

# ***Cultivating Strong Communities***



**COALITION**  
FOR  
**SMART  
GROWTH**

Making Progress. Good for Everyone.

**PPA Conference**  
**October 28, 2010**



Making Progress. Good for Everyone.

# **Smart Growth Planning for Suburban Communities**

**Mark A. Hackenburg, RLA**

**RGS Associates, Inc.**

**James G. Shultz**

**Charter Homes & Neighborhoods**

**Mark Stanley, Esq.**

**Hartman Underhill & Brubaker LLP**



**Making Progress. Good for Everyone.**



**Land Planning  
Landscape Architecture  
Civil Engineering  
[www.rgsassociates.com](http://www.rgsassociates.com)**

# **Mark A. Hackenburg**



**Making Progress. Good for Everyone.**

# ***Cultivating Strong Communities***



Making Progress. Good for Everyone.

**Who We Are**

**Why We Exist**

**What We Do**



Making Progress. Good for Everyone.

# **Ten Principles of Smart Growth**

- 1. Create a range of Housing Opportunities & Choices**
- 2. Create Walkable Neighborhoods**
- 3. Encourage Community & Stakeholder Collaboration**
- 4. Foster Distinctive, Attractive Communities with a Strong Sense of Place**
- 5. Make Development Decisions Predictable, Fair and Cost Effective**
- 6. Mix Land Uses**
- 7. Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Areas**
- 8. Provide a Variety of Transportation Choices**
- 9. Strengthen & Direct Development Towards Existing Communities**
- 10. Take Advantage of Compact Building Design**



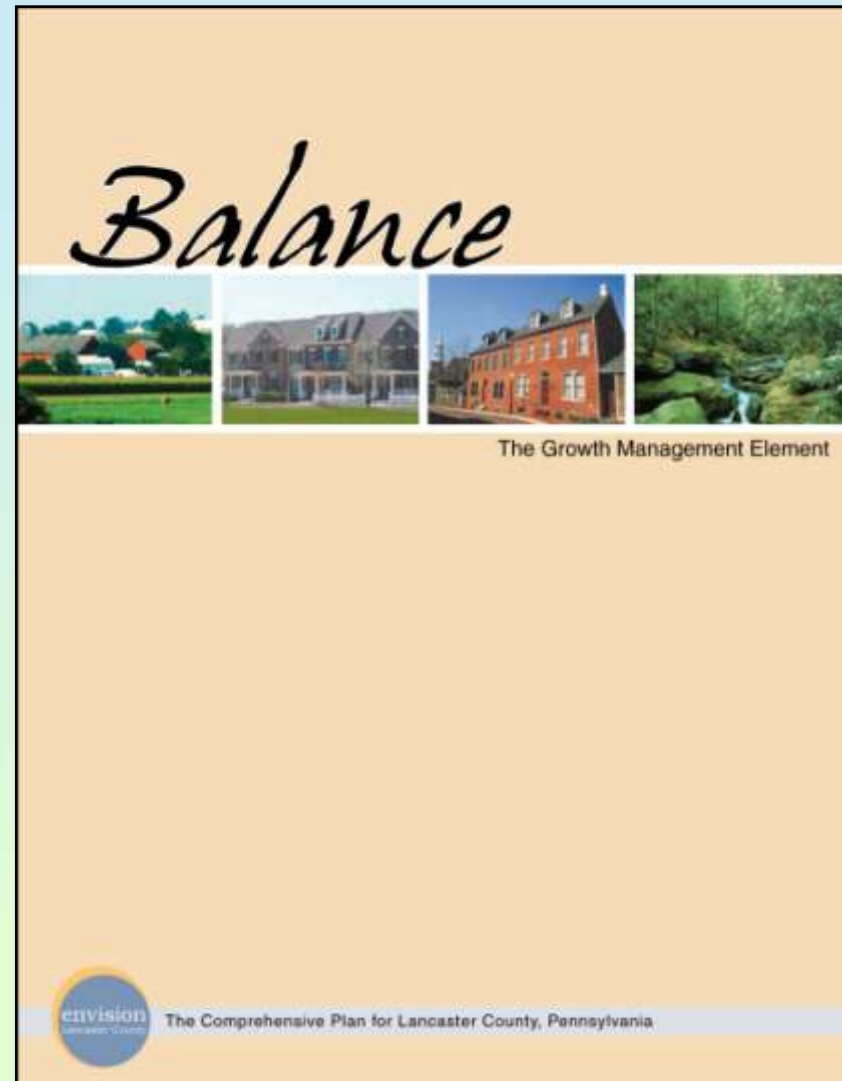
**Making Progress. Good for Everyone.**

# ***BALANCE***

**The Growth Management  
Element of**

***Envision Lancaster County***

**The Comprehensive  
Plan for Lancaster  
County, Pennsylvania**



**Making Progress. Good for Everyone.**

# **Urban Growth Area Strategy**

- **Focused growth where services exist**
- **Includes re-development initiatives**

## **Rural Strategy**

- **Reduce sprawl**
- **Maintain and enhance agriculture**
- **Protect natural, cultural, historic, architectural and scenic resources**

## **Implementation Strategy**

- **Provide tools needed to implement the Urban Growth and Rural Strategies**



**Making Progress. Good for Everyone.**



# Growth Management Framework Map

## LANCASTER COUNTY, PA

*Balance* is the Update to the Growth Management Element of the Lancaster County Comprehensive Plan. It is designed to help achieve and sustain Lancasterians' Vision of a balanced community where urban centers prosper, natural landscapes flourish, and farming is strengthened as an integral component of our diverse economy and cultural heritage.

Lancaster County stands at a critical crossroads in its history. The decisions that are made between now and 2030 regarding new development, reinvestment, and preservation of irreplaceable resources will shape the quality of life and character of the County for future generations.

*Balance*, the Growth Management Element of the Lancaster County Comprehensive Plan, establishes a framework for future land use and development in the County. Looking 25 years into the future, it identifies:

- An Urban Growth Area Strategy - areas appropriate for urban growth and reinvestment.
- A Rural Strategy - areas that should be maintained in agriculture, natural resources, and similar uses.
- An Implementation Strategy - tools to shape growth to achieve desired land use patterns.

The IMPLEMENTATION STRATEGY in *Balance* is designed to provide municipalities and the County with the tools needed to effectively implement the Urban Growth Area and Rural Strategies. The Implementation Strategy contains four main components:

1. **County Action Program** to facilitate collaboration with municipalities, communities, and nonprofit groups for implementation of *Balance*:
  - Cross-agency process with local officials for implementing land use designations.
  - Converting the Smart Growth Toolbox into a web-based resource.
  - Education, outreach, and technical assistance programs.
  - New Economic Development Element of the Lancaster County Comprehensive Plan.
  - Continuity Review of county and local plans, ordinances, and projects.
2. **Smart Growth Funding Program** for implementation, including:
  - A new Lancaster County Smart Growth Grant Program.
  - Targeting of all county funding to support *Balance* and other elements of the County's Comprehensive Plan.
3. **Smart Growth Toolbox** that describes the most innovative and effective policy, regulatory, and capital investment tools to promote the implementation of *Balance*.
4. **Monitoring Program** to ensure implementation that includes:
  - Upgrades to LCPN's Growth Tracking System to monitor progress towards achieving *Balance*'s objectives and the availability of land in Urban Growth Areas.
  - Growth Management Indicators to measure progress on key objectives and to determine future changes needed to the growth management program.

### GROWTH MANAGEMENT FRAMEWORK MAP

*Balance* combines two complementary strategies, Urban Growth Area and Rural Area, into a Growth Management Framework for Lancaster County. This framework is further complemented by an Implementation Strategy, a set of "tools" to make the vision depicted on this map a reality. This map will be the basis for the continued implementation of Urban Growth Areas and the establishment of Rural Areas as proposed in *Balance*.

*Balance*, the Growth Management Element Update, provides a comprehensive vision and tools for achieving the "balance" our community desires in terms of managing growth while preserving our natural and historic resources and unique sense of place.

The Urban Growth Area (UGA) Strategy builds on Lancaster County's present growth management program, which has resulted in adoption of 15 Urban Growth Areas, involving 43 municipalities within the County. These UGAs focus growth where services currently exist or are anticipated in the future.

#### KEY OBJECTIVES:

1. Increase the proportion, density, and intensity of development in UGAs.
2. Place a new emphasis on compatible reinvestment, infill, and redevelopment.
3. Improve the character and form of new development in UGAs.
4. Increase housing choice and affordability.
5. Increase employment opportunities.

#### LEGEND

##### Urban Strategy

- Concentrated Building Areas
- General Building Areas
- Core Reinvestment Areas
- General Reinvestment Areas
- Urban Growth Areas
- Village Growth Areas
- Draft Urban Growth Areas

The new Rural Strategy included in *Balance* is designed to maintain the resources and traditional ties to the land that define Lancaster County's rural character for future generations.

#### KEY OBJECTIVES:

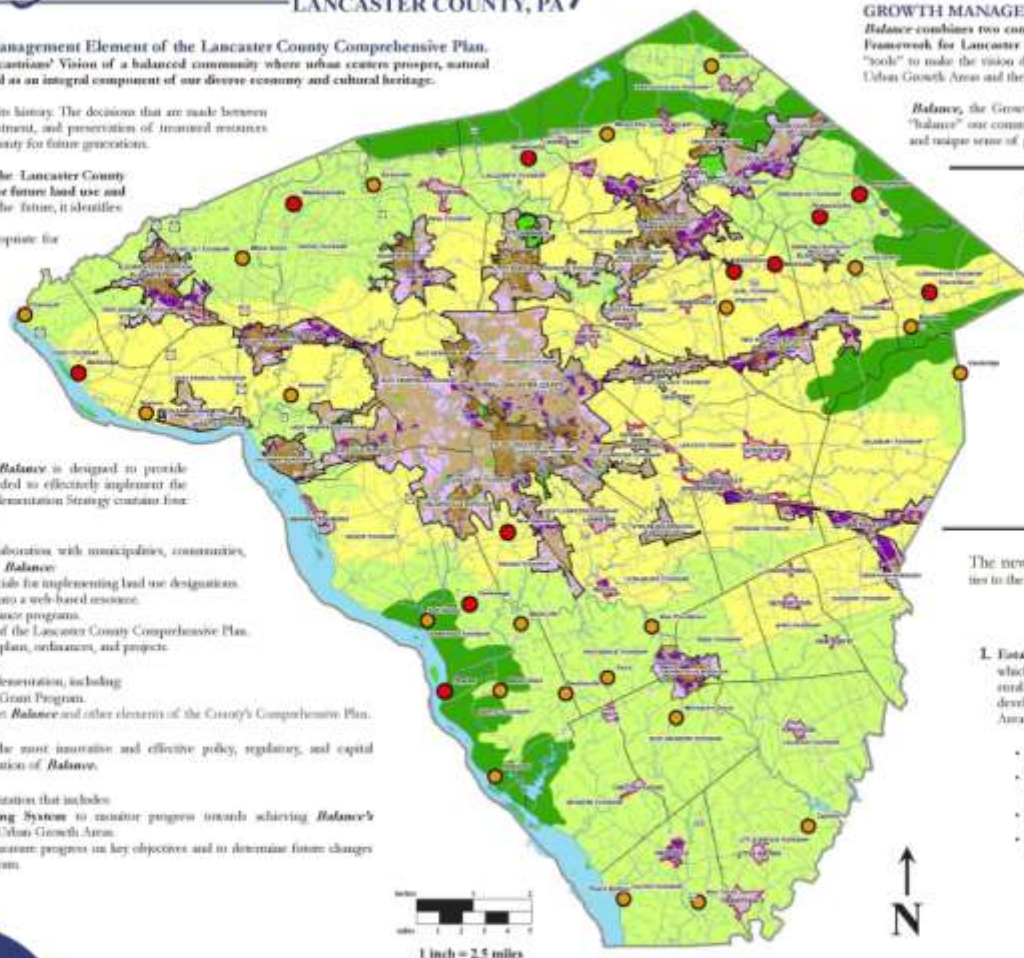
1. Establish Designated Rural Areas within which rural resources, rural character, and a rural way-of-life are sustained and incompatible development is precluded. Four types of Rural Area Designations are proposed:
  - Designated Agricultural Areas - the greatest intensity of agricultural use.
  - Designated Agricultural with Natural Areas - agriculture mixed with a significant proportion of environmentally sensitive resources.
  - Designated Natural Areas - scenic, recreational, and natural resource areas.
  - Rural Centers - rising developed areas where rural growth will be guided. Rural Centers include:
    - Village Growth Areas (existing communities of 250+ year-round dwelling units)
    - Crossroads Communities (existing communities of 50-250 dwelling units)
    - Rural Expansion Areas (developed areas with potential for limited growth)
    - Rural Neighborhoods (areas of existing residential development)

#### LEGEND

##### Rural Strategy

- Agricultural Areas
- Natural Areas
- Agricultural with Natural Areas
- Villages
- Crossroads Communities

2. Reduce nonrural development outside of Urban Growth Areas and direct it to Rural Centers to maintain the form and character of rural areas.
3. Maintain the viability of the rural economy, including agriculture and other economic activities that depend on rural resources or a rural location.



The Comprehensive Plan for Lancaster County, PA



Making Progress. Good for Everyone.



# **Targets for Growth and Residential Development Density**

- 85% of new growth to UGA's**
- Limit new growth in rural areas to 15%**
- Net average of 7.5 DU/Acres in UGA's**
- Net average of 2.5 DU/Acres in VGA's**



# ***GROWING TOGETHER***

- **A Comprehensive Plan for Central Lancaster County**
- **Lancaster Inter-Municipal Committee**  
**Regional plan for 11 municipalities of Central Lancaster that comprise the LIMC**
  - **First of its kind in PA**
  - **No other plan as big with as many municipalities in a core metropolitan area**
  - **Six years to develop and adopt by all 11 municipalities**



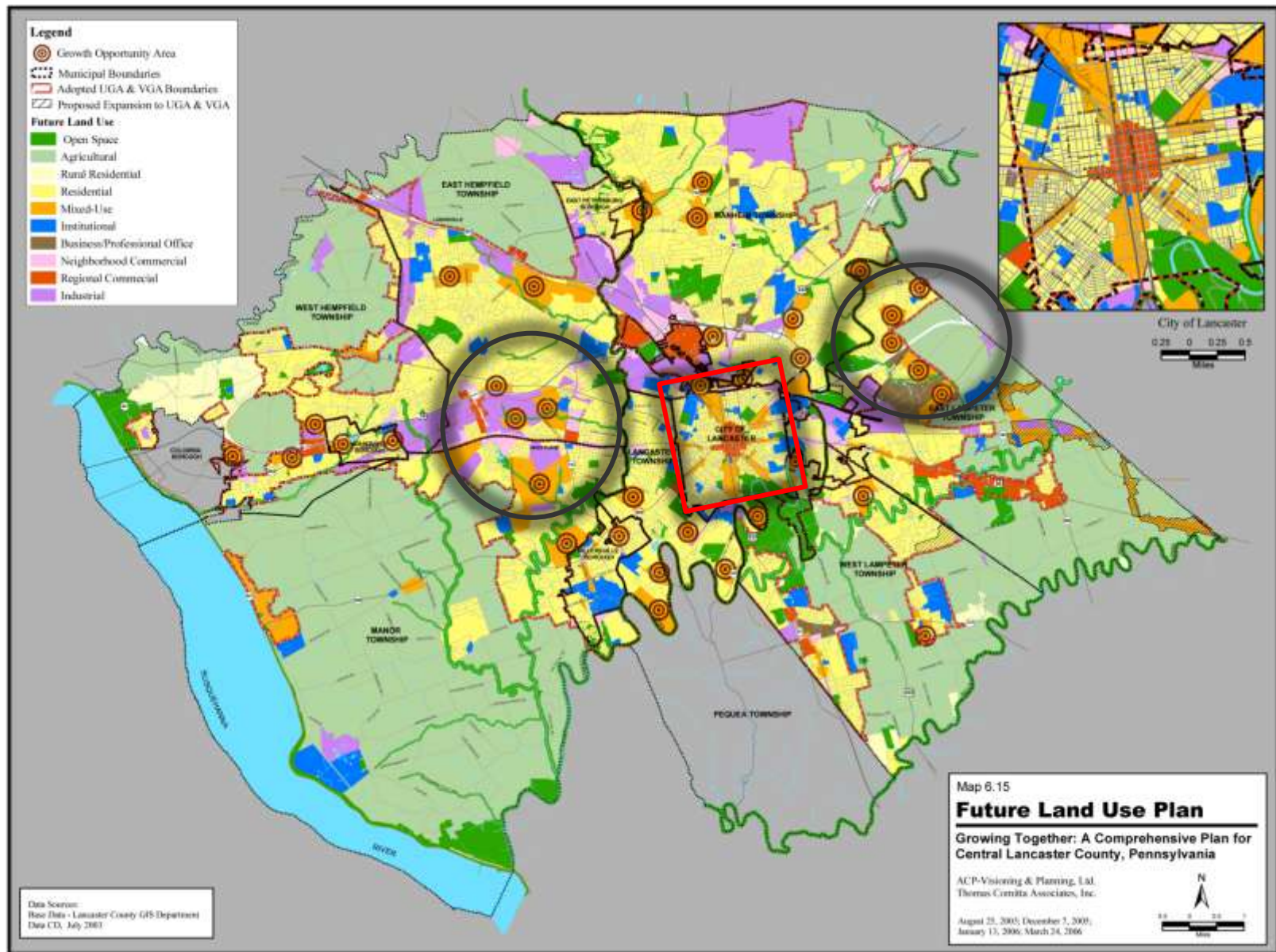
**Making Progress. Good for Everyone.**

# Key Directions

- **Expand Regional Cooperation**
- **Use land resources more efficiently**
- **Enhance support role of the LIMC**
- **Strengthen the economic role of Central Lancaster County**



**Making Progress. Good for Everyone.**



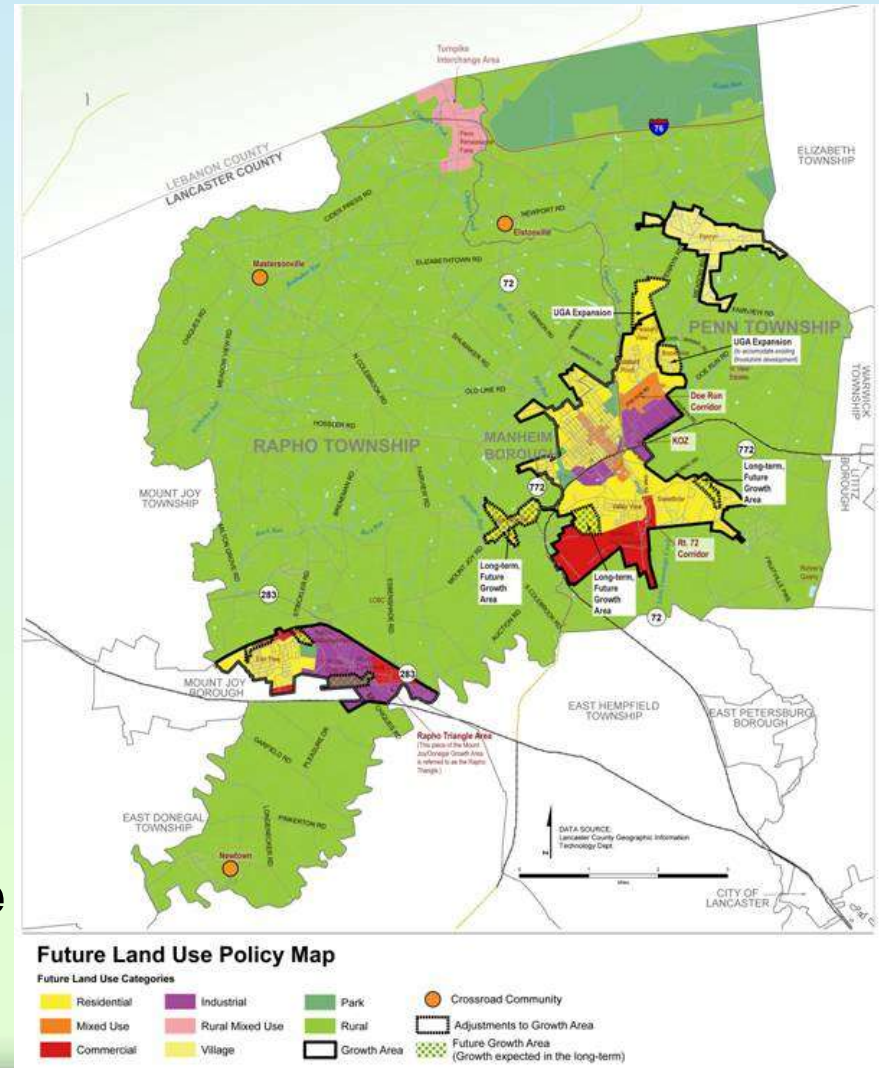
**Making Progress. Good for Everyone.**



# ***MULTI-MUNICIPAL PLANNING***

## ***Manheim Central Regional Plan***

- **MPC Enabling Legislation**
- **Focus on Shared Goals**
- **Involvement of School District**
- **Regional Coordination of Land Uses**
- **Protection of Resources**
- **Strengthen Economic Core**



**Making Progress. Good for Everyone.**

# ***MUNICIPAL ZONING***

- **Impediment to Smart Growth Success**
- **Permitted Uses – By-right, simple approval process**
- **Special Exception Uses – Requires Zoning Hearing Board Approvals, Subject to Appeal process**
- **Conditional Uses - Permitted, however subject to conditions and appeal proceedings**
- **Focus is on *process* rather than setting forth expected and desired *outcomes***





# **Integration of Smart Growth Principles within Local Zoning Codes**

- 1. Range of Housing Choices**
- 2. Walkable neighborhoods**
- 3. Community and Stakeholder Collaboration**
- 4. Distinctive, attractive communities with a sense of place**
- 5. Predictable, fair and cost effective development requirements**
- 6. Mix of land uses**
- 7. Preservation of open space, farmland & natural areas**
- 8. Variety of transportation choices**
- 9. Strengthen and direct development toward existing communities**
- 10. Compact building design**



**Making Progress. Good for Everyone.**

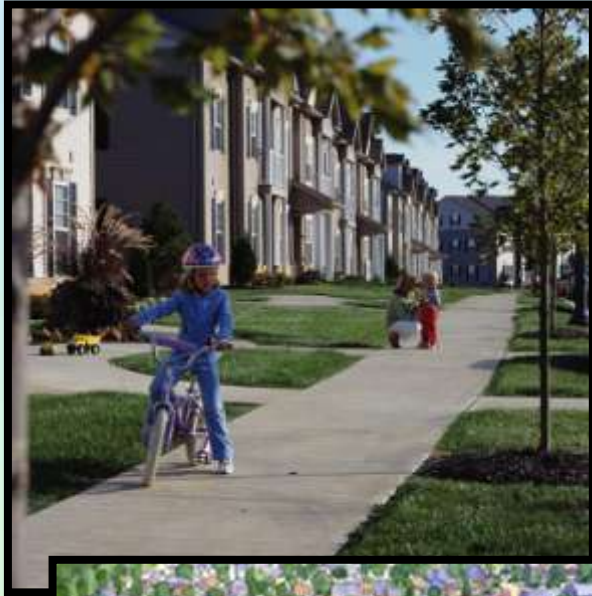
# Range of Housing Choices



Making Progress. Good for Everyone.

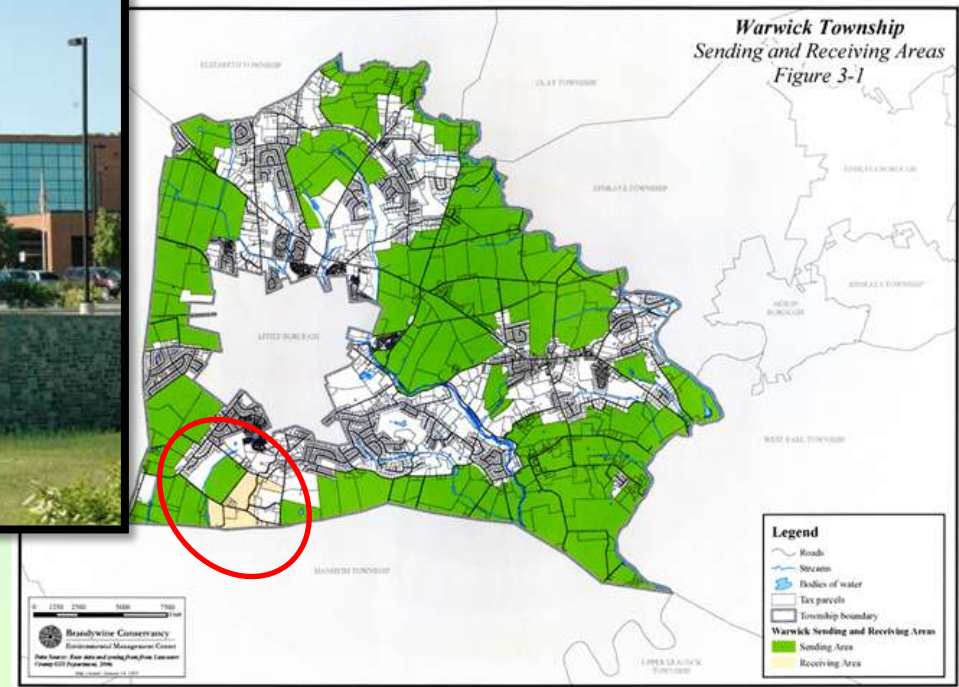


# Walkable Neighborhoods



**ASTONSHIRE**

# Community and Stakeholder Collaboration



## HMA – WARWICK TWP.



Making Progress. Good for Everyone.



# Distinctive, attractive communities



## VERANDA



Making Progress. Good for Everyone.

# Predictable, fair, cost effective development requirements



## NEWPORT SQUARE



Making Progress. Good for Everyone.



# Mix of land uses

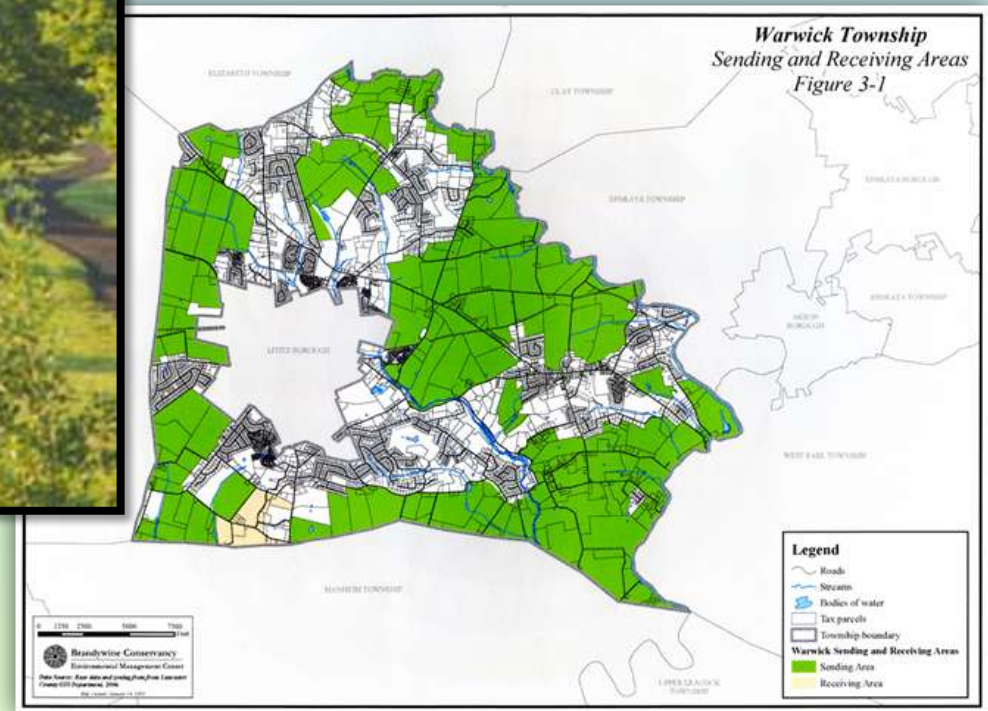


## RICHMOND SQUARE



Making Progress. Good for Everyone.

# Preservation of open space, farmland and natural areas



## WARWICK TWP.



Making Progress. Good for Everyone.



# Variety of transportation choices



**PADOT – FRUITVILLE  
PIKE BRIDGE**

# Strengthen and direct development toward existing communities



## LANCASTER'S NORTHWEST GATEWAY



Making Progress. Good for Everyone.



# Compact building design



## HERITAGE STRASBURG



Making Progress. Good for Everyone.

# **Integration of Smart Growth Principles within Local Zoning Codes**

- 1. Range of Housing Choices**
- 2. Walkable neighborhoods**
- 3. Community and Stakeholder Collaboration**
- 4. Distinctive, attractive communities with a sense of place**
- 5. Predictable, fair and cost effective development requirements**
- 6. Mix of land uses**
- 7. Preservation of open space, farmland & natural areas**
- 8. Variety of transportation choices**
- 9. Strengthen and direct development toward existing communities**
- 10. Compact building design**



**Making Progress. Good for Everyone.**





**CHARTER** Homes & Neighborhoods

[www.charterhomes.com](http://www.charterhomes.com)

**James G. Shultz**



**Making Progress. Good for Everyone.**

**Municipal level is where smart  
growth will occur**

**or not**



**Making Progress. Good for Everyone.**

# **Take regional plan, like LIMC, and incorporate TND into municipal comprehensive plan and zoning ordinance**



**Making Progress. Good for Everyone.**

# **Two contrasting municipalities in which Charter Homes has attempted to do smart growth, TND communities:**

- **York Township with conditional use process for TND**
- **Lower Allen Township with by-right for TND**



**Conditional Use is only as good as the standards that are in the zoning ordinance**

**If they are specific standards, then the process gets very contentious between the developer, community and citizens**



**Results:**

**(1) York Township repealed its ordinance**

**(2) Charter Homes is considering its options for a TND in York Township**



**Making Progress. Good for Everyone.**

# **Lower Allen Township**

**Identified two brownfield and two greenfield  
“growth opportunity areas” in their comp plan**

**TND could be developed “by right” if:**

- **50% of the land was in a GOA**
- **TND had access to PA-DOT road so that PENN-DOT would be involved, thus requiring TIS and an indication of what adjoining intersections needed to be improved**



**Making Progress. Good for Everyone.**



# **LAT requires a “master plan” and architectural guidelines for the preliminary plan for TND**

## **Result:**

**We are about to submit our proposed TND plans to the LAT staff and BOC and expect to go through the normal “by right” review and approval process**

**<http://www.lower-allen.pa.us/forms/CED/SLDordinance.pdf>**



**Making Progress. Good for Everyone.**

# **Conclusion:**

**Don't let the “vision” for a  
TND be jeopardized by  
the “process”**



**Making Progress. Good for Everyone.**



[www.hublaw.com](http://www.hublaw.com)

# Mark Stanley, Esquire



Making Progress. Good for Everyone.

# THE IMPACTS OF DEVELOPMENT

## Schools and Traffic



**Making Progress. Good for Everyone.**

# **Schools**

## **A. Pennsylvania Municipalities Planning Code (“MPC”)**

## **B. Pending Legislation**

- i) House Bill 1527 – Educational Impact Fee**
- ii) Senate Bill 552 – Educational Impact Fee**
- iii) House Bill 1754 – Notice of Approved Plans**



**Making Progress. Good for Everyone.**

# **Schools**

## **C. Practice Tips**

- i. Be proactive**
- ii. Do your homework/due diligence**
- iii. Most School Districts have websites that provide information**
- iv. How does the School District plan for Growth?**
- v. Economic Impact Analysis**
- vi. Talk with Superintendent**





# Traffic

## A. Legislation

- i. General Rules
- ii. Onsite Improvement vs. Offsite Improvement.



Making Progress. Good for Everyone.

# **Traffic**

## **B. Transportation Partnership Act**

- i. Act was adopted by the PA Legislature in 1985.**
- ii. Stated Purpose and Intent of Act.**
- iii. Act permits one or more municipalities to identify an area in need of traffic improvement and establish district to pay for such improvements via separate assessments. 53 P.S. 1622(a)**



# Traffic

- iv. Act cannot be used for maintenance and repair projects, but rather must be used for new or widened roads and other transportation systems. 53 P.S. 1622(a) and (b)
- v. The Act is an alternative method to raise funds for traffic improvement to the imposition of traffic impact fees under Act 209 (53 P.S. 10501-A through 10507-A).



# Traffic

- vi. The Township commissions a study of the area to be improved to:
- a) identify area to be improved;
  - b) develop a program of projects;
  - c) identify the beneficiaries of the projects in the program; and
  - d) develop an analysis on how cost should be allocated to the benefitted parties.

**53 P.S. 1624.**



# Traffic

- vii. Program of Improvements and financial plan is subjected to local, county and state (PennDOT) review and approval. 53 P.S. 1624**
- viii. Allocation of cost must assess a share of cost to all existing uses and potential uses of vacant tracts. 53 P.S. 1623.**
- ix. Public notice and public hearings are required before adoption of district, program and allocation. 53 P.S. 1623 (e and f)**





# Traffic

- x. Projects may be undertaken by the municipality or through a municipal or multi-municipal authority. 53 P.S. 1622(a)
- xi. Regardless of which municipal entity undertakes the projects, the district, program and allocation must be approved by the governing body of the participating municipalities by ordinance. 53 P.S. 1622(a) and 1623(b)



# Traffic

- xii. **Property owners owning more than 50% of assessed value of real estate within district can nullify the ordinance by filing an objection thereto with the Prothonotary. 53 P.S. 1623(e)**



# Traffic

## C. Township vs. State Roads

- i. State Highway Occupancy Permit (“HOP”) Process
- ii. Impact on Neighboring Properties

## D. Agreement of Release Process

- i. Strike Off Letter on Access Release Procedure – Jan. 23, 2009
  - Agreement of Release
  - Engineering Alternatives
  - Indemnification



# Traffic

## E. Indemnification Agreement Process

- i. Strike-Off Letter on Form of Indemnification  
May 13, 2009
  - Design Waiver
  - Access
  - Drainage

## F. Smart Growth Transportation Task Force



Making Progress. Good for Everyone.



# Traffic

## F. Smart Growth Transportation Task Force

1. **“Smart” transportation projects where funds are invested to preserve the existing transportation infrastructure and address critical safety problems, the highest priority for investment of transportation funds;**
2. **“Smarter” transportation projects where funds are invested in operations and management projects and in strategic capacity improvements such as intersection improvements, improved signalization and other improvements with the potential to incentivize growth in designated growth areas;**



# Traffic

## F. Smart Growth Transportation Task Force

3. **“Smartest” transportation projects where funds are targeted to high-leverage projects with the potential for stimulating appropriate development in designated growth areas, and particularly in concentrated building areas, and with respect to high returns in economic development and improved quality of life.**



**Making Progress. Good for Everyone.**



Making Progress. Good for Everyone.

# Questions?

[www.coalitionforsmartgrowth.org](http://www.coalitionforsmartgrowth.org)



Making Progress. Good for Everyone.

# **The Coalition for Smart Growth**

**Education and Advocacy**



**Making Progress. Good for Everyone.**



# Save the Date

## The Chesapeake Bay and Lancaster County: Making the Connection

*Our 5th Annual Summit on the Growth Issues facing Lancaster County*



Keynote Speaker, State Senator and Chesapeake Bay  
Commission Member, Mike Brubaker

**Thursday, October 28th, 2010**

**7:30 am- 2:30pm**

**Farm and Home Center, Lancaster, Pennsylvania**

**[www.coalitionforsmartgrowth.org](http://www.coalitionforsmartgrowth.org)**



**Making Progress. Good for Everyone.**