

Zoning Beyond the Basics: New Thinking to Modernize your Ordinance

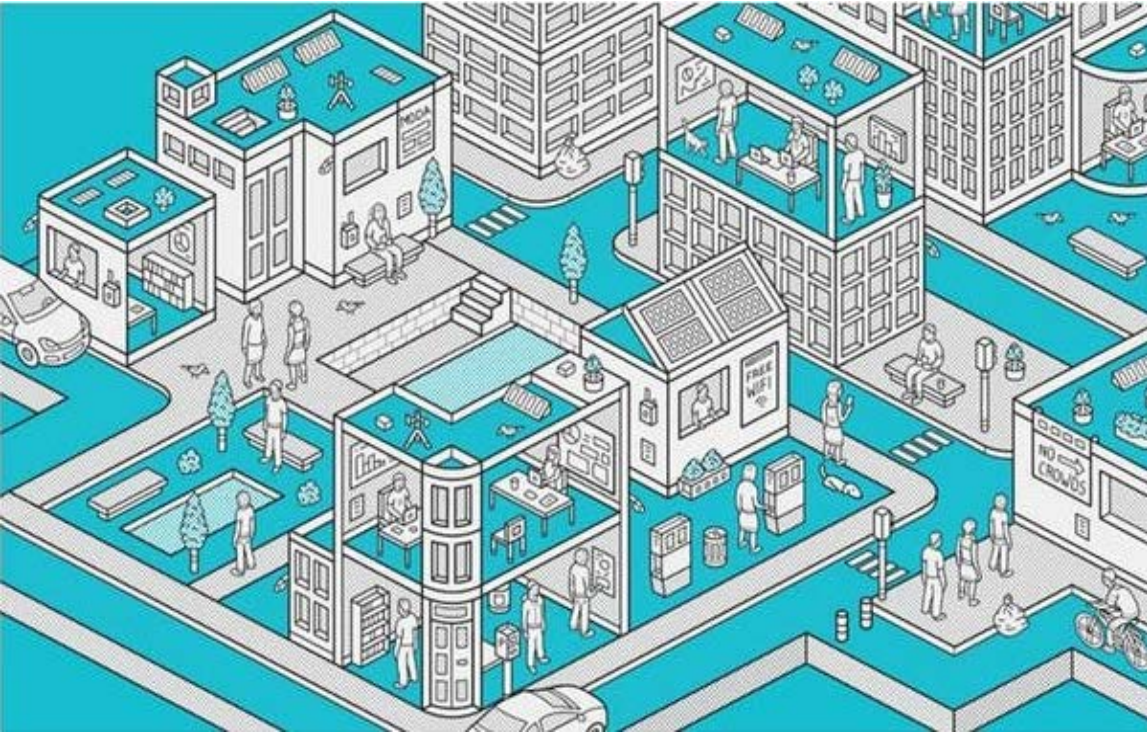


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Today's Workshop

New thinking for zoning
Evaluating your ordinance
Different zoning approaches
Innovative tools & techniques
Common questions
Zoning revision process



Original Intent of Zoning

Protect:

- a. Public Health
- b. Safety
- c. Welfare



Original Intent of Zoning

Provide:

Adequate air & light

Prevent:

Overcrowding





Times are changing. Is your zoning?



Age of municipal zoning ordinances in PA

Year of enactment or most recent comprehensive revision:

2005-2015	1995-2004	Prior to 1995	Don't Know
33%	33%	32%	2%

Source: 2015 survey of county planning agencies (42 of 66 responding)

New thinking

Old school

- Zoning is standardized, based on a “model”
- Zoning is replicated from another municipality

New school

- Zoning is uniquely tailored for the municipality and its goals & plan
- Zoning rules provide identifiable value
- No rules for rules’ sake

New thinking

Old school

- Standardized zoning concepts dictated the vision and character of municipalities

New school

- Municipalities' vision and development objectives determine tailored zoning concepts and regs

New thinking

Old school

- Zoning is oriented to prevent unwanted development

New school

- Zoning is oriented to enabling and facilitating desired development

Land Uses *and* Character, Design



Exercise
Evaluate your zoning ordinance

Different Zoning Approaches or Philosophies

#1 Euclidean - controls land use through a narrow permissions and hierarchical order; implemented through strict prescriptive-style regulations



Different Zoning Approaches

#2 Mixed-Use - permits a diverse and non-hierarchical mixture of land uses within the same zoning district; maintains strict prescriptive-style regulations



Different Zoning Approaches

#3 Form-Based - focuses on the massing, scale and inter-relationships of development as formed by neighborhood buildings and streets; minimal focus on land use



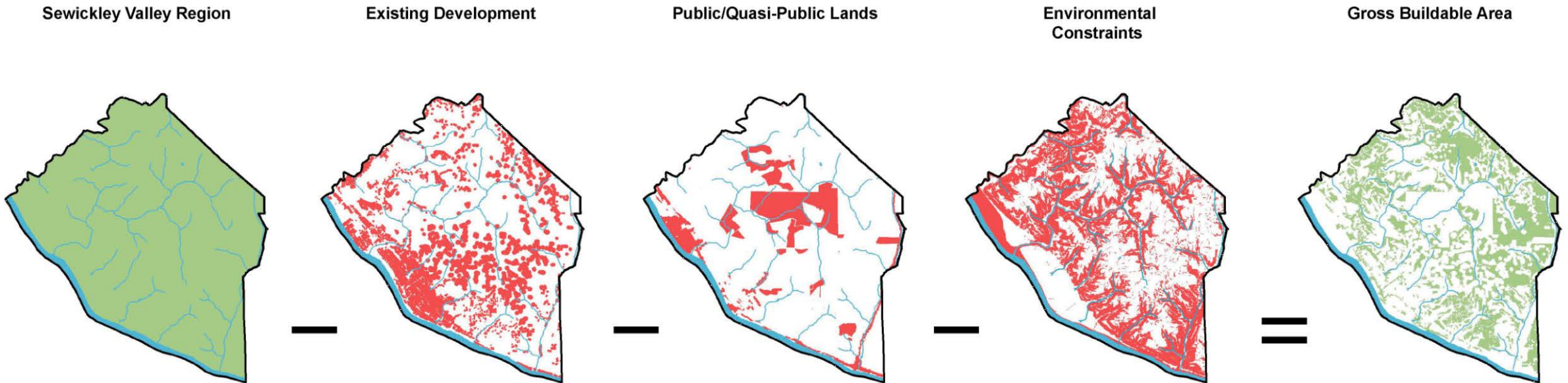
Adaptations to These Approaches

Performance standards - incorporates computations or sliding scales that are designed to respond to site-specific circumstances and to key community objectives

Contextual requirements - utilizes existing characteristics of a place to inform/shape the massing and scale of new development

An Example of a Performance Standard

Buildable Area Calculation



Other Zoning Related Policies/Focuses

Planned residential development (PRD) - permit multiple forms of residential development to occur in the context of an extensive open space network (MPC Article VII)

Transit-oriented development (TOD) - considers land use, scale and development density in the context of its proximity to transit stations, stops and centers (not specifically authorized by the MPC)

Other Legislation Related to Zoning

Traditional neighborhood development (TND) - uses local/existing development context, character, massing, scale and building types as the basis for guiding new development (MPC Article VII-A)

An Example of a Traditional Neighborhood Development (TND)



TND-Conventional Development Comparison



Modern/Current Zoning Topics/Challenges

Zoning overlays

Redevelopment

Infill

New economy

Historic preservation

Urban agriculture

Modern parking

Modern signage

Low-impact development



Zoning Overlays

- Delineate areas in a community where specific circumstances warrant specific standards
- Flies above base zoning districts; can be used to introduce more stringent standards or to broaden what is permitted in the base zoning district
- Can transcend multiple base zoning districts or overlay districts or can isolate a portion of a single zoning districts

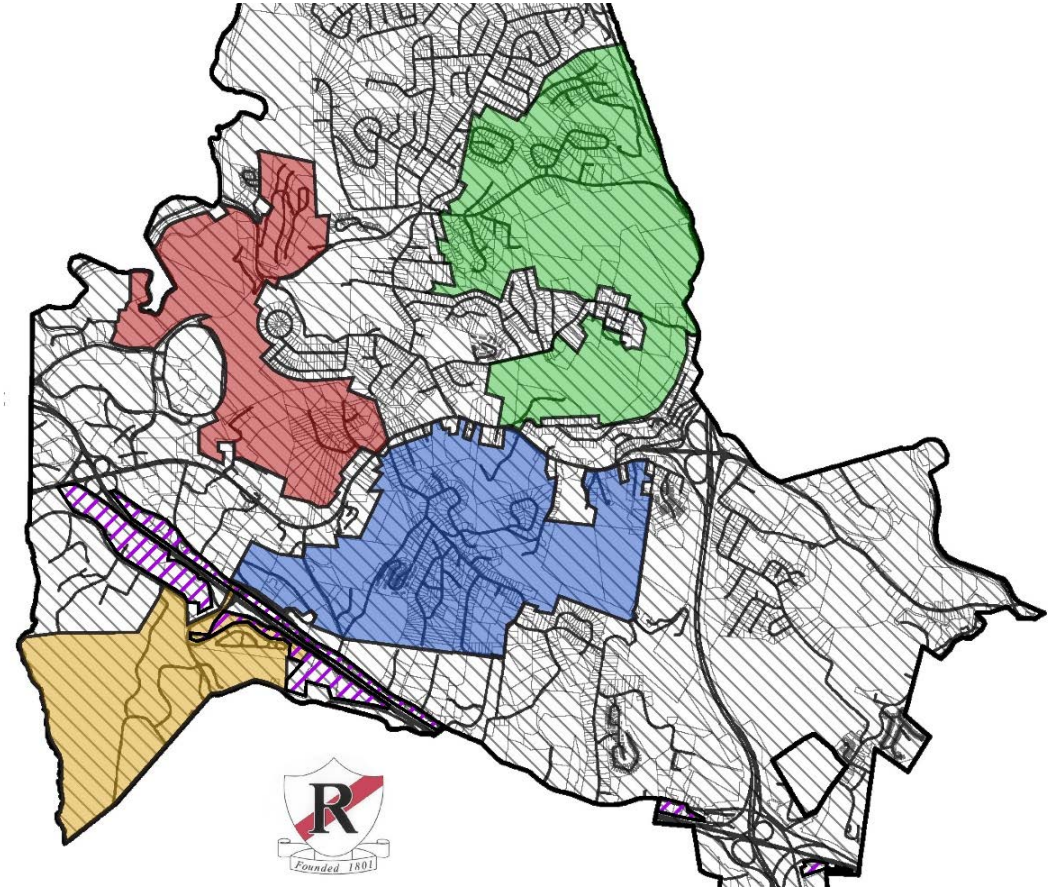
Example of a Common Zoning Overlay

Floodplain Overlay

Zoning Overlays

Robinson Township, Allegheny County: *Mobility Overlay Districts*

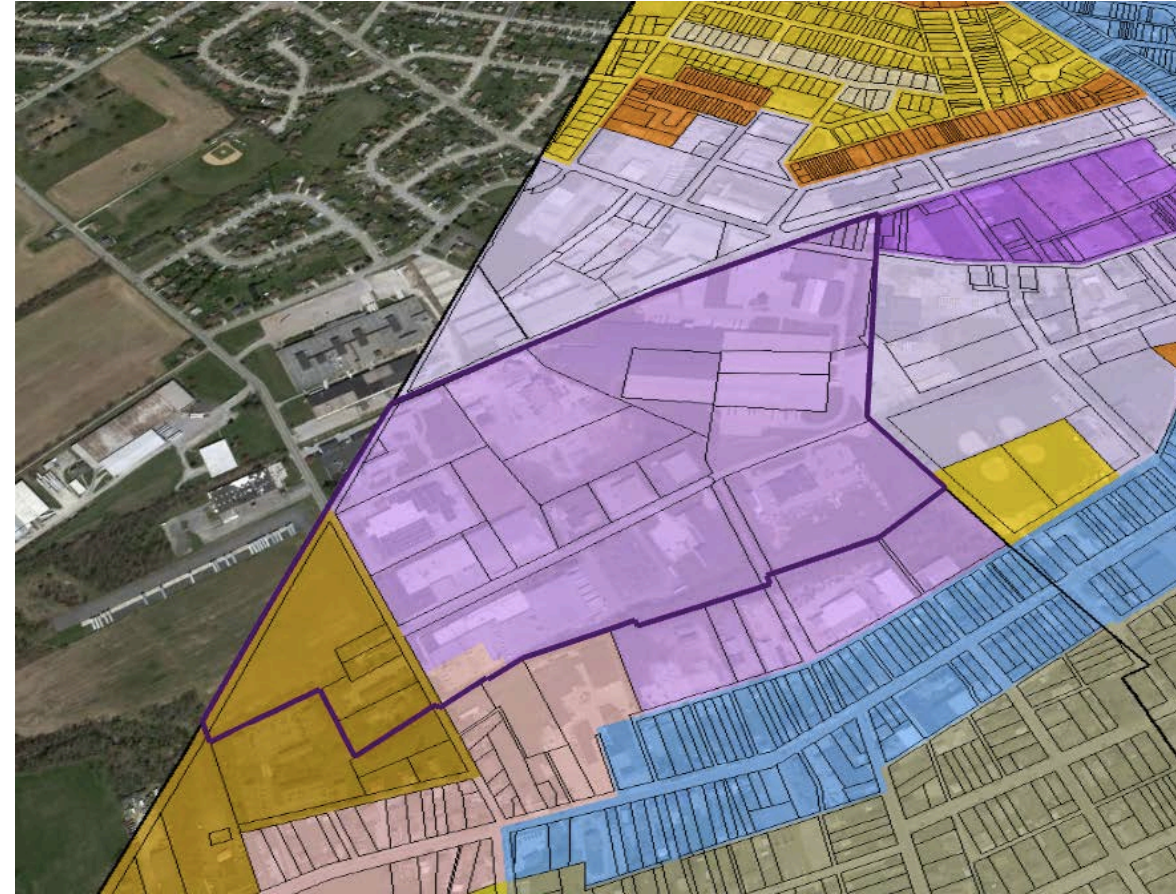
- 4 overlays that encourage non-car mobility by mixing land uses, increasing densities and targeting PRDs
- Ties to SALDO and Official Map for sidewalk construction



Zoning Overlays

Hanover Borough-Penn Township, York County: *Special Development Overlay District*

- A multi-municipal zoning overlay district designed to jointly address locally unwanted land uses (LULUs)
- Minimizes reliance on conditional uses; uses permitted are unrestricted



Redevelopment

- Accommodate larger-scale new development by proactively introducing architectural, land use and public realm (e.g. parks and streets) requirements/standards
- Encourage and support creative land development patterns and to stimulate new investments/change in areas of abandonment, stagnation or disinvestment

Redevelopment

Oakmont Borough, Allegheny County: *Mixed Use District*

- A base zoning district that permits mixed uses but also required specific street connections/types as well as park provisions
- Required a range of housing options to create residential diversity





Oakmont Borough, Allegheny County: *Mixed Use District*

Infill

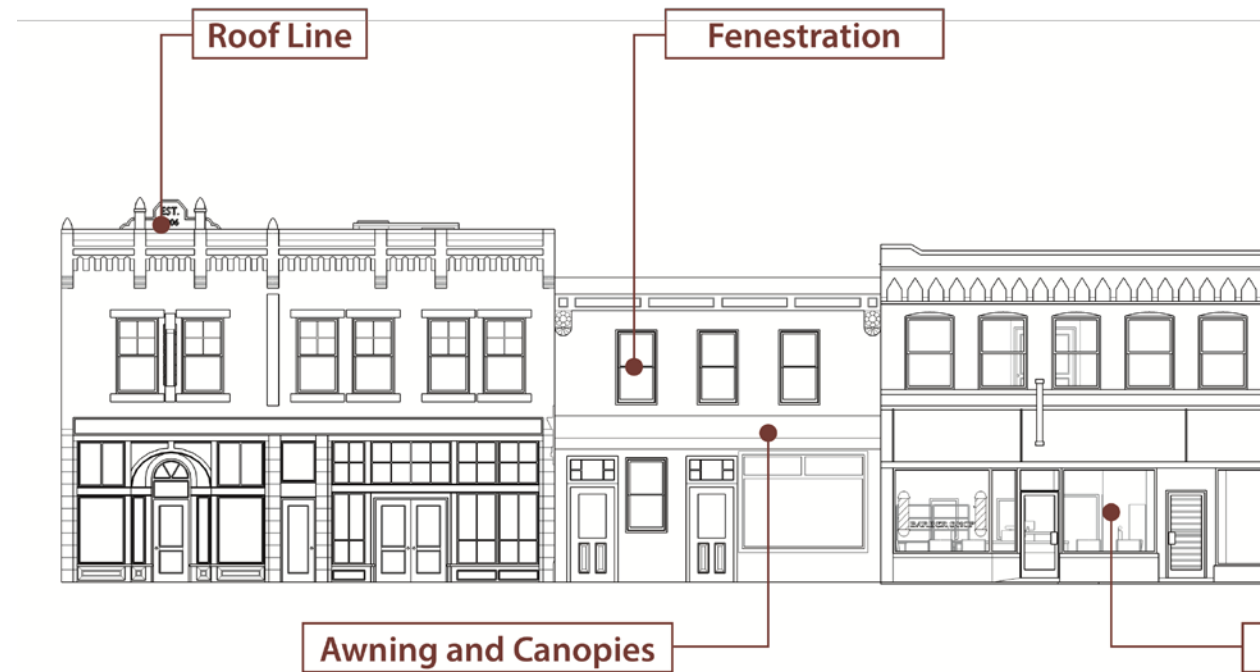
- Permit new, small-scale development within the context of surrounding development/neighborhoods
- Focus on the neighboring architectural and urban design influences such as rooflines, porches, setbacks, building height
- Reinforce the development scale, forms and patterns of the past that give the ‘place’ its character

Infill

Millvale Borough, Allegheny County: *Contextual/Architectural Design Standards*

- Specific standards within a base zoning district to guide the development of new buildings in a built-out setting
- Focus on rooflines, form, transparency, awnings and fenestration

BUILDING | FRONT FACADE



FRONT FACADE

New Economy

- Allow for smaller-scale mixed use environments that blend housing, retail businesses, restaurants, offices and small-scale manufacturing uses in single buildings and/or mixed use neighborhoods
- Provide for affordable housing options and encourage older building rehabilitations or repurposing

New Economy

Marietta Borough, Lancaster County: *Live-Work Lofts/Mixed Use Building Rehabilitations*

- Located in a downtown mixed use district, zoning provisions were provided to allow ‘maker’ work space to coexist with housing
- Used as an incentive for historic preservation



Historic Resources

- Protect historic buildings and cultural landscapes through zoning rather than vis-a-vis the formation of historic districts and HARBs; can regulate land uses – which an HDA created historic district cannot
- Authorized in the MPC's, *Sections 604 and 605*
- Safeguard against inappropriate demolition and building construction/additions; can be used to impose building and urban character standards

Historic Resources

Phoenixville Borough, Chester County: *Resource Protection Standards: Historic Resources*

- Identifies the Borough's most important resources and creates standards to protect those resources
- Focuses on building form and scale
- Uses the architectural queues from the past



Urban Agriculture

- Permit small-scale, reasonable agricultural activities on private lots while protecting neighborhood character and stability/peacefulness
- Define appropriate livestock densities and maximum ‘head’ thresholds
- Minimize illegal activities and conflicts between humans and ‘livestock’ kept for domestic use
- Can address exotic animals simultaneously

Urban Agriculture

- In response to the increasing interest in urban agriculture, the University of Pittsburgh's Institute of Politics and the Allegheny County Conservation District developed a guide to explain urban agriculture and how to add permissive language to existing zoning ordinances
- [Urban Agriculture: A Guide for Municipalities](#) was published in October 2017

Urban Agriculture

Etna Borough, Allegheny County: *Urban Agriculture Zoning Provisions*

- Designated as accessory uses and regulated through zoning's supplemental regulations
- Defines a broad set of urban ag uses – e.g. types of livestock, market garden, farm stands, etc..



Urban Agriculture

Etna Borough, Allegheny County: *Urban Agriculture Zoning Provisions*

- Allows the urban ag uses by zoning district; chickens and goats are permitted in a specific set of zoning districts but only chickens are permitted in another set of zoning districts





Parking



More Parking



Even More Parking

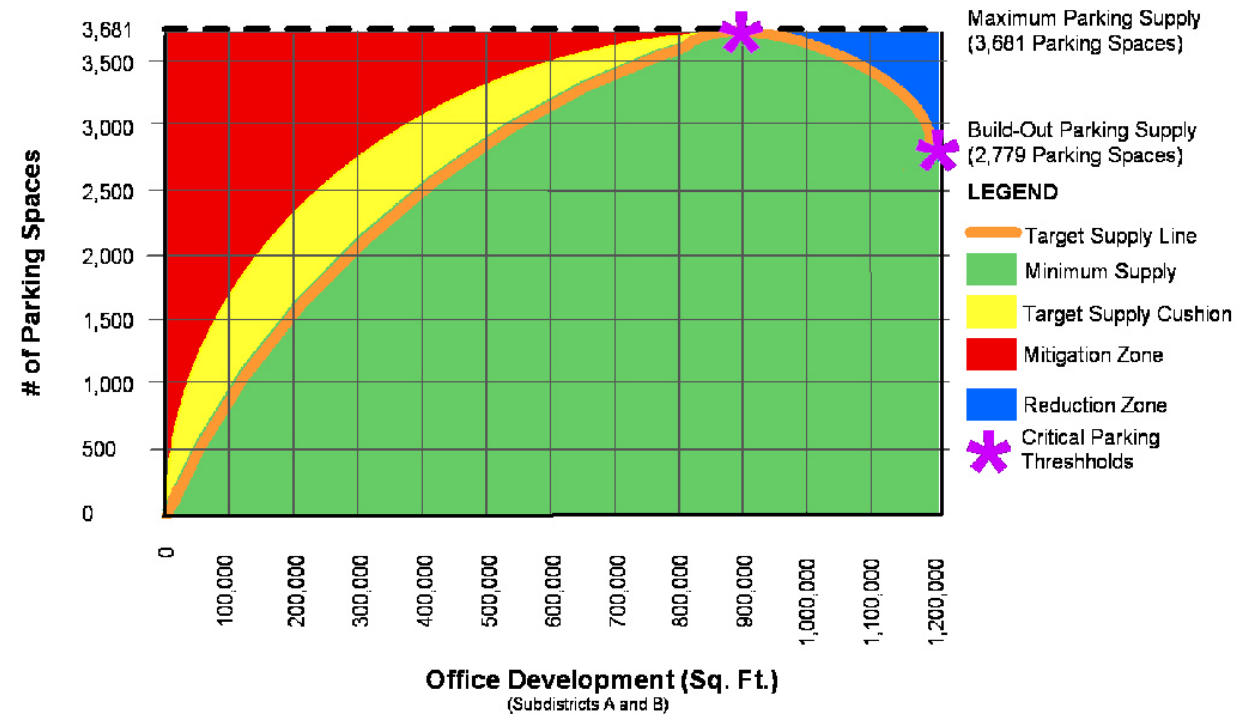
Modern Parking

- ‘Tune’ the provision of off-street parking facilities based on realistic, everyday needs and the availability of existing parking facilities
- Protect natural, community and neighborhood character and reduce (indirectly) traffic congestion
- Shrink the land area dedicated to excess parking, increase building area potential and decrease unnecessary storm water run-off

Modern Parking

SouthSide Works-Pittsburgh, Allegheny County: *Shared Parking Model*

- Provides a simple shared parking calculator that determines how many off-street spaces are needed
- Permits off-site parking leases to satisfy requirements



Modern Signage

- Create legally defensible but creative and/or context-sensitive signage standards that acknowledge the differences between pedestrian versus vehicular-oriented places
- Protect the integrity and character of residential and downtown business districts or improve the safety and legibility along suburban highway corridors

Modern Signage

Carnegie Borough, Allegheny County: *Signage Ordinance*

- Defines a total sign allocation for a tenant space and allows that allowance to be divided between the appropriate sign types permitted in the zoning district

		SELECT UP TO ONE OPTION FROM EACH SIGN CATEGORY (B-1 through O) ↓	AVAILABLE OPTIONS	MAXIMUM SIZE		
IDENTIFICATION SIGNS >	Building Signs (per street facade, unless otherwise noted) >	B-1	1 Landmark Sign	120 sq ft		
			OR 1 Wall Sign	40 sq ft		
			OR If located on a corner lot: 1 Landmark Sign + 1 Wall Sign on a different street facade	use max sizes listed above		
		↓				
		B-2	1 Awning Sign	12 sq ft (total graphic area)		
			OR 1 Projecting Sign	12 sq ft per face		
↓						
B-3	1 Flag Sign	15 sq ft per face				
↓						
B-4a	1 set of Ground Floor Window Signs (per tenant)	15% of total window area per tenant space				
↓						
B-4b	1 set of Upper Floor Window Signs (per tenant; all portions of the sign must be painted)	4 sq ft total per tenant space				
↓						
ADDRESS/DIRECTORY/WAYFINDING SIGNS (per lot) >	A	4 per lot (refer to Table 1 for individual sizes)	20 sq ft of total signage			
↓						
INFORMATIONAL SIGNS (per tenant) >	I-1	1 Sandwich Board Sign	9 sq ft per face			
	I-2	3 of any other type of Informational Sign	refer to Tables 1 and 2			
↓						
SCULPTURAL FEATURE SIGNS (per tenant) >	S	1 per tenant (refer to Table 1 for size calculations)				
↓						
OFF-PREMISE SIGNS (per building) >	O	1 per multi-tenant building (conditional use—written agreement with property owner needed)	6 sq ft per face			

Low-Impact Development

- Introduce regulations, standards or incentives to reduce that produce minimal negative development impacts relative to site disturbance, lighting, storm water management, etc...
- Do not need to be land use or zoning district specific
- Minimize conflicts and impairments that can be detrimental to the character and livability of a neighborhood or place

Low-Impact Development

Sewickley Borough, Allegheny County: *Low Impact Development Provisions*

- Aids in MS4 compliance by discouraging storm run-off and incentivizing on-site infiltration
- Regulates outdoor/site lighting through 3 light zones and pedestrian sensitive standards



Common Questions/Issues That Arise

- What's the right level of detail?
- How many land uses should be specifically listed or noted?
- We need to have definitions for everything!!!
- We don't have much staff capacity, how can we have an zoning ordinance with a lot of requirements?
- Can we use pictures and tables as well as all the words?

What's the Deal with Permitted, Conditional and Special Exceptions? Accessories?

- Uses permitted by right (compliance)
- Conditional uses (planning commission/elected body)
- Use by special exception (zoning hearing board)

- Principal uses versus accessory uses (by right or conditional)

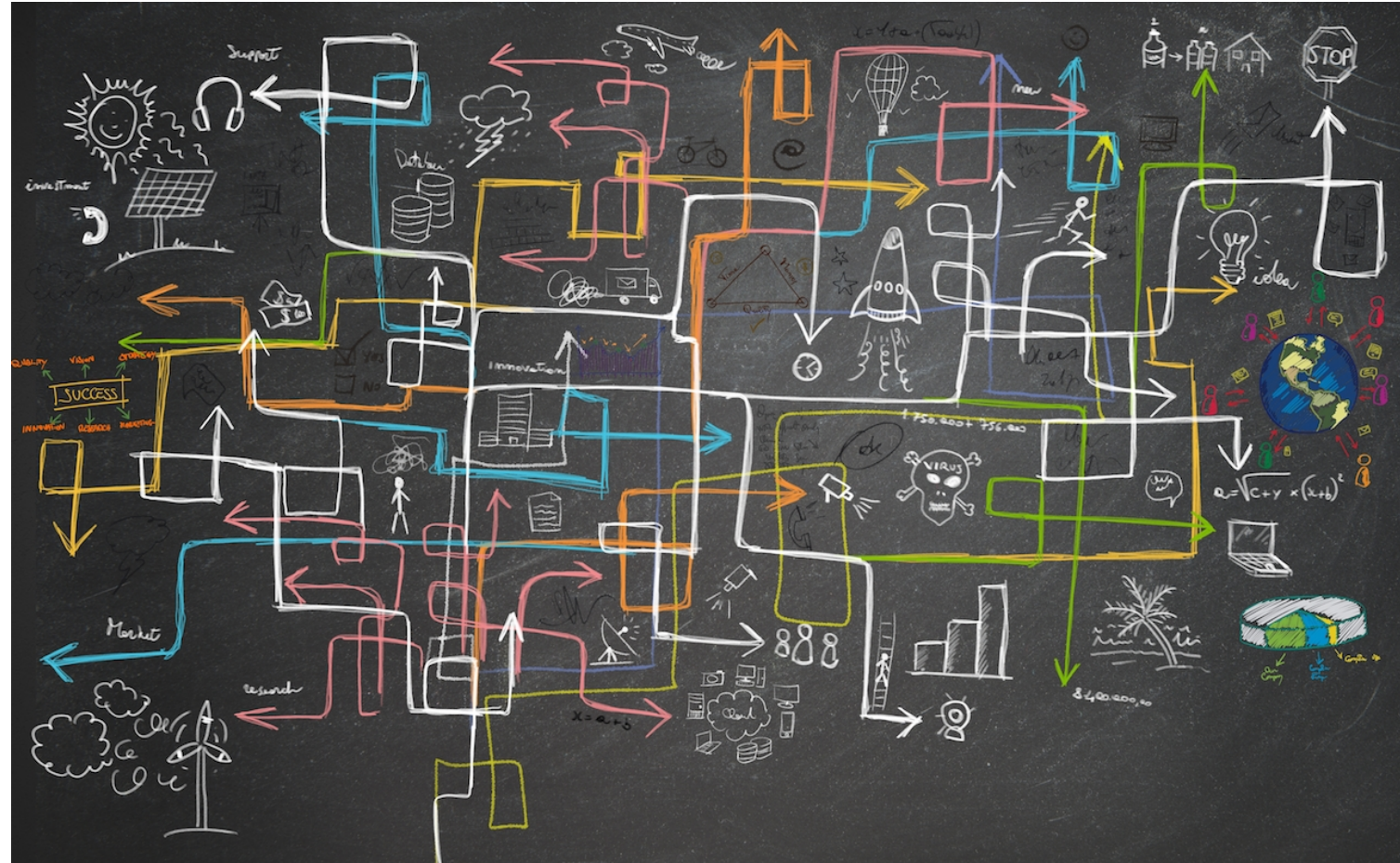
New Trends – Placing Zoning-Related Provisions Elsewhere

- MPC does not spell out the specific parameters of the subdivision and land development ordinance (SALDO); subsequently there is more municipal flexibility
- The allocation of land needs to be addressed by zoning – setbacks, coverage, etc...
- Can land use and/or development requirements be adopted/regulated outside of zoning – e.g. through a single-purpose ordinance *(example – billboards)*

We want to revise our zoning

Where do we start?

Page one of the current ordinance?



Zoning ordinance revision process

Planning:

Important – Planning is needed to affirm or re-establish community vision and land use & design objectives for the zoning revision

- Full comprehensive plan update?
- Selective, strategic update?

Questions:

- How long ago was the last comprehensive revision?
- How much change has occurred since then?
Desirable? Undesirable?
- Does the municipality have new and different land use and development goals?

Zoning ordinance revision process

Ordinance Design:

- Outline “conceptual” zoning districts – objectives, permitted uses, design parameters
- Incorporate standards, criteria, best practices, innovations
- Refine and map zoning districts
- Consider structure and features to make ordinance user-friendly

Questions:

- Should we start with the existing ordinance or a “clean slate”?
- Are proposed zoning districts aligned with the vision and plan?
- Do specific regulations and standards have purpose, address objectives, and add value?
- Do proposed regulations fit capacity to administer & enforce?

Zoning ordinance revision process

Professional Help:

- There is no such thing as a standard zoning ordinance.
- The same applies to consultants. Municipality should seek a consultant that best matches its needs.
- RFP or RFQ process.

Questions:

Does the consultant have knowledge and experience in:

- Municipalities like mine in size and character?
- Zoning techniques relevant to my municipality's objectives?
- Emerging zoning issues and innovations?

Zoning ordinance revision process

PA Municipalities Planning Code Process:

- Amendment, or
- Comprehensive revision and re-enactment

For Comprehensive Revision & Re-Enactment:

- Preparation by planning agency
- At least one public meeting
- Referral to county planning
- Public hearing
- Notice of intent to enact with solicitor's summary
- Enactment by governing body

Zoning ordinance revision process

Training and orientation for zoning administration team

- Zoning officer
- Zoning hearing board
- Governing body
- Solicitor



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Questions?