provisions are intended for use in urban areas where a sizeable property is available for development and where it is desired to create a mixed use atmosphere. Public sewerage and community water service is presumed.
- **Mixed use buildings.** These provisions are for buildings that incorporate two or more differing types of uses. Mixed use buildings may use either public sewerage and community water service or on-lot sanitary sewer and water systems.

VILLAGE DISTRICT

Purpose

The purpose of this district is to recognize the existence of the village or hamlet and to preserve its character as part of our physical heritage. The purpose of this district is also to provide siting opportunities for community facilities, shops, services, employment locations, and residential uses to serve the surrounding rural or agricultural area in a manner consistent with the existing village or hamlet development pattern. The district is intended to develop in a manner consistent with meeting the utility and circulation needs of the development.

PERMITTED USES

1. Agricultural land uses including the growing, harvesting and sale of agricultural products, but not including animal husbandry or concentrated animal feeding operations.
2. Forestry, pursuant to the requirements of section _____.
3. Single family detached dwelling.
4. Outdoor recreation areas or facilities such as parks, playgrounds, picnic grounds, golf courses and tennis courts.
5. Retail store or shop with a maximum square footage of 10,000.
6. Business or professional office, medical or dental clinic.
7. Bank or other financial institution.
8. Personal service store or shop such as barber shop, beauty salon, tailor or dressmaking shop.
9. Servicing or repair shop other than related to motor vehicles.
10. Restaurant.
11. Motor vehicle sales, with accessory service facilities.
12. Nuisance industry.¹
13. Research institute, laboratory.
14. Wholesale establishment, warehouse, distribution center and storage building with a maximum square footage of 20,000.
15. Building material sales and storage yard.
16. Community center building, public library, municipal building, fire or police station.
17. Church or other place of worship.
18. Cemetery or mausoleum.
19. Local agricultural industry, pursuant to the requirements of section _____.
20. Bed and breakfast operation.
21. Family child care home.

ACCESSORY USES

1. Private garage or private parking area, pursuant to the requirements of section _____.
2. Customary accessory structure to a permitted use or a special exception use, pursuant to the requirements of section _____.
3. Sign, pursuant to the requirements of section _____.
4. No-impact home-based business, pursuant to the requirements of section _____.
5. Home occupation, pursuant to the requirements of section _____.
6. Private non-commercial swimming pool, pursuant to the requirements of section _____.
7. Highway safety shelter.

SPECIAL EXCEPTION USES

1. Motor vehicle and motor repair shop.
2. Membership club.
3. Conversion of building to apartments.
4. Public utility building, structure or facility, whose function is to primarily serve the village or the surrounding rural or agricultural area.

¹ A "nuisance" is defined as that which is not going to create conditions to neighbors resulting in, for example, undesirable noise, odor, light or vibrations.

5. Commercial communications tower and antenna.
6. Assisted living facility, nursing home or convalescent home.
7. Child care center and group child care home.

Lot Size and Dimensional Standards

Small, narrow lots characterize villages and hamlets in contrast to lots created in recent years. The lot areas and widths found in villages and hamlets would not comply with the standards found in today's ordinances for rural areas. In order to maintain the character of villages and hamlets as compact settlements, the lot sizes and minimum widths should be reduced to the greatest degree possible, yet still providing adequate area for the sewage disposal system and the well. The *Comprehensive Plan The Lehigh Valley ... 2030* recommends that minimum lot sizes be at least one acre per equivalent dwelling unit of sewage. Adherence to this standard will necessarily result in larger lot sizes that exceed the lot sizes typically found in Lehigh Valley villages and hamlets. The specific dimensions should consider the lot sizes and widths found in the existing lots.

The reduction in the number of non-conformities among the existing lots is a secondary benefit of the smaller lot sizes and lesser minimum lot widths. By reflecting the existing dimensions, more of the lots will be conforming. Permit applications can then be more readily handled by the zoning officer instead of requiring a variance from the Zoning Hearing Board.



LVPC Photo

Pleasant Corners in Heidelberg Township as it appeared in the 1960s exemplifies the variety of land uses found in a typical village. Homes, businesses and community facilities surround the village center.

HIGH DENSITY RESIDENTIAL DISTRICT

Purpose

The purpose of this district is to provide high quality residential living environments that provide housing that meets the needs of all segments of society. The purpose is also to protect existing and future residential areas from incompatible activities and development. The purpose is further to promote the orderly development of new well-planned residential environments, compatible with existing development patterns. The purpose is also to encourage the utilization of innovative residential development techniques. The district regulations recognize the availability of public sewer and community water service and assume that new development will connect to these systems.

PERMITTED USES

1. Agricultural land uses including the growing, harvesting and sale of agricultural products.
2. Forestry, pursuant to the requirements of section ____.
3. Outdoor recreation areas such as parks, playgrounds, picnic grounds, golf courses and tennis courts.
4. Single family detached dwelling, including mobile home.
5. Single family semi-detached dwelling (aka twin or duplex).
6. Single family attached dwelling (aka townhouse).
7. Multi-family dwellings (aka apartments and condominiums).
8. Mid or high-rise multi-family dwellings.
9. Cluster housing, pursuant to the requirements of section ____.
10. Planned Residential Development, pursuant to the requirements of section ____.
11. Traditional Neighborhood Development, pursuant to the requirements of section ____.
12. Conservation Design, pursuant to the requirements of section ____.
13. A building or facility owned or operated by the municipality or an authority created by the municipality.
14. Cemetery.
15. Family child care home.

ACCESSORY USES

1. Private garage or private parking area, pursuant to the requirements of section ____.
2. Customary accessory structure or use to a permitted use or a special exception use, pursuant to the requirements of section ____.
3. Signs, pursuant to the requirements of section ____.
4. No-impact home-based business, pursuant to the requirements of section ____.
5. Home occupation, pursuant to the requirements of section ____.
6. Private non-commercial swimming pool, pursuant to the requirements of section ____.
7. Accessory relative apartment, pursuant to the requirements of section ____.

SPECIAL EXCEPTION USES

1. Church or place of worship.
2. Public or other non-profit school.
3. Group home.
4. A building or facility for an essential service.
5. Assisted living facility.
6. Nursing or convalescent home.
7. Neighborhood retail or service use, intended primarily to serve the surrounding residential area.²
8. Community center.
9. Fire station.
10. Nursery school.
11. Conversion of building to create more dwelling units.

Lot Size Standards

Use	Square Feet
Single Family Detached Dwelling	6,250 to 11,000
Group Home	6,250 to 11,000
Single Family Semi-Detached Dwelling	3,600 to 7,200 (per dwelling unit)
Townhouses, Condominiums	8 to 15 dwelling units per acre
Multi-family Dwellings	8 to 20 dwelling units per acre
Traditional Neighborhood Development Cluster Housing, Conservation Design	4 to 7 dwelling units per acre
Planned Residential Development	4 to 12 dwelling units per acre
Mid or High Rise Multi-family Dwellings	15 to 50 dwelling units per acre
Agriculture, forestry, outdoor recreation areas, conversion of a building to create more dwelling units	No minimum required
Nursery school, a building or facility for an essential service, a municipal building or facility	One acre
All other uses	One-half acre

² These commercial facilities are intended to provide convenient services to the surrounding residential areas. However, if such facilities draw substantial numbers of customers from outside areas, the traffic will negatively affect the nearby residential uses. We offer two means of dealing with this situation. First, **maximum** size limitations can be placed on the establishments. These limitations are intended to assure that the establishments are likely to be oriented toward serving local residents rather than drawing outside customers. Second, the permitted uses need to be carefully selected to assure their appropriateness in residential areas. For instance, a delicatessen may be appropriate while a convenience store with gasoline pumps would be inappropriate due to its greater traffic levels and the storage of gasoline.

MIXED USE DISTRICT

Purpose

The purpose of this district is to recognize the currently mixed land use character of these areas; to provide for a variety of land uses which allow for the economically viable use or reuse of the properties; to manage the land uses in the area so as to minimize the frictions between the land uses; and to stabilize the character of the area.

PERMITTED USES

These uses are permitted by-right in the district. Upon demonstration to the Zoning Officer that the dimensional and other applicable requirements of this Ordinance are met, the Zoning Officer shall issue a zoning permit.

1. Retail store or shop.
2. Business office or office building.
3. Professional or medical office.
4. Personal service store or shop.
5. Standard restaurant.
6. Membership club.
7. Bank or other financial institution, excluding drive-in bank and remote facility.
8. Forestry, pursuant to the requirements of section _____.
9. Single family detached dwelling.
10. Single family semi-detached dwelling (duplex).
11. Single family attached dwelling (townhouse).
12. Multi-family dwelling.
13. Funeral home.
14. Commercial school.
15. Building or facility for municipal and governmental use.
16. Public utility building, structure or facility.
17. Community center, public library or similar use.
18. Family child care home.

ACCESSORY USES

These uses occur on the same lot as the permitted uses and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard and other applicable provisions of this Ordinance.

1. Customary accessory structure or use to a permitted use or a special exception use, pursuant to the requirements of section _____.
2. Signs, pursuant to the requirements of section _____.
3. No-impact home-based business, pursuant to the requirements of section _____.
4. Private, non-commercial swimming pool, pursuant to the requirements of section _____.
5. Private garage or private parking area, pursuant to the requirements of section _____.
6. Home occupation, pursuant to the requirements of section _____.

SPECIAL EXCEPTION USES

Applications for special exception uses are subject to review by the Zoning Hearing Board according to the provisions of Section _____. These uses shall be permitted after the Zoning Hearing Board has determined that the relevant standards and criteria contained in Section _____ are met. The Zoning Hearing Board may attach any reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purpose of this Zoning Ordinance, and to protect the public health, safety, morals and the general welfare.

1. Commercial recreation area or use.
2. Apartments in combination with stores or offices.
3. Conversion of dwelling units into apartments.
4. Convalescent or nursing home.
5. Large group home.
6. Church, Sunday school, or other place of worship.
7. Boarding house.
8. General servicing or repair shop.
9. Printing or publishing establishment.
10. Assisted living facility.
11. Child care center and group child care home.

Lot Size Standards

Use	Square Feet
Single Family Detached Dwelling	6,250 to 11,000
Group Home	6,250 to 11,000
Single Family Semi-Detached Dwelling	3,600 to 7,200 (per dwelling unit)
Townhouses, Condominiums	8 to 15 dwelling units per acre
Multi-family Dwellings	8 to 20 dwelling units per acre
Traditional Neighborhood Development Cluster Housing, Conservation Design	4 to 7 dwelling units per acre
Planned Residential Development	4 to 12 dwelling units per acre
Mid or High Rise Multi-family Dwellings	15 to 50 dwelling units per acre
Forestry, conversion of dwelling units into apartments	No minimum required
Community center, public library or similar use, church, Sunday school or other place of worship, printing or publishing establishment, assisted living facility, convalescent or nursing home, commercial school, funeral home	One acre
All other uses	10,000

PRESCRIBED INTEGRATED LAND USE

Because of the high degree of individualization possible for prescribed integrated land use (PILU), a somewhat different format is employed in this segment of the model regulations. The text provides guidance to the ordinance drafter by identifying key considerations that the ordinance must deal with rather than by providing specific recommended ordinance provisions. Each ordinance will uniquely reflect the character and goals of that community. The provisions concentrate only on those aspects related to mixed use, not on the many other provisions connected with master planned developments.

APPLICATION

The PILU concept can be used for the development of medium and large sized parcels under unified ownership. (The size of the parcel decreases as the degree of urbanization of the surrounding community increases.) PILU requires the development of a master plan for the entire parcel although the development can proceed in phases. The PILU concept works well with the Traditional Neighborhood Development approach as outlined in Article VII-A of the PA Municipalities Planning Code.

MIXED USE CONSIDERATIONS

- **Allowed land uses.** A list of allowed land uses should be provided. The list should reflect the intended character of the PILU.
- **Required land uses.** A list of required land uses should be established. Required land uses are more prescriptive than allowed land uses. Allowed land uses are permissive. The purpose of having required land uses is to assure the presence of key land uses essential to the intended character of the PILU.
- **Minimum and maximum portion of land uses.** The regulations should establish the minimum and maximum portions that particular land uses can comprise of the total development. Such provisions have long been used in mixed use development regulations such as Planned Residential Developments. The purpose of the minimum and maximum bounds is to assure on one hand, that a particular land use is represented (see required land uses) and on the other hand, that certain land uses do not comprise a greater than desired portion of the PILU. (For instance, the community may not desire a PILU 75% of which is comprised of apartments.) Maximum square footage standards should be applied to non-residential buildings to assure that the scale of those buildings is appropriate to the PILU context.
- **Placement provisions.** Provisions that limit the extent of homogeneous land uses are central to PILU. One example of a provision would be a requirement that no more than two duplexes (four dwelling units) may be placed along one side of a block without the placement of another intervening dwelling unit type or a mixed use building that includes residences. Another example would require lots occupied by stores be flanked either by mixed use buildings, offices, other nonresidential uses or residences.

MIXED USE BUILDINGS

Definitions

Live-Work Unit. A building containing a business occupying the first floor where the living quarters of the business operator are located on upper story floors.

Mixed Use Building. A building containing two or more permitted or special exception uses in the district in which it is located.

Live-work units and/or mixed use buildings can be allowed either as permitted by-right uses, special exception uses or conditional uses in town and village center districts and in mixed use districts.

Provisions

- Provisions may be included reserving the first floor of the building for retail, service or consumer office (like insurance offices) uses. Such provisions are intended to foster a business orientation in the zoning district.
- Residential uses can be prescribed for upper floors. Such provisions would ensure that the mixed use buildings would contribute a resident population to the town or village center.
- Separate entrances to the residences from the businesses may be required. This separation is intended to allow greater privacy for the residents.