

**FINAL**

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**Smart Growth Audit of Zoning Code  
and Subdivision Regulations:  
Findings and Recommendations**

**Prepared for:**

**Mount Joy Borough, Pennsylvania  
Lancaster County, Pennsylvania**

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## Executive Summary

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The Smart Growth Leadership Institute (SGLI) and the University of Southern California (USC) funded by a grant from the United States Environmental Protection Agency (EPA) are providing technical assistance to communities that have made a commitment to smart growth but are struggling with implementation, building support, identifying the most problematic policies, and other issues that typically accompany a major change in development practice. Mount Joy Borough was selected as one of the nine candidate communities in the nation after an extensive application and review process. The project team composed of Jessica Cogan (SGLI), Susan Weaver (USC), and Deepak Bahl (USC) reviewed both the policies and zoning codes of Mount Joy Borough and neighboring townships of East Donegal, Mount Joy, and Rapho, and conducted a zoning code audit to identify inconsistencies between smart growth policies and implementing codes. In March of 2004, the project team visited Mount Joy Borough, held meetings with stakeholders including developers, local political leaders, and planning staff, and presented preliminary findings to the larger community. In this report, we present analysis, findings, and proposed recommendations based on our site visit, interviews, and feedback from the stakeholders and planning staff.

The following is a summary of our recommendations:

- Allow a wider range of lot sizes and configurations in Mount Joy Borough's Low Density Residential (LDR) and Medium Density Residential (MDR) zones. Use average density as a concept to gradually transition from lower to higher density and compact development patterns. This will facilitate the development of accessory units, twin dwelling units, and townhouses in LDR and MDR zones and give residents, especially seniors, options to stay in their neighborhoods when they no longer need nor are able to afford or care for larger properties.
- Promote the development of mixed use and pedestrian oriented live-work units in residential zones to build safer, stronger, and more vibrant neighborhoods. Allow higher density developments and a diverse mix of housing types in commercial areas to revitalize retail and to ensure long-term sustainable economic development.
- Integrate market-rate units with workforce or affordable housing to ensure equity and neighborhood diversity. Such a strategy also ensures that workers at all income levels can find homes near their place of work and people on limited incomes can continue to live in the community as they age.

- Provide incentives such as density bonuses or reduced parking requirements to developers for infill, adaptive reuse, and transit oriented development (TOD) projects.
- Develop a regional growth vision for the UGB borough-wide and for adjacent townships. Use community workshops and “chip game” to clarify possible tradeoffs associated with various development options. Involve a diverse constituency of residents, businesses, developers, schools, community-based organizations, political leaders, and other stakeholders to develop a consensus vision of growth and development.
- Borough and neighboring townships should cooperate in revising their zoning code classifications to reflect uniformity in land use designation and density standards across jurisdictions. The uniformity of standards will bring higher level of transparency in understanding how land is currently being developed and serve as a precursor for systemic change as information flow across jurisdictions becomes more consistent, even, and readily accessible.
- Develop an urban overlay zone<sup>1</sup> to strengthen borough’s historic district preservation efforts in the downtown area/Main Street corridor. Use this overlay zone to facilitate adaptive reuse of existing buildings and allow new construction that is complementary to existing historic development patterns in the area by providing relief from the standards established for suburban, auto-oriented development.
- Encourage the incorporation of smart growth principles ‘by right’. Uncertainty involved with conditional use permits and a lengthy approval process can increase the risk-associated costs to development that may discourage developers from the outset. Writing codes to smart growth standards ensures certainty, product quality, and money and time savings.
- Adopt a modified version of Traditional Neighborhood (the zone that best embodies smart growth principles) - “the Traditional Neighborhood (TN) overlay zone”, in areas such as the Main Street corridor and other current single-use areas to allow new pedestrian-friendly higher density mixed use developments. Further, several TN overlay scenarios can be developed to reflect different density scenarios. It is our contention that such an overlay is critical to overcoming patchiness of existing land use. TN overlay will also provide the developers flexibility, certainty, and an opportunity to be creative.

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<sup>1</sup> An overlay zone is one which superimposes additional requirements on the underlying use zone. Conditions dictated by the underlying use zone must still be met. An overlay zone is frequently created where special issues (e.g. historic preservation, community design) or problems (e.g. flooding, fire hazard, and topographical constraints) require additional attention. (Source: The Governor’s Office on Planning and Research, *The Planning Commissioner’s Handbook*. The State of California: Sacramento, CA, 1998. [http://ceres.ca.gov/planning/plan\\_comm/](http://ceres.ca.gov/planning/plan_comm/) accessed 6/14/04.

- Establish a strong transferable development rights (TDR) program in cooperation with neighboring townships. TDR program will prevent urban sprawl by ensuring preservation of agricultural lands and increase the development potential of lands within the urban growth boundary.
- Establish a TOD zone that capitalizes on Amtrak station development in downtown as part of the larger Corridor One Plan. The development of new higher density mixed use (commercial retail/office and residential) developments around the station area including amenities such as a park-and-ride structure can be a catalyst for long-term economic development. Such station area development can be facilitated through new zoning codes and TDR programs that allow developers to build at higher densities and develop a mix of transit friendly uses. Reduction in parking requirements will reduce development costs and will provide developer incentives to build in this area.
- Build a more walkable and pedestrian-friendly community.<sup>2</sup> Consider adopting a more differentiated street hierarchy to control vehicle speeds, limiting speeds in residential and commercial districts where pedestrian activity is desired, reducing block lengths in new developments, requiring crosswalks at all intersections, prohibiting the use of rolled curbs on all streets to separate pedestrian and auto-traffic, and landscaping medians and sidewalks to create a pedestrian-friendly environment.

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<sup>2</sup> A walkable community is defined by the Smart Growth Network as comprising neighborhoods in which residential areas are within comfortable walking distance of commercial districts (shops and offices) and public services (schools, transit stops, parks). A walkable community is one connected by sidewalks. Pedestrian activity is made attractive by streetscaping (trees and greenstrips), and made safe by providing separation from automotive traffic and well-designed crosswalk facilities.

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## Background

The Smart Growth Leadership Institute (a project of Smart Growth America), funded by a grant from the United States Environmental Protection Agency, is working with communities that have made a commitment to smart growth by are struggling with implementation, building community support, identifying the most problematic policies, and other issues that typically accompany a major change in development practice.

In October 2003, the Borough of Mount Joy and Lancaster County jointly requested technical assistance under this program. The borough indicated that, while policies supportive of smart growth principles are contained in its comprehensive planning and zoning documents, implementing these policies, particularly in infill situations, is inhibited by the development standards established by the Borough's land subdivision ordinance dating from the 1960s. Lancaster County further indicated its desire to have model regulations for land subdivision that support smart growth principles and which can be recommended to other communities in the county.

In January 2004, SGLI agreed to work with the Borough and the County to undertake the following:

- Review the current subdivision regulations and zoning documents
- Make recommendations as to how these documents might be amended to facilitate development of both greenfield and infill properties that incorporates traditional neighborhood design and 'transitions seamlessly into the community fabric.'
- Issue a report on our findings and recommendations.

In March 2004, to better inform the audit, SGLI team members traveled to Mount Joy to meet with stakeholders from the Borough, the County, and the surrounding townships. In addition to meetings with staff planners, elected and appointed officials from area municipalities, and representatives of the development community, a well-attended community forum was held to discuss preliminary findings and to solicit questions and comments from the public.

## **Purpose of the Audit**

The purpose of this 'code audit' is to compare the zoning and subdivision regulations in place in the Borough of Mount Joy and the surrounding communities of East Donegal Township, Mount Joy Township and Rapho Township to the generally accepted principles of Smart Growth. We have focused on those aspects which have the most bearing – land division, permitted uses, certain transportation provisions, and the permitting process. It is frequently the case that communities have ordinances on the books which prevent implementation of adopted policies. The intent here is not to assign a passing or failing mark with respect to code consistency, but to constructively identify those regulations which are supportive of the Smart Growth policies the Borough has set for itself as well as those regulations which seem to work at cross purposes.

## **Documents Reviewed**

As agreed to in the scope of work, our team reviewed the following documents:

- Borough of Mount Joy Municipal Code Chapter 22: Subdivision and Land Development
- Mount Joy Borough Zoning Ordinance
- Borough of Mount Joy Municipal Code Chapter 23: Storm Water Management Ordinance
- Rapho Township Zone Regulations: §201, §203, §204, §212, and §220
- East Donegal Township Zone Regulations: §§502-505, and §508
- Mount Joy Township Zone Regulations: §§135-53 to 135-65, Articles X, XI, XII, and XIV

## **Findings and Conclusions**

The findings and conclusions that follow are those of the authors and are based on our review of the documents listed above, the site visit and meetings with local residents and officials that took place during that visit in March of 2004.

Our detailed findings are based only on the sources listed above. Since we were not able to review all of the planning documents that may apply and since our knowledge of the regional context is also limited, our comments are offered as a constructive outside critique of how the Borough and the surrounding townships might speed implementation of their stated Smart Growth goals. We have organized our comments under ten commonly accepted principles of Smart Growth.



## **Smart Growth Principle 1 – Housing Choice**

*Provide a variety of housing types and sizes within zones so that residents, young and old alike, can find housing that suits their life-stage needs as these needs change without having to leave the neighborhood they have grown up in or accustomed to.*

### **Findings**

Residential units of all types were traditionally built in what is now the CBD of Mount Joy. Through the years, regulations have been put in place that, for the most part and in most of the borough, separate residential from commercial uses, and segregate single-family houses from multi-family homes. While single family dwellings and apartments (under certain conditions) are still allowed in the CBD, twin dwelling units and townhouses are prohibited in the CBD and GC zones. Apartments are allowed in CBD zone provided a permitted principal commercial use occupies the majority of the street level fronting the public street, a desirable situation in our view. However, this same restriction applies to the CO zone with the further restriction limits apartments to buildings that were constructed prior to the adoption of the zoning ordinance (July 12, 1999). It is not clear why this restriction is imposed. Except for single family detached residences as special exception uses and group homes, no residential uses are allowed in the GC zone. Depending on the size and location of commercial zones designated by the borough, this restriction may work against building smart neighborhoods

While the borough allows lots of various sizes, minimum lot sizes set for LDR zones and restrictions placed on residential uses in Commercial zones (CBD, CO and GC) effectively prevent the mixing of housing types within these zones.

Neither twin dwelling units nor townhouses are allowed in the LDR zone; twin units, townhouses and apartment (other than existing building conversions) are prohibited in the Commercial zones.

We found are no provisions for the inclusion of work force homes or affordable homes in new developments.

## **Recommendations**

To increase the probability that people can remain in their neighborhoods as their housing needs change, we make the following recommendations:

- In LDR and MDR zones, allow a wider range of lot sizes and configurations within zoning districts. Rather than using minimum lot sizes to dictate density, set an average density for an area and allow lot sizes to vary to achieve the average. In older neighborhoods, the average density concept can be used to allow for gradual, incremental changes in density as properties obsolesce and are redeveloped.
- Use average densities rather than restrictions on lot size to allow a limited number of smaller lots, twin dwelling units and townhouses in LDR zones to give older residents options to stay in their neighborhoods when they no longer need nor are able to afford or care for larger properties. With good design, these homes can blend seamlessly into single-family neighborhoods. In areas that have been developed at densities lower than the established average, remaining parcels would be allowed to develop at densities somewhat higher than the average. The increment could be established on a case-by-case basis taking both remaining developable area in the neighborhood and context issues into consideration.
- Allow residential construction, particularly higher density configurations, in all commercial areas to promote a round-the-clock population, which helps to build strong neighborhoods and deter street crime.
- Allow development of live-work units to accommodate the changing needs of the modern economy. Performance standards can be used to ensure that commercial and industrial uses are compatible with the surrounding neighborhood.
- Allow new construction mixed-use buildings that combine street-level commercial uses with residences on upper floors. Allow traditional townhouse construction and loft development in commercial areas as well.
- Relatively affordable market-rate units can be integrated into neighborhoods by allowing or requiring smaller lots to be interspersed throughout tracts. Requiring an affordable homes component in large developments, through some sort of inclusionary zoning, helps ensure that workers of at all income levels can find homes near their work, and that retirees with lowered or fixed-incomes can remain in the community as they age. Various incentive programs can be devised to encourage the inclusion of low- and moderate income housing. These range from density bonuses to tax relief.
- Another way to promote affordable housing is to permit cottage or accessory housing on residential lots large enough to accommodate a small, separate unit or a garage apartment.

## **Examples**

### *Live/Work Codes*

Berkeley, CA: Live/work units allowed in any non-residential zone with a valid zoning certificate or use permit, and a valid business license. Use permit stipulates the number of non-resident employees allowed and client/customer site visits. The live/work portions of any single unit cannot be rented out separately.<sup>3</sup>

Sonoma, CA (population 9,128): Code allows live/work units in all zones and does not count them in calculating residential density. A minimum work area of 700 s.f. is required, and not more than 70% of the total area can be dedicated to living space. A separate entrance must be provided for the work area. Both a business license and a conditional use permit (CUP) are required. Only one non-resident employee may work on-site unless more are specifically approved by the CUP. Some uses are prohibited (e.g. adult businesses), and on-site signs are prohibited.<sup>4</sup>

### *Density averaging*

Ashland, OR: Ashland establishes a base density for its zoning districts and then allows increased density based on points gained for including conservation housing, open space beyond the 5% required of all developments of more than 10 units, recreational facilities, affordable housing. The maximum increase allowed is 60%.<sup>5</sup>

### *Inclusionary housing*

Burlington, VT: Allows bonuses in for-rent projects where 15% of total units are affordable units (25% required in waterfront projects). The percent of units that must be affordable in for-sale projects is established by the percent of median area income represented by the sales prices. Projects must be permitted by Conditional Use Permit. Guarantees of continued affordability are required. Two types of bonuses are established – density bonuses and maximum lot coverage bonuses. Each ranges from 15% to 25% depending on the zoning district.<sup>6</sup>

### *Cottage or Accessory Housing*

Ashland, OR: Allows development of accessory housing units in single family residential zones so long as 1) the total number of residences on a single parcel does not exceed 2, and 2) the Gross Habitable Floor Area (GHFA) does not

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<sup>3</sup> City of Berkeley, CA, Zoning Code, Chapter 23E.20

<sup>4</sup> City of Sonoma, CA, Development code, Article IV, Section 19.50

<sup>5</sup> City of Ashland, OR, Municipal Code, Chapter 18, Section 18.88.40

<sup>6</sup> Burlington, VT, Zoning Code, Article 14

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exceed 50% of the GHFA of the primary unit. Maximum lot coverage and setback requirements still apply.<sup>7</sup>

Concord, NC: Allows one accessory dwelling unit on parcels which have a owner-occupied single family dwelling as a primary use. Design of the accessory unit must be compatible with the principle dwelling, and size is limited to 50% of the principle unit or 1,100 s. f., which ever is smaller. The unit must be placed on the back of the lot, except on lots of 10 acres or greater, and all set back restrictions apply.<sup>8</sup>

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<sup>7</sup> City of Ashland, OR, Municipal Code, Chapter 18, Section 18.16.030J

<sup>8</sup> City of Concord, NC, Unified Development Code, Section 5.3

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## Smart Growth Principle 2 – Walkable Neighborhoods

*Create walkable neighborhoods to promote community spirit and healthfully active lifestyles.*

### **Findings**

Walkable communities are those in which residential areas are within comfortable walking distance of commercial districts (shops and offices) and public services (schools, transit stops, parks). Neighborhoods are connected by sidewalks. Short block lengths and a well-connected grid of streets promote pedestrian activity. Walking is encouraged by attractive streetscaping (trees and greenstrips), and is made safe by separation from automotive traffic and by careful placement of well-designed crosswalk facilities.<sup>9</sup>

Older areas of Mount Joy are more conducive to walking than the newer ones, where longer blocks, cul-de-sacs, and curvilinear street patterns prevail. In part this is because not all streets are required to be laid out in a grid. While major streets must be extended and continued, minor streets are to be laid out to discourage through traffic.

We also found only a few street classifications – minor, collector and arterial and limited access. Minimum widths are set for right-of-way and cartway, without regard to the type of neighborhood or the desired vehicle speeds. No provisions are made for bicycle lanes or facilities, except in the TN zone.

While attention is paid to cyclist, transit and pedestrian facilities in the TN zone, requirements for other zones are not strong enough to create a borough-wide, well-connected, attractive walking environment. Though subdivision block lengths are limited, the maximum is set at 1200 feet, which is nearly a quarter-mile. While the subdivision regulations require sidewalks on both sides of the street, unless waived by Borough Council, the zoning ordinance indicates they are optional in CI zone. The zoning ordinance does specifically require sidewalks on ‘both sides of each street’ in the TN zone, but no minimum width is established for sidewalks either in the subdivision ordinance or zoning code.

Other requirements raise concerns about pedestrian safety. Crosswalks are allowed, but are not required. While not allowed on collector or arterial streets, rolled curbs and gutters are allowed on minor streets. Street lighting is required in TN zone, however subdivision regulations only require dedication of utility easements in other zones.

The streetscape is given consideration in the TN zone, where street trees and a grass strip wide enough to accommodate them between the sidewalk and the

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<sup>9</sup> Smart Growth Network, *Principles of Smart Growth*,  
<http://www.smartgrowth.org/about/principles>, accessed 6/14/04.

street curb are required, but these are not required in other residential zones. Little attention is paid to streetscape in most commercial zones. Planting strips are required in the CI zone but, as noted above, sidewalks are optional.

Off-street parking locations are not restricted in most zones, but are required 'to the maximum extent possible' to be placed to the rear or side of lots in the TN zone. Alleys are also allowed and may provide parking locations. Deductions for on-street parking are allowed in determining off-street parking requirements within the CBD and TN zones only. No provisions were found in the Zoning Code or Subdivision Regulations for an in-lieu parking fee to provide for centrally located public parking facilities.

### **Recommendations**

To begin to build a more walkable community, we suggest adopting a grid pattern of streets for all new subdivisions and requiring that streets be designed for specific speeds to effectively limit both traffic volume and flow to levels compatible with the predominant uses in each neighborhood. Speed limits of 25 mph are appropriate both in residential neighborhoods and commercial districts where pedestrian traffic is desired.

Consider adopting a more differentiated street hierarchy. Street design can be used to control vehicle speed and to enhance or encourage various activities even while providing an interconnected network or grid.

Since, long blocks are not conducive to walking, consider lowering the maximum block length (e.g. 500') in new development or setting a block perimeter maximum (e.g. 1600'). The current maximum is quite long. Also, require sidewalks in all zones.

Require crosswalks at all intersections. Where block faces are long and street speeds are less than 45 miles-per-hour, require mid-block crossings as warranted, e.g. where intersection crossings are more than 600 feet apart. Provide adequate marking and lighting of all crosswalks to ensure pedestrian safety. Consider the installation of pedestrian-activated signals at key mid-block crossings (e.g. schools, libraries, parks) where traffic volume will not allow adequate time for pedestrians to cross safely, or where pedestrians will have to wait longer on average than 30 seconds for a traffic break sufficient to allow safe crossing.

Prohibit the use of rolled curbs on all streets to increase the separation of cars and pedestrians and to increase pedestrian safety and consider requiring street lighting in all residential and commercial districts to increase pedestrian activity and safety.

Street plantings help create community character, soften the urban setting, provide environmental benefits, and generally make a community more enjoyable to live in. Planting strips between the street and sidewalk provide a buffer

between pedestrians and automobiles that can encourage walking, particularly in those areas where traffic speeds are faster. The width of the planting strip can be varied with the type and intensity of use within a zone. Landscaped medians can provide visual relief on heavily trafficked streets and a safety zone for pedestrians crossing these streets.

Allow on-street and other public parking to be considered in calculating parking requirements and adopt an in-lieu fee that will allow developers in commercial and mixed-use districts to reduce the number of spaces they provide by paying into a fund established to provide municipal lots (perhaps by creating a Parking Management District). Strategically located municipal lots allow for the more efficient provision of parking and encourage people to park once and walk between various destinations. This has a dual effect of promoting more healthful active-lifestyles while reducing auto-exhaust emissions that contribute to poor air quality and elevated rates of respiratory disease. It also serves to increase pedestrian traffic along commercial thoroughfares, which helps to build and maintain vibrant shopping and entertainment districts.

### **Examples**

#### *Street hierarchy*

See Appendix A for graphic examples of a hierarchical street system.

Hercules, CA (population 19,488): Hierarchy with 9 classifications, each with standards for right-of-way, lane widths, greenstrips, sidewalks, and build-to lines. Four classifications provide for bike lanes. Right-of-way (r.o.w.) varies from 31' to 110' depending on purpose of road. Neighborhood streets have 60' r.o.w.; neighborhood lanes have a 50' r.o.w.<sup>10</sup>

Sonoma, CA (population 9,128): Requires street connectivity and discourages use of cul de sacs except where a significant physical or cultural barrier dictates their use. Block lengths are set at a minimum of 200' and a maximum of 300' except under extraordinary circumstances.<sup>11</sup> Streetscape standards are established for all thoroughfares, including Class I bike paths.<sup>12</sup>

#### *Parking Standards*

Concord, NC (Population 55,977): Code sets aside minimum parking space requirements for projects located in the City Center, Traditional Neighborhood Districts and Transit Oriented Districts.<sup>13</sup>

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<sup>10</sup> City of Hercules, CA, Regulating Code for Central Hercules Plan, Chapter II.

<sup>11</sup> City of Sonoma, CA, Development Code, Article II Section 19.4

<sup>12</sup> City of Sonoma, CA, Development Code, Article II Section 19.2

<sup>13</sup> City of Concord, NC, Unified Development Code, Section 8.3

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### ***Smart Growth Principle 3 – Participatory Planning***

*Encourage community and stakeholder participation in planning for future growth.*

#### **Findings**

This principle is not specifically addressed by the documents reviewed for this audit, but appears in practice in individual communities. Among the borough and the adjacent townships, however, there does not appear to be a unified vision for the Urban Growth Boundary (UGB). And we heard comments from the community that the school district-based planning boundaries currently in use no longer make sense.

#### **Recommendations**

We strongly recommend that the borough and the townships cooperate to adopt a master plan for the UGB. As part of this effort, a community workshop might be held so that various growth scenarios can be explored and discussed. Sessions that engage citizens in a “chip game,” with game pieces representing various intensities of development being placed on maps have been used successfully in other communities to help clarify the possible tradeoffs associated with various development options. An advance series of articles running in the local newspaper can help focus public interest on growth-related issues in general, create a sense of urgency in addressing them, and promote participation in the community workshop.

As an adjunct to the UGB planning process, we recommend that borough and surrounding townships cooperate to revise their zoning classifications so that land use designations and density standards are consistent across the jurisdictional boundaries. As it currently stands, there is wide disparity between the densities established for Mount Joy LDR zone and those in force in the R-1 zone in East Donegal, Mount Joy, and Rapho townships. The process of adopting uniform standards for these border areas will cast light on how land is currently being converted in these areas, and would set a precedent for further inter-jurisdictional cooperation and information exchange.

We also suggest that the regional planning boundaries be redefined to better reflect the social, economic and infrastructure relationships between adjacent areas.

Should these recommended actions be taken successfully, we also recommend that citizens be engaged in a more widely focused planning exercise that would consider the economic and environmental sustainability of the region. This vision should be developed in a regional context that addresses current community



concerns, accommodates future needs, and dynamically responds to changes in the local, national, and international environment. We suggest holding regional workshops to discuss population growth projections, land use trends, transportation issues and implications, environmental concerns, and trends in economic development. These workshops would foster a county-wide dialogue, encourage inter-jurisdictional information sharing, prompt regional cooperation and focus attention on smart growth policies and implementation issues.

## **Smart Growth Principle 4 – Community Image**

*Forge a distinctive community image that establishes a strong sense of place*

### **Findings**

The central business district of Mount Joy provides a strong base from which to extend a unique sense of place. Though there is a mix of building designs, well-preserved vintage buildings highlight the borough's heritage and define it as a one-of-a-kind place.



### ***Views of Downtown Mount Joy Borough***

However, in our review of the zoning ordinance, we did not find anything specifically designed to build on the borough's architectural heritage in the downtown area. This leaves the door open for new development to detract from it. Furthermore it was our understanding that in the event of a catastrophic event (e.g. fire, flooding or other acts of nature) current building codes would effectively prohibit rebuilding to match historic patterns and designs. These codes also appear to limit the potential for infill development in the oldest parts of the borough.

We found that design guidelines are not specifically addressed by the documents we reviewed except with respect to the TN zone, in which density bonuses are tied to establishing 'legally enforceable provisions' that 'replicate the best features of pre-1946 architecture.' And it was our understanding that aside from the TN zone, design guidelines are currently utilized only in historic preservation districts.

### **Recommendations**

As a first step, we recommend organizing a community workshop focused on defining the image that Mount Joy Borough citizens want to project. Whether that image is a strengthening or refinement of the current one or a bold new one, Smart Growth Leadership Institute & USC

defining it will help clarify what needs to be done to establish or solidify it. Then optional design guidelines can be developed and incentive programs constructed to bring the vision to fruition. Such programs might offer façade improvement grants in exchange for compliance with guidelines, for example.

In order to strengthen the borough's historic district preservation efforts, we recommend that ways be explored facilitate not only the construction of new buildings, but the adaptive reuse and reconstruction of old buildings to preserve the historic patterns in the downtown areas. One way might be to establish an urban zoning overlay, such as that established in Nashville, Tennessee. Through this mechanism, the City of Nashville is working to preserve the character of its pre-1950 districts by harking back to site development standards of the period rather than imposing the modern, more automobile-oriented configurations. Context is used to determine setbacks, parking location and parking requirements.

Because agriculture is such a prominent component of the local culture and economy, we suggest that the borough build on this, and establish itself as a proponent of environmentally sensitive development practices designed limit the extent of urban development and minimize its impact on the natural environment. Adoption of a market-based LEED/green building ordinance will help reduce urban demands for land, limit adverse environmental impacts, and conserve water resources, all of which will help sustain both the culture and the economic viability of farming. The borough could use such a program both to create a unique identity and to carve out an attractive market niche. An incentive program rather than a requisite standard could be devised so that the additional costs of development would be diminished or defrayed.



***Preserve Historic District:  
Hallgren House***



***Adaptive Reuse Opportunity:  
Gerberich Payne Shoe Co.***

## **Smart Growth Principle 5 – Equitable Approval Process**

*Design the entitlement process to be predictable, fair and cost effective*

### **Findings**

While the entitlement process was not audited, discussions with planning staff and developers led us to conclude that the requirement for conditional use approval of all TN developments may dissuade developers from proposing TN plans.

### **Recommendations**

The most effective way to encourage the incorporation of smart growth principles in new development is to permit them 'by right.' The uncertainty associated with conditional use permits imposes risk-associated costs to development. When coupled with a lengthened approval process, this may discourage developers from the outset. Writing codes to smart growth standards ensures to the greatest extent possible that they will be implemented consistently over time and through successive administrations.

Along with codifying smart growth principles, we recommend the borough streamline the review process for affordable housing, brownfields, and adaptive reuse projects.

## **Smart Growth Principle 6 – Integrated Land Use**

*Integrate land uses to allow people to work and recreate in close proximity to their homes and reduce dependence on automobiles.*

### **Findings**

Currently Mount Joy Borough has pockets of commercial or residential and industrial use speckled across the jurisdiction. Undoubtedly, this land use pattern has been shaped by historical development patterns, demographics, socio-economic factors, and politics among other forces. Nevertheless, these traditional land use patterns have been subjected to modern zoning and planning practices geared around the automobile, and this has resulted in a highly fragmented plan with exclusionary zones and poorly mixed uses. This jigsaw puzzle of land use does little to promote pedestrian-friendly compact development patterns.

We found the following:

- The only zones which permit a mix of residential and commercial uses are the commercial and TN zones.
- In the C zone, single family detached residences are allowed only as a special exception use.
- In the CBD zone, single family detached residences and group homes are allowed, as is the conversion of an entire building into a single dwelling unit. Apartments are permitted only as long as the majority of the street-level floor of the building is given over to a commercial use. Townhouses are not permitted.
- In the CO zone, all residential uses are permitted except that existing buildings may not be converted into a single dwelling unit and boarding or rooming houses are not permitted.
- Rooming or boarding houses are not permitted anywhere except the GC zone, and then only as a special exception use.
- Apart from home occupations, few commercial uses are allowed in residential zones.

The most permissive residential zone is the TN which allows certain retail, financial, personal service, and guest room uses with approval of the conditional use permit for the development. Light home occupations are allowed in all residential zones as secondary uses, but restrictions apply to hours of operation, type of services rendered, and number of employees allowed on-site at any given time. On-site sales and exterior signage are prohibited.

General home occupations are only allowed in residential zones other than the TN zone as special exception uses.

Furthermore, few commercial uses are allowed in industrial zones. Restaurants and personal services are excluded from these areas unless granted a special exception use to operate in a restored historic building.

### **Recommendations**

To begin moving back toward a vibrant pattern that allows people to walk from home to shopping, services or work rather than having to drive, we suggest adopting a strategy to reintegrate compatible commercial land uses into residential areas and expand the range of residential uses allowed in commercial zones.

In our review of the zoning code, the TN zone stands out as the most promising zone because it provides opportunities for mixed use and higher density development, and best embodies smart growth principles. It is our recommendation that an overlay zone (or zones) be developed (TN or Village Mixed Use zones, for example) in areas such as the Main Street corridor and single-use areas. These could be used to judiciously allow higher density mixed use development and provide a way to transition automobile-oriented neighborhoods into smart-growth-friendlier ones as they age. Several such overlays could be adopted to reflect different density scenarios. We believe that these overlays are critical to developing a clear plan to reintegrate mixed development and to overcoming the patchiness of existing land use. In addition, these overlays would provide developers with a combination of flexibility and certainty that will encourage creative approaches to rebuilding walkable neighborhoods.

We also strongly recommend offering incentives to encourage the adaptive re-use of historic buildings in the borough's central areas, such as has already be done with the Chocolate Factory and the Sassafras apartments. Buildings that combine ground floor commercial uses with residential uses should particularly be encouraged.



***Senior Housing:  
Chocolate Factory Apts.***



***Mixed Use:  
Barbara St. and Main Square***

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### **Examples**

Bainbridge Island, WA (Population 20,308): Bainbridge Island established the Mixed Use Town Center “to provide a strong residential component to encourage a lively community during both the day and night. The Mixed Use Town Center zone, consisting of five overlay districts, includes a diversity in types of housing, shopping, civic facilities, recreation and employment. A variety of land uses are allowed which promote a pedestrian atmosphere and enhance the viability of the town center allowing development in a manner which is harmonious with the scale of the town center.”<sup>14</sup>

Ojai, CA (Population 7,862): The VMU (Village Mixed-Use) District is established as a transition zone between the core downtown district and suburban residential areas. It provides for the development of mixed-use residential and commercial land uses and promotes pedestrian and bicycle transportation modes and community interaction. A floor area ratio (FAR) of 0.50 applies to commercial and live/work uses, while the FAR for mixed commercial is set at 1.0. Currently the 1.0 FAR applies to residential developments as well, but the city is considering amending this provision. Up to eight (8) dwelling units per acre are allowed in the VMU zone, which replaced multi-family zoning of equal density that previously applied to this district.<sup>15</sup>

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<sup>14</sup> Bainbridge Island (WA) Municipal Code, Title 18 Section 18.4

<sup>15</sup> Ojai (CA) Municipal Code, Title 5 Section 10-2.502

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### **Smart Growth Principle 7 – Resource Conservation**

*Provide open space, protect farmland and conserve places of natural beauty and environmental importance.*

#### **Findings**

The planning documents we reviewed did not address the broad policy issues of open space provision, farmland or environmental conservation, but we did find sections intended to provide open space and protect environmentally sensitive or important areas. Further, it is our understanding that a coordinated effort is being undertaken with East Donegal and Rapho townships for park administration and planning.

Specifically, we found that a conservation district is established to limit development in areas with significant natural features -- particularly wetlands, steep slopes and floodplains – in order to protect water quality and riparian habitats. This zone is also used for larger parks within the borough.

With respect to recreational open space, the subdivision regulations require all subdivisions of five or more units to dedicate park and recreation land or to pay an in lieu fee. Dedicated land must equal 0.025 acre per dwelling unit or the area of the minimum-sized lot in the subdivision, whichever is greater.

Since the entirety of the borough is within the urban growth boundary, farmland conservation is not specifically addressed in either the subdivision regulations or the zoning code. Surrounding townships have established the Agricultural Zone to preserve agricultural areas by limiting the uses allowed to those that are deemed compatible with farming. Rapho Township establishes a limit of 1 dwelling unit per 20 acres, with maximum 2-acre and minimum 1 acre residential lot sizes. East Donegal Township establishes a limit of 1 dwelling unit per 25 acres, with maximum lot 2-acre and minimum 33,000 square foot residential lot sizes. Comments made during our visit indicate to us that zoning alone is ineffective in preserving farmland because rezoning is not difficult. What we have seen under similar circumstances in other areas is that standards like these eventually result in ultra-low-density sprawl that eventually squeezes all the agricultural viability out of the land by hemming it in with residential uses.

#### **Recommendations**

We encourage the continuing cooperative efforts with the surrounding townships to put a comprehensive plan for open space into place. We applaud the effort that has been made to establish connectivity between parks and open spaces, and think that an inter-jurisdictional plan will be a valuable tool in accomplishing this.



As mentioned above, we are concerned that zoning alone is not a particularly effective way to preserve farmland. We recommend that the borough and the townships work together to establish a strong transferable development rights (TDR) program that would allow credits to be applied either in the township where they were created or in the borough, but would require that they be applied to a project inside the urban growth boundary. Under such a system, marketable transferable development credits (TDCs) created by placing an agricultural or conservation easement across land in one of the neighboring townships could be used to increase density in a development within the same township or be used to develop a transit oriented project, for example, within the borough. A strong TDR program would have the dual effect of stopping the incremental encroachment of urban uses into farming areas and of providing incentives to direct development away from them. Farmers would be compensated for relinquishing their development rights, while developers would be able to increase the development potential of land within the UGB. Consideration might also be given to extending the TDR program to privately held, environmentally significant areas.

Both the Montgomery County, MD, and King County, WA, TDR programs are excellent examples of successful multi-jurisdiction programs.

Information on the King County program can be found at <http://dnr.metrokc.gov/wlr/tdr/> (accessed 6/14/04).

The Montgomery County program is contained in Section 59-C-2.43. (Transferable development rights zones) of the Montgomery County Code, which can be found at [http://www.amlegal.com/montgomery\\_county\\_md/](http://www.amlegal.com/montgomery_county_md/) (accessed 6/14/04).

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## **Smart Growth Principle 8 – Multi-modal Transportation**

*Accommodate a range of transportation modes to reduce dependence on automobiles.*

### **Findings**

We found that providing facilities for different transportation modes is not specifically addressed in either the subdivision regulations or zoning code. No transit zones are established, and scant mention is made of transit facilities even though an Amtrak station is planned for downtown. Bicycle lanes are only required in the TN zone and no mention is made of bicycle parking. We also found that the zoning code does not provide for reductions in parking space requirements in exchange for provision of either transit or bicycle facilities.

### **Recommendations**

As an increasing number of Mount Joy Borough residents are commuting to jobs outside of the borough, and even outside Lancaster County, traffic congestion and air quality concerns really require the borough to not only accommodate but encourage a wider range of transportation modes.

The upgrade of the Amtrak facilities provides an excellent opportunity to establish a transit oriented development (TOD) zone, where commuters can live, park their cars, find day care for their children, drop off their dry cleaning or laundry, and shop -- all within close proximity to the station. Expanded bus service can provide links from suburbs so that commuters can conveniently leave their cars at home. Incidentally, a TOD zone would be an excellent place to apply credits created under a TDR program.

Adopting a more differentiated street hierarchy was recommended above to increase neighborhood walkability, but this strategy would also apply here. Street standards should be established that accommodate bicycle lanes throughout the borough and bus facilities (lanes and stops) along collectors.

Since the availability of bicycle parking facilities (both short-term and secured), locker rooms for use by cyclists, runner, or walkers, sheltered bus stops, and park-and-ride facilities increase the use of alternative transportation modes and reduce reliance on single-occupant cars, developers of commercial and industrial properties should be encouraged to provide these amenities. Reductions in on-site parking requirements should be granted in consideration, because the limited availability of parking in turn reinforces the incentive for using these alternate modes.

In all new residential area, developers should be required to provide sidewalks, bicycle lanes and transit stops (as appropriate). To reinforce these efforts to encourage alternate mode use, transit service providers accommodate bicycles on their vehicles (buses and trains) to alleviate long-distance connectivity-issues.

### **Examples**

Vancouver, WA (Population 143,560): Vancouver has established a two-tiered Transit Overlay District program. Tier 1 is typified by the higher densities required to support high-capacity transit, while Tier 2 densities are lower and development standards are designed to promote both pedestrian activity and transit use.<sup>16</sup>

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<sup>16</sup> Vancouver (WA) Municipal Code, Title 20 Land Use and Development (Zoning), <http://www.ci.vancouver.wa.us/vmc/default.shtm> accessed 6/14/04.

## **Smart Growth Principle 9 – Efficient Urban Infrastructure**

*Direct new development towards existing communities by discouraging the expansion of urban infrastructure into rural areas and by encouraging and facilitating redevelopment and infill.*

### **Findings**

By policy, sewer and water infrastructure is extended only to those areas within the urban growth boundary, however development of private systems is allowed outside the growth boundaries (UGB).

We also found that current subdivision regulations and the zoning code do not specifically address or facilitate redevelopment and infill. And to compound the issue, current building codes make rehabilitation of older buildings comparatively expensive.

### **Recommendations**

We applaud the policy that limits water and sewer service to areas within the urban growth boundary, but are concerned that the developers' ability to establish private water and sewage systems may weaken this policy's effectiveness in containing urban development. We think that the adoption of a strong TDR program, as suggested above under Principle 7, would help by providing incentives for building within the UGBs rather than outside them.

As has been suggested under Principle 4, the zoning code should be revised so that redevelopment and infill are not only easier to accomplish, but encouraged by incentives. This might be accomplished through the creation of a TN or Village Mixed Use overlay.

## **Smart Growth Principle 10 – Efficient Development Patterns**

*Encourage the adoption of compact building patterns to use land and fiscal resources more efficiently.*

### **Findings**

Mount Joy, like most towns founded in the pre-automobile era, exhibits a relatively compact development pattern in the downtown area, but that is not the case in newer areas. We found that the current minimum lot size and frontage requirements established in the borough's zoning ordinance severely limit the ability to use compact development patterns, even on vacant parcels in the downtown. Permissible densities are even lower in the surrounding townships and frontage requirements greater.

- Minimum lot sizes in the borough's LDR zone and Rapho Townships' R-1 zone permit only 4.3 dwelling units per acre (du/ac), while the maximum R-1 density allowed in East Donegal Township is 2.9 du/ac, and in Mount Joy Township it is only 2.2 du/ac.
- In the borough's TN zone, the maximum permitted density is 4 du/ gross ac unless density bonuses are granted. With bonuses, 6 du/ gross ac can be achieved. Densities in the older neighborhoods in the borough's downtown are closer to 9 units per acre.
- The highest permitted density in the borough is 14.5 du/ac MHDR zone. This is nearly twice the highest density allowed in Mount Joy Township (7.3 du/ac apartment developments in the R-2 and R-3 Zones), and nearly three times Rapho Township's most permissive zone (5 du/ac in the R-2 zone). East Donegal's maximum is even lower at 4.36 du/ac.

Low density does not necessarily preclude compact development patterns. Cluster development can be used to maximize open space and reduce the amount of urban infrastructure that is required. However, while cluster development is allowed in Mount Joy Borough, it is restricted to parcels of 15 acres or larger, and the maximum permitted density is 6 units per net acre (net of street rights of way).

We also found that lot size and dimensional standards for comparable zones vary from jurisdiction to jurisdiction, and this appears to deter rather than promote compact development in boundary areas.

## **Recommendations**

The linchpin for smart growth is compact development, which requires building to higher densities. Far from reducing urban impacts on land and environmental resources, low density development actually increases them by requiring urban uses to occupy more land than is needed. The grid-patterned streets, pedestrian and cyclist amenities associated with smart growth provide options for people to get out of their cars, but if the distances between home, work, and recreation are still great, those options are effectively foreclosed. Without higher density, housing choice and affordability may be severely limited.

We strongly suggest that higher density residential development be accommodated. Residential uses should be allowed in commercial zones. Density bonuses and TDRs could be used to increase the allowable densities in residential zones. The density allowed in the TN zone should be roughly equivalent to the downtown neighborhoods on which it was patterned.

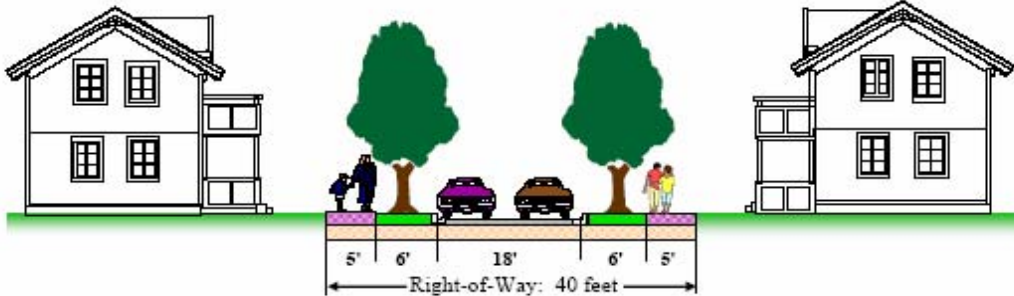
Density does not have to look dense. Allowing various housing styles to be built within the same area can result in highly attractive neighborhoods. The mix of housing options is needed to accommodate the varied needs and changing preferences of residents in all stages of life. Furthermore, the site-size limitation on cluster development should be reduced, if not dropped altogether.

Not only will edging toward higher density result in more livable, walkable neighborhoods, it will minimize the construction and maintenance costs of the capital improvements -- roads, water and sewage facilities -- needed by new development. It will also allow for more efficient police and fire protection.

In addition to cutting transportation infrastructure costs, adopting a more compact development form will start to build the population concentrations necessary to support transit services. Typically, densities of 4 to 6 dwelling units will only support minimum bus service (1 bus/hour), while densities of 7-8 units per acre will support 30-minute headway service. Urban rail service, with trains running 5-minute peak headways, requires at least 9 units per acre, or about the density of the oldest sections of Mount Joy Borough.

We further recommend that the borough work with the surrounding townships to adopt consistent density limits or, at the minimum, comparable lot size and dimensional standards for their shared-boundary areas. The townships might consider directing development toward these areas and away from prime agricultural land through a density bonus and/or TDR program. Cluster development might also be used to good advantage as a way to build a buffer of open space between residential areas and those that are being actively farmed.

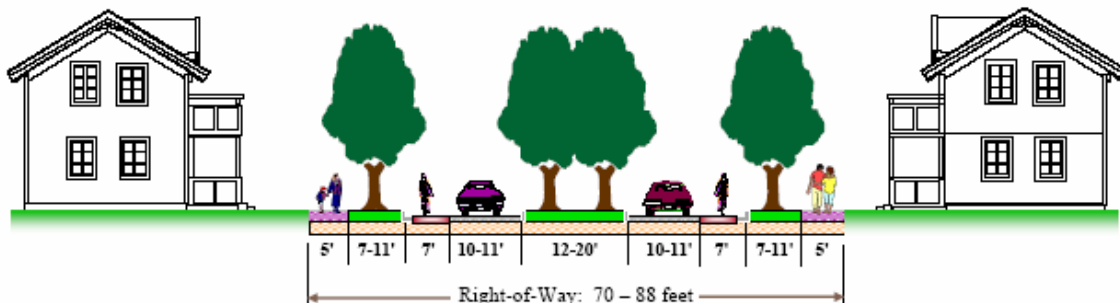
## Appendix A – Hierarchical Streets



**Lane** to provide access to single family homes. Designed for average speed of 15 mph. May be supported by alleyways in rear.

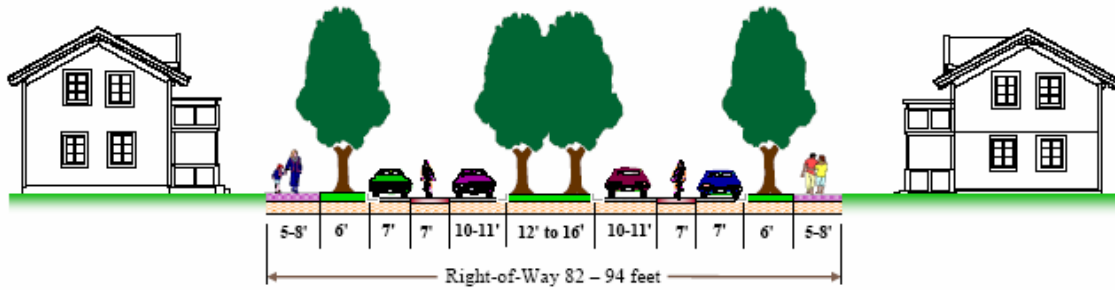


**Street** to provide access to single family homes. Designed to accommodate speeds up to 20 mph.

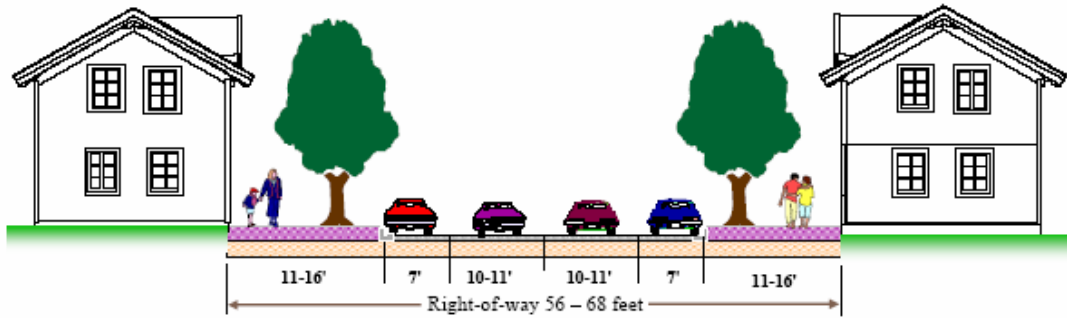


**Avenue 1** through mixed residential/commercial districts to connect centers. Designed for speeds up to 35 mph. Accommodates bike lanes or parking but not both.

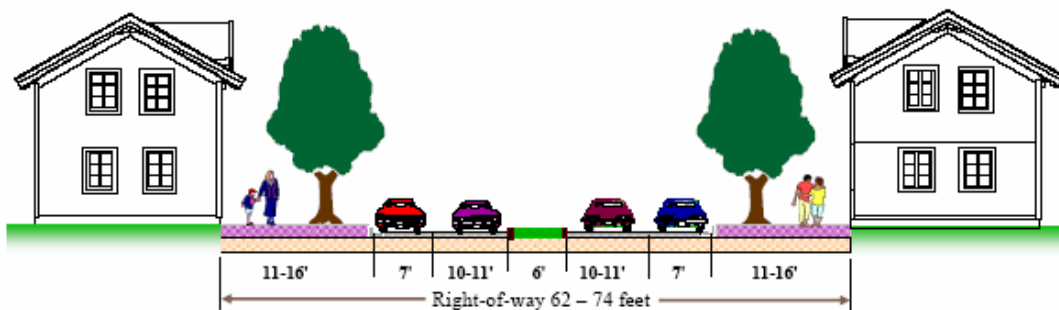
Source: Dan Burden, *Street Design Guidelines for Healthy Neighborhoods*, Sacramento, CA: Local Government Commission, 1999.



**Avenue 2** for use in mixed-use (residential/commercial) districts with both on-street parking and bike lane to connect centers. Designed for speeds up to 35 mph.



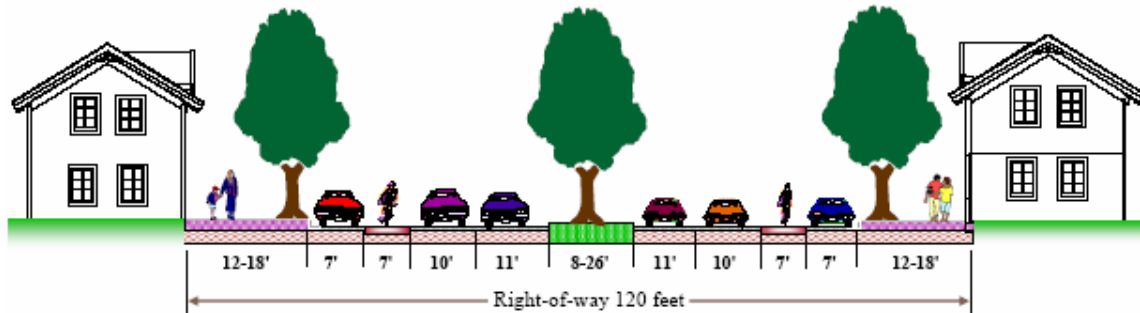
**Main street 1** in commercial and mixed-use districts with on-street parking. Designed for speeds up to 25 mph.



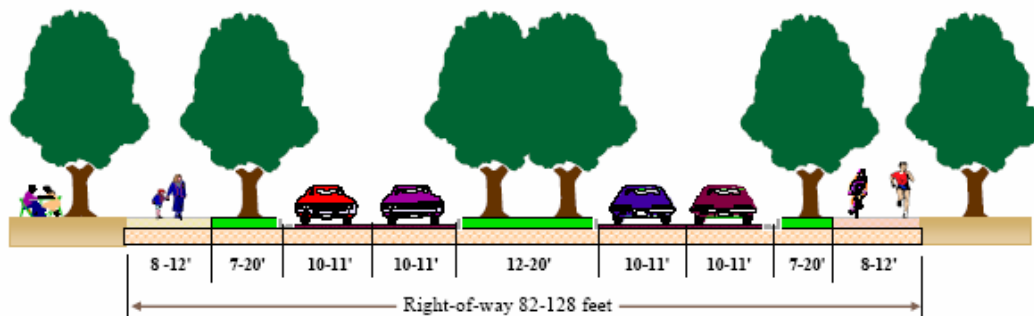
**Main street 2** in commercial and mixed-use districts with on-street parking and median. Designed for speeds 20-25 mph.

Source: Dan Burden, *Street Design Guidelines for Healthy Neighborhoods*, Sacramento, CA: Local Government Commission, 1999.





**Boulevard** designed for speeds of 30-35 mph. For use in mixed-use and commercial areas, and to carry regional traffic.



**Parkway** designed to bring traffic into developed areas from rural or natural areas. Because it is designed to support speeds ranging from 45-55 mph, it is not appropriate for developed areas.