

Model Ordinances and Technical Guidance

Appendix III, Model Ordinances and Technical Guidance, was prepared to assist the Lebanon County Planning Department in fulfilling Section 301.4 (b) of the Pennsylvania Municipalities Planning Code. This provision requires that county planning agencies “publish advisory guidelines to promote general consistency with the adopted county comprehensive plan. These guidelines shall promote uniformity with respect to local planning and zoning terminology and common types of municipal land use regulations.” This appendix may be supplemented with additional advisory guidelines through formal amendments to the comprehensive plan or informal published materials.

The following model ordinances and technical guidance publications are a compilation of documents that represent proven techniques and best practices for sound growth and resource conservation. These publications come from a variety of sources and locations and were selected for their potential application to specific issues raised during the planning process for the 2007 Lebanon County Comprehensive Plan.

The inclusion of these publications in this appendix is intended to provide a toolbox of sample regulations and standards for addressing local and countywide issues; it does not imply recommendation of any or all of these tools by or to Lebanon County, its Planning Department, or its municipalities. These publications are simply made available to municipalities for their consideration and reference as they explore various strategies for addressing local community development issues and opportunities.

These model ordinances may be applicable in whole or in part and should be thoroughly reviewed and revised to suit the conditions and needs of the municipality as well as its capacity to administer such regulations.

Overview of Model Ordinances

For Land Use and Housing

Downtown and Suburban Development Models

1. Model Ordinance for a Town Center District, Montgomery County, PA; 42 pages.

<http://www2.montcopa.org/planning/>

This ordinance (Part 2) is accompanied by a thorough and illustrated description of town center design elements (Introduction and Part 1). It emphasizes business development along traditional Main Street environments; preserving and re-using existing buildings; creating new buildings and outdoor spaces consistent with the design and scale of the surrounding streetscape; and accommodating convenient parking and transit facilities. It can be used to guide infill and redevelopment in specified areas or to guide the development of new town centers within mixed use communities. This ordinance is one of several model ordinances available from Montgomery County’s online Planning Resource Center.

2. Traditional Neighborhood Development (TND) District, Columbus, OH; 32 pages.

<http://www.epa.state.oh.us/oleo/bg1/modelzoning/compact2.pdf>

“The purpose of this (ordinance) is to encourage the development of transit-supportive mixed-use neighborhoods that foster pedestrian activity and a sense of community. It recognizes that many activities of living should occur within easy walking distance, giving independence to those who do not drive. It also recognizes the importance of linkages to the broader community and the importance of public transit as a viable alternative to the automobile by providing appropriate densities and land uses within walking distance of the transit stop. This article recognizes that the suburban development pattern of late 20th century has produced a separation of land uses, excessive vehicular trip generation, inefficient public transportation, and infrastructure costs that exceed available resources. It is the intent of this article to provide for a development pattern that can reduce trip demand and infrastructure costs, and to create more viable communities, by adapting the land development principles that guided our country’s first settlements, towns, cities and suburbs.”

3. Langhorne Station Area (TOD) Transit Overlay Development District, Langhorne Manor Borough, Bucks County, PA; 18 pages.

This ordinance encourages development and redevelopment of land within and adjacent to the SEPTA's Langhorne Station and its intersecting highway corridors; promotes increased public transit ridership as an alternative to reliance on the automobile for travel; promotes a safer and more pedestrian and bicycle-oriented scale of development.

4. Community Choices: Quality Growth Toolkit – Transit Oriented Development, Atlanta Regional Commission; 54 pages (model ordinances begin on page 34).

This publication is one in a series entitled *Community Choices: Quality Growth Toolkit*. Pages 1-24 provide an introduction to the various types of transit-oriented development, explain its role in smart growth initiatives, outline the legal framework and relationship, i.e. zoning, subdivision and land development and characterize common political and public concerns. Pages 25-33 outline five case studies of transit-oriented development projects. Model ordinances for three different types of transit-oriented development are presented beginning on page 34.

5. Live-Work Ordinance, Model Smart Land Development Regulations, Interim PAS Report, American Planning Association, March 2006; 4 pages.

A "live-work unit" is a structure or portion of a structure that combines an allowable commercial or manufacturing activity with a residential living space for the owner of that business, or the owner's employee, and that person's household. Live-work units were common until the early twentieth century when Euclidean zoning – the separation of uses – gained a stronghold. Today, the live/work option exists in two distinct forms: (1) home occupations and (2) live/work units. A home occupation ordinance allows modest, low-impact business or commercial uses within a residence in a residential zone. In contrast, a live/work ordinance allows incidental residential uses within commercial, office, or industrial buildings and zones. Live-work ordinances can help communities with a surplus of underused commercial or industrial land to revitalize such areas by providing development alternatives while preserving the opportunities for business development.

Printer's Row in Chicago, Larimer Square in Denver, and the South-of-Market district in San Francisco are examples of successful live-work districts.

Suburban Development Models

6. Planned Unit Development (PUD) Ordinance, Berkeley County, WV; 4 pages.

The purpose of the planned unit development is to encourage flexibility in the development of land in order to promote its most appropriate use. At its core, the PUD ordinance provides a means for developers to bring unconventional community development concepts to the local planning commission for consideration. It encourages a best practice approach to the design, character and quality of new developments; appropriate mixture of uses and/or housing types; and the protection of natural and scenic features of the site while ensuring adequate and economic provision of streets, utilities and services to the community's engineering and construction standards.

7. Residential Cluster Development Ordinance, Model Smart Land Development Regulations, Interim PAS Report, American Planning Association, March 2006; 12 pages.

The term "cluster" is often associated with higher density development and dismissed as a development concept in fear of the social problems of troubled inner cities. It's true that cluster developments do create smaller lots and homes closer together than conventional developments, but they also conserve undeveloped lands as public spaces and natural areas yielding a net density that is similar to conventional development as well as creating greater opportunities for neighborhood interaction in public spaces. Like denser developments, they can decrease the impact of nonpoint source pollution and the cost of infrastructure installation and maintenance.

The cluster concept is the basis for Conservation by Design.

This model is based on a sample ordinance appearing in *Nonpoint Source Pollution: A Handbook for Local Governments* by Sanjay Jeer, Megan Lewis, Stuart Meck, Jon Witten, and Michelle Zimet, Planning Advisory Service Report No. 476 (Chicago: American Planning Association, 1997), 81-90.

Open Space Conservation Development Models

8. Growing Greener: Conservation by Design (Zoning Ordinance), Natural Lands Trust; 21 pages.

Conservation by Design took the premise of conservation from the residential cluster concept, expanded conservation to include cultural and scenic features, promoted the integration of productive use of open spaces, e.g. compatible agriculture, forestry, etc., and provided options for the degree of “clustering”.

This component provides model language for the zoning ordinance to enable this type of development in one or more zoning districts.

9. Growing Greener: Conservation by Design (Subdivision Ordinance), Natural Lands Trust; 33 pages.

Based in the principle of natural, cultural and scenic conservation, the four-step Conservation by Design process begins with a site inventory of those features, so that they can be “set aside” from lots, homes and infrastructure. Next, homes are sited to take advantage of views to and visual settings of these conserved areas. Third, streets and trails are drawn in to create internal circulation and to connect to the existing transportation network. Finally, lot lines are drawn to delineate individual properties.

10. Neighborhood Greenway Development, South Annville Township, Lebanon County, PA, 2006; 25 pages.

The Neighborhood Greenway Development ordinance was conceived as a Conservation by Design approach but modified to suit to the needs of South Annville Township in terms of promoting residential infill on several tracts in the vicinity of the Annville-Cleona Jr. /Sr. High School. Like the residential cluster concept, it encourages growth in the most appropriate locations and at appropriate residential densities and promotes pedestrian travel rather than motor vehicle trips. Like Conservation by Design, it aims to preserve and enhance natural and historic or scenic beauty and to connect this neighborhood to adjoining Annville Township, nearby schools and other amenities by protected greenway lands. Tailoring these ideas further, it promotes designs that result in residentially scaled buildings fronting on, and aligned with, streets.

11. Open Space Development Model Ordinance, Stormwater Managers Resource Center; 6 pages.

<http://www.stormwatercenter.net/>

This open space development model ordinance enables clustering primarily to reduce environmental impacts. The amount of open space is based on a formula, not on the resources present on the site; therefore, the conserved lands are left to the discretion of the developer.

Affordable Housing

12. Affordable Housing Density Bonus Ordinance, Model Smart Land Development Regulations, Interim PAS Report, American Planning Association, March 2006; 12 pages.

“The following model ordinance for affordable housing provides two alternatives: (1) a mandatory alternative in which affordable housing is required, in some manner, in all development that produces new residential units, either through new construction or through rehabilitation and conversion of existing units or commercial space; (2) an incentive-based approach in which a density bonus of one market-rate unit for each affordable unit is offered as of right. In either case, the affordable housing density bonus is offered for all types of residential construction. The model ordinance uses the U.S. Department of Housing and Urban Development definitions of low- and moderate-income to establish eligibility criteria for purchase or rental of affordable units.”

Other Land Use/Housing Topics

13. Transfer of Development Rights Ordinance, Model Smart Land Development Regulations, Interim PAS Report, American Planning Association, March 2006; 11 pages.

Development rights or the right to develop land is one of the many rights endowed to property owners. This model ordinance establishes a general framework for severing development rights from a sending parcel and transferring them to a receiving parcel for several purposes, the most typical being environmental protection, open space preservation, and historic preservation. The ordinance provides for two options in setting up the TDR program: 1) the use of overlay districts to designate specific areas as sending and receiving parcels and 2) the designation of certain existing zoning districts as sending and receiving districts.

14. Model Ordinance for Manufactured Housing Communities, Manufactured Housing Commission, MI, 2006; 28 pages.

http://www.michigan.gov/documents/cis/dleg_bcc_mfhsg_community_model_ordinance_179359_7.pdf

This model ordinance was prepared to assist municipalities in streamlining the process of establishing standards for the design, construction and operation of a state-licensed manufactured housing community, or mobile home park, in Michigan. Manufactured housing community development standards include the anchoring and manufactured home installation specifications; plan review, distance, setback and space requirements; paving and width criteria for internal roads and sidewalks; parking provisions; screening features; and safety, lighting and utility regulations. A manufactured housing community shall, at minimum, be maintained to the construction standards established under the acts in effect when it was built and legally licensed.

For Recreation

15. Mandatory Dedication of Recreation Land, Conewago Township, Dauphin County, PA, 2006; 8 pages.

This ordinance provides the legal language for establishing provisions for the dedication of land for public open space and recreation. According to the Pennsylvania Municipalities Planning Code, a municipality must have a recreation plan to direct the investment of land or fees prior to establishing a mandatory dedication policy.

16. Mandatory Dedication of Recreation Land, New Hanover Township, Montgomery County, PA, 2005; 7 pages.

This model ordinance expands the definition of recreation lands beyond parks to include trails.

For Natural Resource Protection

General

17. Municipal Management of On-lot Subsurface Sewage Disposal Facilities, Lebanon County, PA; 11 pages.

An On-Lot Management Program is designed to ensure that On-Lot Disposal Systems (OLDS) are maintained properly to avoid malfunctions or failures.

18. Environmental Advisory Council Ordinance, Exeter Township, Berks County, PA, 1998; 2 pages.

<http://www.celdf.org/>

The model ordinance contains the language necessary to create an Environmental Advisory Council, provide its operating procedures, and state the powers of the council.

Agriculture

19. Model Agricultural Zoning District Ordinance, Berks County, PA; 14 pages.

This model ordinance was the starting point of an in depth process used to develop effective agricultural zoning ordinances in Berks County. The purpose was to ensure a future for a local agriculture production industry that allows all types and sizes of agriculture production. *It is not an open space or conservation land ordinance.* The ordinance was presented to and reviewed by a local citizens committee made up of active farmers, landowners, township supervisors, and planning commissioner members. An expert in the logistics of a variety of agricultural operations, e.g. the local conservation district or Penn State Cooperative Extension office, should be available to answer questions.

Water Resources/Stormwater

20. Buffer Protection and Management, Baltimore County, MD; 12 pages.

The Buffer Protection and Management Ordinance is intended to provide riparian buffer design standards, building setbacks, and buffer management criteria. The Baltimore County, Maryland ordinance includes specific language specifying the expansion of buffers for erodible soils and steep slopes that may be applicable to the steep slopes of Lebanon County, Pennsylvania.

21. Riparian Habitat Areas Ordinance, City of Napa, CA; 2 pages.

The Stream Buffer Ordinance is intended to provide numerous environmental protection and resource management benefits to water resources.

22. Wellhead Protection Overlay District, South Middleton Township, Cumberland County, PA; 56 pages.

This model has a good set of definitions and an easy-to-reference table of regulated uses by zone. While it is 56 pages long, the first 19 pages are the ordinance itself. The remaining pages comprise three appendices of maps, pollutant thresholds, and best management practices in text and graphics. The model also addresses the specific karst geology of the Great Valley.

23. Reservoir Protection Overlay Zone, U.S. Environmental Protection Agency; 5 pages.

The Reservoir Protection Overlay Zone regulations are intended to ensure the adequate protection of current or potential public water supply reservoirs. The establishment of these regulations is intended to protect public health, insure the availability of safe drinking water, and prevent the degradation of the water supply in the reservoir through the regulation of land uses and development within the reservoir drainage area.

24. Groundwater Protection Overlay District, U.S. Environmental Protection Agency; 6 pages.

The purpose of the Groundwater Protection Overlay District is to protect public health and safety by minimizing contamination of shallow/surficial aquifers and preserving and protecting existing and potential sources of drinking water supplies. It is the intent to accomplish this through both public education and public cooperation, as well as by creating appropriate land use regulations that may be imposed in addition to those currently imposed by existing zoning districts or other county regulations.

25. Watershed Management and Protection Overlay, York County, VA; 4 pages.

The Watershed Management and Protection Area Overlay District ordinance uses a watershed approach to preventing contamination of surface drinking water supplies through land use regulation and impact study requirements.

26. Carbonate Area District Ordinance, West Whiteland Township, Chester County, PA; 5 pages.

The ordinance was developed to protect the water resources associated with carbonate geologic formations in West Whiteland Township from land-use and development patterns that would threaten their quality and quantity as a result of pollution and the alteration of natural drainage patterns.

27. Pennsylvania Model Forestry Regulations, Penn State Cooperative Extension; 6 pages.

“The model is intended to address fairly the needs and concerns of local citizens as well as forest landowners and the forestry industry. It is also designed to be consistent with the so-called "Right to Practice Forestry" provision (53 P.S. 10603(f)) of the Pennsylvania Municipalities Planning Code.” It supports sustainable forest cover by restricting the amount of forest that can be cleared on a development site and requiring tree planting in mitigation for site clearing.

For Historic Resource Protection

Historic District Ordinance

28. **A Model Historic district Ordinance for Local Governments in Pennsylvania, PHMC Bureau for Historic Preservation, 2005; 25 pages.**

http://www.phmc.state.pa.us/bhp/Community/model_ordinance.pdf

This model ordinance provides the legal language necessary for the creation of a historic district, definition of its limits, and provisions for the appointment of a Board of Historical Architectural Review (BHAR) or Historical Architectural Review Board (HARB). The ordinance further authorizes the board to give recommendations to the governing body regarding the issuance of Certificates of Appropriateness in connection with the granting or refusal of permits for the erection, alteration, restoration, reconstruction, demolition or razing of any building within the district and for appeals from such refusals, and to obtain a certificate as to the historical significance of the district(s) from the Pennsylvania Historical and Museum Commission.

29. **Certified Local Government Historic District Ordinance, Pottstown Borough, Montgomery County, PA; 16 pages.**

<http://www.saveourlandsaveourtowns.org/index.html>

Similar to the model ordinance above, this ordinance designates the historic district, defines its boundaries and establishes the Historical Architectural Review Board (HARB) as the advisory group on matters involving historically significant structures in the borough.

Historic Resource Protection

30. **Model Ordinance for the Protection of Natural, Cultural and Historic Resources in Major Subdivisions, Hunterdon County, NJ Environmental Toolbox, 2005; 58 pages.**

http://www.co.hunterdon.nj.us/planning/ordinances/toolbox/Environmental_Toolbox-Resource_Protection.pdf

The purpose of this ordinance is to preserve irreplaceable natural, cultural, and historic resources, while permitting development at acceptable densities, located and designed to mitigate the perceived intensity of development. It is similar to Conservation by Design in its use of conservation for cultural and historic resources, yet is more prescriptive in its definitions of natural, cultural, and historic resources. Its appendices include guidance on alternative wastewater treatment systems as applicable to these types of developments in New Jersey.

This draft ordinance development guidance was adapted from the “Model Zoning Ordinance for Rural Cluster Development” - #45801 v1 - PG-7 Model Cluster ZO.doc, 02/06/02. Developed by the Southeastern Wisconsin Regional Planning Commission.

For Energy Conservation

Siting Energy Development Projects

31. **Model Ordinance for Wind Energy Facilities in Pennsylvania, PA Department of Environmental Protection, March 2006; 10 pages.**

http://www.pennfuture.org/UserFiles/ModelWindOrdinance_Final3_21_06_.pdf

As a result of increased interest in wind energy production in the energy industry and local government’s lack of experience in addressing the development and operation of such facilities in Pennsylvania, the PA DEP prepared this model ordinance to provide for the construction and operation of Wind Energy Facilities subject to reasonable conditions that will protect the public health, safety and welfare.

Wind Energy

- 32. Wind Energy: Model Ordinance Options, New York State Energy Research & Development Authority; 12 pages.**

<http://www.powernaturally.org>

This publication provides model language for the purpose, definitions, plan submittal requirements and approval standards for safety, siting and installation, setbacks, nuisance, environmental and visual impacts.

- 33. Small Wind Energy System Ordinance, Focus on Energy and a Wisconsin Coalition of Municipal and Energy Partners, 2006; 5 pages.**

<http://www.renewwisconsin.org/wind/windtoolbox.html>

The Small Wind Energy System Ordinance was developed as a permitted use ordinance. The ordinance can be adapted to conditional use for a small wind turbine by inserting additional sections for standards, permit requirements and abandonment into the ordinance.

Vehicle Fleet Operations

- 34. Green Fleet Policy Ordinance, Cities for Climate Protection; 5 pages.**

<http://www.cleanaircounts.org/content/Green%20Fleet%20Policy%20Ordinance.pdf>

This ordinance recognizes current costs for fleet operation and establishes policy and goals for improving fleet fuel efficiency.

Overview of Technical Guidance

In addition to the model ordinances, the following documents may provide additional guidance in the development, review and revision of growth management and resources conservation policies and programs.

- 4. Community Choices: Quality Growth Toolkit – Transit Oriented Development, Atlanta Regional Commission; 54 pages (technical guidance pages 1-24).**

See previous description.

- 35. Model Affordable Housing Plan Guidelines, Housing Task Force of the Metropolitan Mayors Caucus of Illinois, April 2004; 16 pages.**

<http://www.mayorscaucus.org/pages/Home/Issues/Housing>

This final draft document outlines the analysis, planning and financing tools, and incentives applicable to establishing an affordable housing policy. It was developed in response to an Illinois state mandate to assess the percentage of affordable housing units by municipality and establish local goals toward achieving a 10% affordable housing threshold. The guidelines outline the methodology for assessing affordable housing opportunities and engaging tools and incentives to reach the ultimate 10% goal.

- 36. Zoning Guidelines for Permitting Domestic Livestock Uses, Penn State University Small-scale Livestock Work Group, Revised Fall 2004; 8 pages.**

<http://www.das.psu.edu/pdf/ZoningGuidelines20050712.pdf>

This technical guidance document outlines provisions for the regulation of domestic noncommercial livestock uses in rural residential areas. The consensus among Work Group members is that residential land uses involving horses and other animals which are kept and bred primarily for personal use and recreation, may, with appropriate controls, be acceptable in some rural residential areas. This document outlines definitions and provisions applicable to uses.

37. Natural Resources Guidance Checklist for reviewing a Natural Environmental Areas Overlay District Ordinance, Minnesota Department of Natural Resources, 2001; 5 pages.

http://files.dnr.state.mn.us/assistance/nrplanning/community/nrchecklists/districtord_overlay.pdf

This checklist is a tool for reviewing natural resource protection provisions – in this case, provisions of an overlay district. It offers a model purpose statement and definitions and outlines the critical content of other sections of the ordinance. It does not provide extensive ordinance language; rather it prompts the reviewer to analyze the ordinance for specific content. As such, the checklist can help to identify gaps and ambiguities in a draft or existing ordinance.

38. Pottstown Historic Districts Maintenance and Renovation Guidelines, Pottstown Borough, Montgomery County; 17 pages.

<http://www.saveourlandsaveourtowns.org/index.html>

This publication was prepared to assist property owners in making appropriate renovations to their homes and other structures in Pottstown's two historic districts. It outlines the various components of the building that are required to meet the standards of Pottstown's Historic Architectural Review Board. It is intensively illustrated with drawings and photographs and therefore presented in two parts for easy download from the host website.