Technical Assistance for Sustainable Communities:
Building Blocks

Technical Assistance Tool: Small Town and Rural Zoning Codes
Derry Township, PA
October 11-12, 2012

To: Sandy Ballard, Board of Supervisors
Charles Emerick, Community Development Director

From: Chris Duerksen, Clarion Associates
Roger Millar, Smart Growth America (SGA)

Date: Oct 13, 2012

Re: Small Township And Rural Smart Growth Priority Fixes-- Summary and Suggested Next Steps as Outcome of Technical Assistance

I. Overview/Background

- Derry Township recently completed a significant effort to define a mission and vision statement as a first step in producing an update of the 1991 comprehensive plan. The mission/vision statement was the work of a broad-based citizen’s group working with the community development department of the township. The process involved numerous public meetings and a community survey. Afterwards, Derry Township’s Board of Supervisors adopted the mission and vision statement. The mission/vision statement embraces key smart growth principles including:
  - Preserve the township’s unique character
  - Focus on downtown revitalization and a mixed-use main street as the highest priority
  - Promote infill and pedestrian connectivity
  - Allow for compact, mixed-use development
  - Create a safe transportation system for all
  - Required environmentally based stormwater management techniques

- As part of this effort, the township undertook a comprehensive citizen survey to gauge community goals of its residents. About 1500 people completed the survey. The top five things citizens like about Derry are the low crime rate, quality schools, access to quality health care, small town atmosphere/historic character, and bike/walking paths. 80% want to manage development to minimize sprawl, 73% said revitalizing downtown was important, and 84% want to preserve natural areas, open space and farmland in the township. The five
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least liked attributes of the township are event traffic, insufficient downtown businesses, rush hour traffic, over development, and limited shopping opportunities.

• Like many small jurisdictions experiencing growth, Derry Township faces some significant development challenges including affordable housing for significant market segments (such as young couples with children, students, and seniors), unattractive strip commercial development along main community roadways, lack of transportation alternatives to the auto, flooding, and community health (obesity in the county is very high).

• Derry Township has some substantial assets and strengths to call upon in meeting these development challenges, including a modest, but steady growth rate (1-1.5% annually), its position as a regional entertainment and medical hub, a relatively low unemployment rate and high median family income, and an array of non-profit and other institutions committed to community well-being. The township also has a knowledgeable staff that is willing to tackle some of the major growth issues facing the community in a progressive manner. The working group that participated in the day-long SGA workshop included two elected township supervisors, the township manager, assistant manager, and department heads and staff from 5 major departments, representatives of the real estate community and development consulting firms, regional planners, the Hershey Trust Company, Hershey Entertainment and Resorts Company and The Hershey Company, and a number of citizens who were key participants in the comprehensive plan project.

• There was an impressive turnout of over 100 citizens at the public meeting the evening of October 11, including all five of the townships elected supervisors. A recurring issue raised in the lively question and answer session after the formal presentation by the SGA team was that of traffic and mobility in the township. There was serious concern about the lack of pedestrian and bicycle alternatives and worries about pedestrian safety.

• The township’s zoning code and subdivision/land development ordinances are very suburban-oriented with low-density districts and separation of uses. They have been updated from time-to-time but have few progressive provisions related to the community’s key development issues such as mixed-use development and infill. In contrast, the recently adopted stormwater management ordinance is much more modern.

2. Key Issues Addressed During The Site Visit

Based on the comprehensive plan, the housing assessment, and other documents and township policies, township staff identified the following three key issues to address in the workshop:

• Encourage compact, mixed-use development in targeted growth areas such as the Hershey downtown, Palmdale, and Middletown Road.

• Enhance mobility options. Currently most residents (92%) rely on the automobile to get to work. There are few other transportation options.
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- **Promote green infrastructure stormwater management.** The township borders the Swatara Creek for about half of its corporate boundary, and many small streams and major drainageways travel through its jurisdiction. These waterways are subject to occasional flooding. In 2011, the township experienced catastrophic flooding associated with Tropical Storm Lee. While the township did adopt a modern stormwater management ordinance in 2010, there are opportunities to rely more heavily on green infrastructure techniques such as preservation of open space, enhanced tree and vegetation protection, and reduced impervious cover in areas such as off-street parking.

3. **Targeted Code Amendments Discussed During The Workshop**

Clarion Associate/SGA provided a menu of options for the township to consider in amending its development codes and policies to address the three key growth and development issues noted above. The options were presented in a framework of removing regulatory barriers to community goals, consideration of incentives to supplement current regulations, and identification of regulatory gaps or opportunities that the township might want to explore:

   a. **Encourage development in targeted growth areas**—The comprehensive plan visioning/mission statement embraced the notion of focusing compact, mixed-use development in three community growth nodes (Hershey downtown, Palmdale, and Middletown Road). To achieve that goal will call for some major zoning code amendments.

      i. Increase allowable density in multi-family developments in the downtown commercial districts to at least 15 dwelling units/acre from the current 10.

      ii. Permit live/work units (e.g., apartment for artist above art gallery) in all commercial, office, and industrial areas as well as downtown commercial and village core zone districts.

      iii. Allow mixed-use residential by right in growth nodes that are zoned commercial (no residential development is currently allowed in commercial zone districts).

      iv. Reduce excessive setback regulations and increase maximum floor area ratio standards in downtown commercial district and designated growth nodes to help create more pedestrian-friendly, compact mixed-use development.

      v. Adopt simple design standards administered by staff to assure quality multi-family development and neighborhood compatibility.

      vi. Help focus development in growth areas by restricting sprawl in rural parts of the township by adopting true agricultural/open space conservation zoning—e.g., 1 unit/20 acres vs. the current 1 unit/5 acres

      vii. Provide density bonuses as an incentive for developers to use the cluster subdivision option to preserve open space.
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b. **Promote Mobility Options**—Potential code amendments include:

i. Reduce excessive off-street parking requirements in office and commercial districts and give credit for adjacent on-street parking to promote compact, walkable developments.

ii. Cut the required width of collector and minor streets in appropriate areas such as residential and neighborhood commercial districts.

iii. Allow multi-family residential units in office and commercial zone districts.

iv. Reduce off-street parking requirements if bicycle parking provided (or require bicycle parking facilities) in downtown zoning districts and for larger commercial and multi-family projects.

v. Shrink current setbacks in downtown commercial and other commercial zone districts to create more pedestrian-friendly environments and encourage walking.

vi. Require bicycle parking in commercial areas and sidewalks to connect perimeter streets to main entryways of commercial buildings.

vii. Require sidewalks or bike/pedestrian trails around the perimeter of commercial and institutional developments and pedestrian connections from perimeter sidewalks to main building entrances. Limit waivers of current sidewalk requirements (both sides of streets) in subdivision ordinance except for environmental or topographic reasons.

viii. Require pedestrian/bicycle connectivity between and within developments to reduce auto use.

ix. Promote complete streets that accommodate all mobility options and safe street routes.

c. **Green Infrastructure Stormwater Management**—As a complement and preferred alternative to “gray” stormwater management involving highly engineered, structural stormwater management approaches (e.g., pipes, detention structures, stream channelization), encourage green stormwater management approaches such as protection of natural areas and trees, compact development and infill, reduction of impervious surfaces, efficient parking supply, and green stormwater facilities infiltration trenches and bioswales. Any green infrastructure techniques will need to pay special attention to the Karst geology of the township and the potential for sinkholes. Specific amendments suggested include:

i. Provide flexibility in meeting parking requirements that reduce impervious pavement such as giving credit for adjacent on-street parking spaces, increased use of shared parking, and off-site parking.
ii. Permit street-side infiltration swales to replace curb/gutter in low-traffic areas

iii. When working in Karst areas, encourage design creativity such as lined basins and lined underdrains.

iv. Reduce excessive off-street parking requirements for commercial and multi-family residential in most zoning districts.

v. Consider setting a *maximum* required off-street parking ratio (e.g., 125% of minimum).

vi. Require parking spaces in excess of maximum to be constructed with pervious material

vii. Cut down on minimum setback requirements in residential districts to allow shorter driveways (the therefore less pavement).

viii. Reduce road pavement widths for collector and neighborhood streets, thereby reducing impervious surfaces.

ix. Specifically allow green roofs as a stormwater management tool and encourage by providing density/intensity bonuses for developments that install green roofs.

x. Adopt standards allowing (and perhaps requiring) a minimum percentage of parking lots to drain into landscaped areas.

xi. Strengthen the township’s tree protection regulation by requiring a two/one replacement ratio (in caliper inches) of larger trees removed from a development site. Specify minimum size of replacement trees (e.g., 4 inch caliper). Allow payment into township tree protection fund where site not large enough to accommodate replanting of 2 times the number of trees removed.

xii. Reduce the minimum size of parking lots that are required to install interior landscaping from 50 spaces to 10 spaces.

xiii. Adopt tailored parking lot landscaping and tree protection regulations for designated, compact, higher density growth areas (e.g., allow reduction of landscaped buffer widths and substitute narrower buffers that incorporate ornamental fencing).

xiv. Increase the stream and wetland buffer requirements from a minimum of 50 feet to 100 feet for perennial streams in lower density zone districts (e.g., suburban residential, agricultural/open space conservation).

4. **Priority Action Items**
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After discussing the menu of potential code and development policy amendments suggested by the SGA team, the working group members each identified 3-5 potential changes to the township’s development codes that they considered most important and feasible. From this list, the entire working group then identified the following items in order of priority:

a. Target and concentrate mixed-use development in priority growth areas such as Hershey downtown, Palmdale, and Middletown Road. Limit retail and mixed-use development in other areas of the township.

b. Revise the entire zoning ordinance, which is geared to promote suburban-style development, to support smart growth principles and the forthcoming comprehensive plan rather than making piecemeal amendments.

c. Improve pedestrian and bicycle connectivity requirements within and between developments. Require mobility plans for larger developments (not just traffic/circulation plans) that address modes in addition to the automobile.

d. Reduce parking requirements as recommended in Section 3 above.

e. Increase allowable residential density in Downtown Commercial and other commercial zone districts to a level that allows apartment buildings and viable mixed-use developments.

f. Adopt multi-family residential design standards to be administered by staff.

g. Explore an historic district ordinance with demolition controls and clear design review standards for Chocolate Avenue and potentially other areas of the community that are National Register eligible.

h. Expand the boundaries of the current Village Core District (which allows higher density mixed-use development with reduced setbacks) to encompass significant parts of the existing Downtown Commercial District, which severely limits residential and compact mixed-use development.

i. Require retail uses on the first floor of Village Core District.

j. Require bicycle parking facilities (bike racks, bike lockers, showers) in commercial and multi-family developments.

k. Allow and promote more shared parking to reduce impervious cover and encourage more compact, walkable developments.

In addition to these priority items, members of the working group also supported the following code amendments:

a. Tailor landscaping, tree protection, and stormwater management regulations for infill development and targeted growth areas.
b. Increase maximum floor area ratios and decrease impervious cover limits in Downtown Commercial District and other targeted growth areas.

c. Increases current 50-foot riparian buffer to 100 feet outside growth nodes.

d. Reduce allowable density in agricultural zone district.

e. Explore tiered off-street parking requirements for non-residential uses depending on location in township (e.g., a major retail use in the Village Core might be required to have less parking per square foot than a large big-box retail on the periphery of the community) or require excess to be pervious surface.

f. Specify minimum densities and a minimum mix of uses in targeted mixed-use development areas.

g. Place a cap on the maximum number of off-street parking space a use can provide (e.g., 125% of the minimum specified in the zoning ordinance).

h. Reduce collector and neighborhood street widths/paving requirements.

i. Increase interior parking lot landscaping requirements (i.e., require landscaping in parking lots with more than 10 spaces)

j. Revise the definition of fast-food restaurants and consider revising current limits to focus on external characteristics such as drive-through windows (e.g., allow fast-food restaurants in targeted growth areas, but do not allow drive-through facilities).

k. Allow green infrastructure approaches in and along streets such as bioswales and infiltration into median landscaping to reduce stormwater volume and improve water quality.

l. Encourage shared access drives, cross access easements, and other access management strategies to reduce street openings on arterial and collector roadways, thereby reducing potential conflicts between motorists and pedestrian traffic.

5. Implementation Actions and Strategies

The working group agreed to reconvene after receiving the next steps memo to discuss implementation strategies and which agencies or institutions might take the lead in promoting adoption of specific code amendments. While there was significant sentiment among working group members that the entire zoning code should be comprehensively revised given the many smart growth amendments identified during the audit process, most members felt it important to tackle some key issues such as parking ratios and current density limits in the commercial zone districts immediately and not wait for a major code revision – which could take up to two years. Additionally, the SGA/Clarion team recommended that the comprehensive plan update currently underway should be completed prior to, or in combination with, any major zoning and subdivision/land ordinance overhaul.