

**Pedestrian
Mixed-Use
Districts:**

A Key to a Sustainable City

Andrew Miller

I. Introduction

Economically depressed areas of cities and towns have been a long-standing threat to municipalities' health and longevity well before the Great Recession of 2007. Moreover, economic health of these areas is no longer the only issue at hand. Municipalities are considering the environmental health of the community as well in terms of urban planning for the future. This paper advocates the introduction of mixed-use higher density zoning to help create pedestrian districts within targeted areas to help revitalize cities and towns while providing environmental benefits. Problems and opportunities will be examined in relation to these issues, and best practices of other cities in regards to the development of pedestrian districts (including potential data metrics) will be scrutinized. The adoption of an ordinance creating a pedestrian mixed-use district as part of an overall sustainable development plan for a municipality will become an obvious solution to these challenges. The targeted end result is a more environmentally friendly, vibrant, and economically successful city.

II. Guide to Pedestrian Mixed-Use Districts

This section will serve to inform as to the purposes and features of a pedestrian mixed-use district.

A. Purpose of Pedestrian Mixed-Use District

The purpose of pedestrian mixed-use districts is to help communities develop themselves in way that is economically and environmentally viable long-term. This would include heavier-density mixed-use zoning (of commercial, office, and residential) in order to facilitate an area where residents have foot access to their jobs and all amenities, eliminating the need for the use of a car. Thus, they have reason to walk.

These districts can be created in two ways primarily. One manner is to find new undeveloped ground and develop the targeted area in accordance to the principles each community establishes for its pedestrian mixed-use districts. Another is to amend existing zoning ordinances and create a zoning overlay on already developed land, fashioning a pedestrian mixed-use district out of already established areas. Businesses, residents, and developers can thusly be encouraged to modify their buildings to suit the new district standards through the use of penalties such as fines or incentives such as tax credits. Developers and businesses often are persuaded to get on board through the notion of increased profit as well.¹

B. Principles of a Pedestrian Mixed-Use District

The principles that guide the creation of these districts can be delineated into four different areas.

Sustainability. The principles of smart growth and pedestrian mixed-use districts are based on a sustainable development plan in terms of what a community wishes to look like in the future in

¹ Andres Duany, Elizabeth Plater-Zyberk, Jeff Speck. Suburban Nation: The Rise of Sprawl and the Decline of the American Dream 113 (2000).

terms of its continued viability and success.² More often than not, this is centered on balancing environmental, economic, and social factors.

Compact Development. For the pedestrian mixed-use district to achieve success in terms of transportation, economic success, and citizen use, it must feature higher densities of individuals than what is standard for single-use districts and suburban municipalities without being overwhelming to the individual that either lives there or frequents it.³ It has been noted that there should be as much housing in a district as the market can bear while still remaining walkable.⁴

Mixed-Use. There must be a blend of commercial and residential buildings in order to fully provide for the community's needs.⁵ A resident leaving their domicile must be able to readily and safely access a range of needs, from service to food to entertainment within a comfortable walking distance (often five to ten minutes⁶). At the same time, ideally, employees leaving businesses within the district will be able to walk (or easily access) their residences.

Cultural and Environmental Context. A pedestrian mixed-use district will take into the environmental and cultural needs of the area of which it occupies.⁷ There is no universal plan for mixed-use zoning that fits every municipality perfectly. If communities design and develop

² *Model Ordinance for Traditional Neighborhood Development*, MASSACHUSETTS GOVERNMENT, (December 2, 2015, 9:32PM), http://www.mass.gov/envir/smart_growth_toolkit/pages/SG-bylaws-tnd.html

³ *Id.*

⁴ Andres Duany, Jeff Speck, Mike Lydon, *The Smart Growth Manual* 5.10 (2010).

⁵ *Model Ordinance for Traditional Neighborhood Development*, MASSACHUSETTS GOVERNMENT, (December 2, 2015, 9:32PM), http://www.mass.gov/envir/smart_growth_toolkit/pages/SG-bylaws-tnd.html

⁶ Andres Duany, Jeff Speck, Mike Lydon, *The Smart Growth Manual* 6.1 (2010).

⁷ *Model Ordinance for Traditional Neighborhood Development*, MASSACHUSETTS GOVERNMENT, (December 2, 2015, 9:32PM), http://www.mass.gov/envir/smart_growth_toolkit/pages/SG-bylaws-tnd.html

districts that reflect their own values and challenges, the districts will have a better chance for success as local citizens and businesses will “buy in” to the project.

Features of Pedestrian Mixed-Use District

While all pedestrian mixed-use districts vary in their construction and type, certain common features have emerged in many of them. What follows is by no means a comprehensive list, but a summary of several notable elements.

Shortness in block length. Most city blocks in pedestrian districts are shorter than average city blocks.⁸ Typically, this could be about 400 ft. long, but certainly not longer than 500 ft..⁹

Portland, a model for walkability success, is unusual in that it only has 200 ft. long blocks. The advantage of shorter blocks is that it allows for more transportation avenues – whether they be used for automobiles, public transit, bicycles, or pedestrians. However, while they do help assist in pedestrian traffic by offering more choices of routes, they are not essential to the success of pedestrian mixed-use districts.

Good connections and visibility. In order to make citizens in a district feel more comfortable with the option of walking, there must be good sight lines for them to evaluate several route options. This is a function of the shorter city blocks, which allow for pedestrians to have more route choices in order to get where they want to go within the district.¹⁰ As the area as a whole is more open, it has good visibility which helps pedestrian safety in terms of drivers being able

⁸ HAWAII DEPARTMENT OF TRANSPORTATION (DOT), PEDESTRIAN TOOLBOX: SPECIAL PEDESTRIAN DISTRICTS AND SITE DESIGN FOR PEDESTRIAN, 9-22 (May 2013), http://hidot.hawaii.gov/highways/files/2013/07/Pedest-Tbox-Toolbox_9-Special-Ped-Districts-and-Site-Des-for-Peds.pdf.

⁹ *Short Street Blocks*, CHANGE LAB SOLUTIONS (September 28, 7:53 AM), <http://www.changelabsolutions.org/childhood-obesity/short-street-blocks>.

¹⁰ Hawaii DOT at 9-2.

to see and account for those crossing the streets. It also promotes commercial success as pedestrians are more easily able to see signs of businesses and offices that they may wish to frequent.

Trees. While not a universal part of every district, trees increasingly are part of pedestrian districts. From a visual standpoint, they help “green” the city in terms of aesthetics. They also serve as safety barriers when planted along the sidewalk, helping protect citizens from cars that might crash onto the sidewalk. Trees also provide a canopy for the streets, enclosing the area.¹¹ Last but not least, trees help absorb rainfall and alleviate storm runoff.

Public transit. This allows city residents outside the district to commute to appealing amenities within the district. It allows permits residents to move around the rest of the municipality without need of a car. The advent of companies like Uber in addition to the existence of additional taxi services help alleviate this issue if public transit is not in existence. However, if citizens are to focus on walking more while potentially giving up their car (due to reduced parking), they must have a way to access any needs outside of their pedestrian mixed-use district.

Good lighting. Sidewalk lighting fosters nighttime activity within the district.¹² It is also essential to providing safe spaces to walk at night.

Visually appealing. Successful pedestrian districts are aesthetically pleasing in a variety of ways.¹³ Almost all of them have ground level storefronts that are interesting and accessible to the average passer-by on the sidewalk. Events can be held in some of the open public spaces.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

Art objects can decorate the sidewalks and plazas. Trees and water fountains can be used to break up traditional city views.

III. Problems and Opportunities facing Pennsylvania Municipalities

A. Problems

There are several problems and trends that currently exist in America in relation to the typical design of its neighborhoods as they have evolved since 1950. These present several short-term and long-term challenges to both cities and municipalities in terms of fostering sustainability.

Revitalization of areas. The top challenge for many areas is a revitalization of locations that have suffered due to the economic downturn. Many cities' downtown areas are struggling for various reasons. Industries that used to support them may have changed. Companies may have moved on. Young people may not look at the area as someplace desirable to live in or visit. The recession that began in 2007 may have hit an area particularly hard. Higher-level incomes may have left for the space of the suburbs, which may be struggling themselves due to higher utility and maintenance costs as well as a diminished tax base as the housing market continues to recover. There could also be a low occupancy rate for strip malls as small businesses struggle to find their place in the current economy. There are now more people living in poverty in suburban municipalities than in cities for the first time in United States history.¹⁴ For some or all of these reasons, a municipality may be struggling. This in turn diminishes property values,

¹⁴ Ellen Dunham-Jones and June Williamson. Retrofitting Suburbia: Urban Design Solutions for Redesigning Suburbs 9 (2011).

which in turn lowers revenue for a city or municipality. It becomes tougher and tougher to make effective changes that will not only keep an area viable, but successful in the long-term.

Housing. The fallout from the housing mortgage crisis and the subsequent deleterious effect on the economy has depressed property values in many areas that are still recovering. The collapse of the housing bubble left many cities with only partially full suburbs as citizens were unable to sell or afford their houses. This in turn depressed property values, which again lowered the tax revenue a city generated. Moreover, some of the housing located within a city's downtown district or a municipality's targeted area is subsidized or of low value. This in turn does not generate revenue that would help the municipality make improvements. It also creates issues for the municipality to enhance property values without gentrifying an area and pushing out the current residents.

Commuting's community impact. The heavy use of automobiles in city life, especially in terms of commuting, has taken a toll on cities and towns in various ways. It is estimated that 1 in 5 family dollars goes towards transportation costs.¹⁵ Of that money that is spent on driving, nearly 85% of money leaves the local economy.¹⁶ Compounding the issues facing the community, research demonstrated that for every five minutes an Atlanta resident spent driving, they were 3% more likely to be obese.¹⁷ A Harvard professor found that for every ten minutes in additional commuting time, people were 10% less likely to become engaged in the

¹⁵ Jeff Speck, Walkable City: How Downtown Can Save America, One Step at a Time, 29 (2013).

¹⁶ *Id.*

¹⁷ *Id.* at 40.

community.¹⁸ This doesn't even begin to address the automobile's impact on air quality in a community.

Traffic and roads. Cities and municipalities have high construction and maintenance costs in terms of roads in their areas of governance, which increasingly create more traffic while reducing safety for pedestrians. It would follow that given the dependence on automobiles, traffic congestion and increased funding for roads would follow. The typical solution has been to build more roads, or widen existing ones. This in turn leads to temporary improvements, but then the road is filled to capacity. Thus, the problem gets worse in the long run, not better, and becomes less safe for pedestrians along the way.

B. Opportunities

Despite all these issues, there are signs of hope for cities and municipalities of which they can take advantage.

Population and property trends. Population shifts and data analysis of the property market reveal opportunities that cities and municipalities can exploit if handled correctly. Of the projected 101 million new households by 2025, 88 percent will be childless, which makes them more likely to live in denser communities.¹⁹ These will be composed of retiring baby boomers as well as millennials continuing the demographic shift to urban areas.²⁰ The same millennials

¹⁸ *Id.* at 48.

¹⁹ *Id.* at 21.

²⁰ *Millennials Prefer Cities to Suburbs, Subways to Driveways*, NIELSEN (March 4, 2014), <http://www.nielsen.com/us/en/insights/news/2014/millennials-prefer-cities-to-suburbs-subways-to-driveways.html>.

are also less likely to own a car than they were four years previously.²¹ In terms of property values, a shift is already occurring. Walkable urbanism properties in Detroit demonstrated a 40% higher value than drivable suburban ones, with that number increasing to 51% in Seattle, 150% in Denver, and nearly 200% in New York City.²² There are also signs that citizens are not deterred by a city's efforts to reduce driving. In Washington, D.C., between 2005 and 2009, auto registrations fell by 15,000 while the population increased by almost the same amount. (It should be noted that Washington has a robust public transit system.)²³ Last but not least, a poll in the service of the National Association of Realtors found that 47% of those surveyed wanted mixed zoning, as opposed to only 10% who wanted to live in single use-zoning (such as a suburban housing district).²⁴

A pedestrian mixed-use district provides high density housing with ready walking access to amenities. This helps satisfy the trends of young people that are increasingly not driving and/or owning an automobile. In the same breath, it also provides the same conditions both millennials and baby boomers are looking for when evaluating where to live. By creating a vibrant community with opportunities within their own city or municipality, local governing authorities thus have a better chance of retaining their existing population (and attracting new citizens) as opposed to losing them to a larger city. This helps sustain the area as a whole, and provides for sustainable growth.

²¹ *Id.*

²² Speck at 23.

²³ *Id.* at 29.

²⁴ *Id.* at 25.

Attracting businesses. Part of the challenge for revitalizing communities in the wake of an economic downturn is attracting and retaining successful businesses and industries to an area. The traditional model for attracting companies has been to offer an array of incentives, especially tax breaks. However, in the ultra-competitive economy, that isn't a long-term plan for success as companies may eventually be offered a better deal elsewhere. In addition, while it's easy and often cheap to buy up land in an economically depressed area, companies are finding that it isn't always the optimum solution for success. Increasingly, companies are looking to be located in places where their employees want to live. This includes being part of a city that has vibrant options in terms of entertainment, transportation, food, and other amenities.²⁵ This helps attract employees. It thus becomes harder for a business to justify relocating to another city for a slightly better tax break when their employees have found a place they love to live.

A pedestrian mixed-use district helps create all these conditions that help a business stay in an area. Company employees can potentially live close to work, reducing their transportation costs. These residents will in turn have access to a panoply of options in terms of food, entertainment, and other necessary services. As noted, this should result in happier employees that live in a vibrant section of a city or municipality. Thus, more businesses should be attracted and maintained.

Sustainability. Sustainable development for cities and municipalities has at its heart a focus on long-term success, both economically and environmentally.²⁶ Governing authorities are

²⁵ *Economic Vitality: How the Arts and Culture Sector Catalyzes Economic Vitality*, AMERICAN PLANNING ASSOCIATION (September 25, 2015, 10:52 PM), <https://www.planning.org/research/arts/briefingpapers/vitality.htm>.

²⁶ *What is Sustainable Development?*, WORLD BANK (Sept. 24, 2015, 11:28 PM), <http://www.worldbank.org/depweb/english/sd.html>.

increasingly looking at ways to reduce their community's ecological footprint, thus ensuring future generations will have a place to live. Moreover, municipalities are looking at increasingly environmentally-friendly ways to do so, whether that comes from increased building design efficiency, solar energy, water conservation, or alternative forms of transportation.²⁷ These jobs and efforts can in turn boost a municipality's economy.

Pedestrian mixed-use districts are directly aimed at the sustainability issue. By reducing car usage, a city or municipality's carbon emissions decline. By densely-zoning, municipalities operate on less extended infrastructure and get more efficiency out of the utility services provided to businesses and residents in the area. The density also provides for more foot traffic, which in turn increases the success of commercial operations within the district. With such success, property values rise allowing for increased tax revenue – which in turn can be re-invested in the district or can be sent to areas outside the district to increase their vitality as well. Thus, the pedestrian mixed-use district becomes a thriving, environmentally-friendly engine for the city or municipality that makes use of it.

Health. Through targeted efforts, municipalities can improve the health of their citizens, an increasingly important issue given research about the weight and conditioning of so many people. Americans are increasingly being qualified as obese. There's been a dramatic shift in the population, so that in 2007 only Colorado had an obesity rate of under 20%.²⁸ It's not just adults for whom this is an issue; the childhood obesity rate as of 2011 from individuals ranging

²⁷ Mark Muro, Jonathan Rothwell, Devashree Saha, *Sizing the Clean Economy: A National and Regional Green Jobs Assessment*, BROOKINGS INSTITUTE, 24 (October 22, 2011), http://www.brookings.edu/~media/research/files/reports/2011/7/13-clean-economy/0713_clean_economy.pdf.

²⁸ Speck at 38.

from two years old to nineteen was 17%.²⁹ The more money that goes to healthcare reduces the amount of money spent on other things in the community. Thus, it's in a municipality's best interest, both for moral and for economic reasons, to have a healthy citizenry. As such, there's been increased support for community exercise programs, parks, and alternative forms of transportation such as cycling and walking. By creating a district that is centered around walking as the dominant form of transportation within its borders, municipalities increase the health of their residents as well as individuals who travel to these areas by getting them to walk more.

IV. Why Zone Pedestrian Mixed-Use Districts in Pennsylvania?

This section will focus on why pedestrian mixed-use districts are a good solution for communities in Pennsylvania, be it municipalities or cities, that are interested in sustainability long-term.

A. Why Pedestrian Mixed-Use Districts Specifically?

Creating pedestrian districts is aimed at alleviating a number of issues currently facing municipalities while fostering economic success and environmental stability.

²⁹ *Childhood Obesity Facts*, CENTERS FOR DISEASE CONTROL & PREVENTION (September 27, 10:46 PM), <http://www.cdc.gov/obesity/data/childhood.html>.

Economics. One of the biggest concerns of many cities and regions are faltering economic centers and cities. A recent report showed that job growth was only recently getting back to normal following the Great Recession of 2007.³⁰ Pedestrian districts look to revitalize areas through a mixture of commercial and residential activity. By focusing residents on spending their money within the area that they live, both they and local businesses reap the benefits. Increased sales result in increased tax revenue. Increased economic activity leads to higher property values, which also results in increased tax revenue. This money can in turn be reinvested in the community and help other parts of the municipality join in the success of the pedestrian district.

Health. As noted previously, health and obesity is an ever-growing issue for a large number of Americans. Pedestrian districts look to address this by encouraging citizens to walk for their errands instead of drive. This activity, as opposed to inactivity spent in vehicles, will increasingly lead to improved health. A study in San Diego found that 60% of residents in a low-walkable neighborhood were overweight as compared to only 35% in high-walkable neighborhoods.³¹ With well-designed walking routes, this can also benefit schoolchildren and help reduce the obesity threat, thus improving the long-term viability of the community.

Appearance. While less of a pressing issue, pedestrian districts help improve the image of a community. This can range from unique storefronts to leafy green canopies covering the area to art pieces decorating the district. There is a wealth of possibilities, including sidewalks filled with residents, tourists, and employees all availing themselves of the commercial and residential

³⁰ Mark Price, *The State of Working Pennsylvania 2015*, KEYSTONE RESEARCH CENTER, 7 (September 2, 2015), http://keystoneresearch.org/sites/default/files/KRC_SWP15.pdf.

³¹ Speck at 38.

opportunities of the area. One of the goals of pedestrian districts is to turn what potentially was a depressing area for a municipality into a bustling beautiful section of the city, representing the image it wishes to portray.

Environment. Not least of the benefits that pedestrian districts provide are the environmental ones. With more people walking for their errands, fewer cars will be used. This in turn lowers carbon emissions as well as reduces the local city temperature. More trees help combat storm overflow and absorb carbon in the air.³² Most importantly, by walking instead of driving, citizens can cut their carbon output in a week as much as they would have by switching to energy saver light bulbs.³³

B. Why Pedestrian Mixed-Use Districts in Pennsylvania?

There are a number of situations across Pennsylvania that could use pedestrian mixed-use districts to address some of the aforementioned problems or opportunities.

Cities could definitely benefit from mixed-use pedestrian districts. Philadelphia could help alleviate traffic congestion by shifting people living outside the city to closer to where they work. Pittsburgh could use it to revitalize and strengthen specific neighborhoods, helping to retain young workers that had fled the city. Cities like Allentown and Harrisburg can enhance a sense of community and foster economic growth in areas that have fallen behind economically.

³² *Id.* at 226.

³³ *Id.* at 54.

Smaller towns can revitalize their centers, drawing their population in to a more sustainable model for endurance and success.

Townships and boroughs in Pennsylvania can also utilize pedestrian districts to significant success. Strip malls constantly face turnover and emptiness – devoting some of their space to community centers that offer activities and events to those living in the surrounding area could only benefit those citizens. More importantly, sprawl is a constant challenge facing townships and boroughs as residents and developers seek to spread developments out further and further. This, in turn, raises the cost of infrastructure for townships and boroughs to maintain. For example, researchers in 1992 found that in Franklin, Milwaukee, a suburb of 25,000, a new single family home paid less than five thousand dollars in property taxes but costs the city more than ten thousand dollars to service, with the difference ultimately having to have been made up through a tax hike.³⁴ By concentrating people in smaller areas, municipalities can increase their efficiency both in utility services provided and the cost of those utilities. It also reduces the amount of necessary new road construction, while lessening the amount of road maintenance as well. A pedestrian district might also foster a sense of community in a township that is otherwise disjointed and spread out. Thus, it is of great benefit to Pennsylvania's townships and boroughs to start shifting to pedestrian mixed-use districts as well.

C. Existing Ordinances in Pennsylvania

³⁴ Andres Duany, Elizabeth Plater-Zyberk, Jeff Speck. Suburban Nation: The Rise of Sprawl and the Decline of the American Dream 127 (2000).

While there are some existing ordinances in Pennsylvania as pertaining to the establishment of, or re-zoning to, pedestrian mixed-use districts, there are several issues that require this issue receive further attention in order to achieve city and municipality sustainability goals.

Existing ordinances in Pennsylvania suffer from two issues in terms of the creation of pedestrian districts. The first is that ordinances throughout the Commonwealth that address pedestrian districts directly are not as widespread as they could be. There are examples to be found though, such as Merion Township's plan for development for the King of Prussia area.³⁵

The township felt that it needed to act to curtail the increasingly pedestrian-unfriendly trend developing in the area while giving the municipality a long-term plan beyond adding more stores and businesses to a commercial destination that heavily depends upon automobile traffic.

Another would be State College's Traditional Neighborhood Development Plan, which evolved into specific plans for neighborhoods like the Historic District, which preserved elements of the city's history and culture.³⁶ This allowed the municipality to maintain its character while

shifting to a more sustainable model of operation in the future. York addresses the matter specifically in its plans for the center of the city, classifying downtown as the Central Business District and highlighting that the area should be pedestrian-oriented.³⁷ This allowed the city to help revitalize a downtown area that had been struggling by creating wide walkways,

standardizing a design theme, and fostering a zone of potential new growth for businesses due to increased foot traffic. While these are three solid examples, there are simply not enough in Pennsylvania given the number of cities, towns, and municipalities that exist.

³⁵ Merion Township, Pennsylvania, Municipal Code §145-24.2.

³⁶ State College, Pennsylvania, Municipal Code § 965.

³⁷ York, Pennsylvania, Municipal Code § 1303.13.

The second issue that the state faces is that many municipality zoning ordinances and development plans are focused on the automobile as the primary, if not the only form, of transportation throughout an area. As noted previously, that frame of reference has led to more roads and wider roads, with less pedestrian-friendly environments. Accordingly, there is a great deal of sprawl that exists because of single-use zoning as opposed to mixed-use zoning with higher population densities. New ordinances or zoning amendments help alleviate that problem by allowing existing communities re-zone themselves for future development as they transition into pedestrian mixed-use districts, while allowing new developments that are constructed to be done so in accordance with the core ideas of these districts. By adding in additional transportation alternatives such as a bike lane, the amendments allow the citizens options in terms of switching from the existing model of driving everywhere. As such, additional zoning ordinances or amendments will be required to help other communities in Pennsylvania that lack such transition to opportunities for pedestrian mixed-use districts if they so choose.

V. Pedestrian Districts Elsewhere

Numerous other cities and municipalities across America have begun the transition to utilizing pedestrian mixed-use districts in their areas. Three in particular will be examined in terms of their efforts.

A. Miami, Florida.

Miami is an example of a city that took significant measures in order to put itself on a sustainable path, which included the implementation of pedestrian districts. While smaller than

Philadelphia in both physical size and population, Miami boasts a similar population density (11,375.9 people per square mile versus 11,135.9 people per square mile, respectively based on 2010 Census).³⁸

Miami focuses its general plans around the Miami 21 Code, which defined different characteristics of zoning and variations for each of its targeted neighborhoods. In order to support pedestrian districts and reduce traffic, it offers three different types of public transit: heavy rail for broad access throughout the region, electric light rail for moving through downtown and a few other locations, and buses for travel throughout the city.³⁹ It constructed additional parking garages to reduce on-street parking issues, bringing the total of spaces under the Miami Parking Authority's control to 30,000.⁴⁰

Miami adopts measures in its zoning ordinances specifically to address problems issues both common to others and distinct to itself. Almost all cities and towns could benefit by following some of the guidelines established in its code for historical district preservation.⁴¹ In terms of a separate issue Philadelphia is less likely to have, Miami specifically provides rules in order to reduce the heat issue (the creation of excess heat through the intense sun the city receives as well as the heat generated by its citizens, their businesses, and their automobiles, which in turn requires significant electricity generation to power air conditioning) in the city, while providing exemptions for green roofs and solar panels.⁴² It targets new high-rise and large square footage

³⁸ *Population Densities for U.S. Cities Map*, Governing the States and Localities, (Sept. 27, 2015), <http://www.governing.com/gov-data/population-density-land-area-cities-map.html>.

³⁹ *Miami-Dade Transit*, MiamiDade.gov, (Sept. 28, 2015, 10:03PM), <http://www.miamidade.gov/transit/>.

⁴⁰ Miami Parking Authority, *Customers Frequently Asked Questions*, Miamiparking.com, (Sept. 28, 2015, 10:11 PM), <http://www.miamiparking.com/en/customers/faqs.aspx>.

⁴¹ Miami, Florida, Municipal Code § 3.12.

⁴² *See id.* § 3.13.2.

habitable buildings in terms of stating that they must be Silver-certified by Leadership in Energy and Environmental Design standards, and dictates what penalties may occur if they do not. These technologies and standards can be utilized within a pedestrian mixed-use district, but they are not a requirement. They increase energy generation and use efficiency, which is of special note as one of the features of mixed-use zoning is higher-population-density habitable buildings.⁴³ These are just a few of the many ways Miami is approaching zoning pedestrian districts.

B. Kirkland, Washington.

Kirkland has utilized a set of guidelines that are predominantly in line with the aforementioned universal features of pedestrian districts as it shifts to a more sustainable plan for the community.⁴⁴ These guidelines come from its Design Review Board, a collection of individuals from varying fields and experiences – engineering, business, environmental, and political – to create a long-term plan for Kirkland revolving around pedestrian mixed-use districts. The Design Review Board itself is created by ordinance, with everything from its constituency to the matters it reviews delineated within the code.⁴⁵ The board reviews both the plan and applications to modify and develop within targeted areas, making recommendations to the city's zoning authority, mayor, and council.

The board, as part of the plan, focuses on many different issues facing the pedestrian mixed-use district, ranging from street concerns to landscaping specifications. The code highlights that

⁴³ See *id.* § 3.13.1.

⁴⁴ Kirkland, Washington, Municipal Code § 3.30.

⁴⁵ *Id.*

there are existing standards for pavement width, pavement type, and lighting.⁴⁶ It also notes that standards have been established in the code for all plants incorporated into pedestrian districts.⁴⁷ Plaza width is also strictly limited as no more than 60 feet.⁴⁸ Descriptive text throughout the guidelines, ranging from blank wall concerns to ornament and art decoration, help enhance the understanding of what the municipality is trying to achieve on almost every feature mentioned above.⁴⁹

The city did not limit itself to these guidelines for the Design Review Board to follow. Like Miami, it clearly defines types of economic zones within its code.⁵⁰ However, as those definitions could prove to be rather limiting and in stark contrast to the Design Review Board Guidelines, Kirkland established specific zoning guidelines (through the use of new zoning overlays created by amendment) for several different neighborhoods, such as the Rose Hill Business District.⁵¹ This section contains requirements for 50 percent of the ground floor of buildings to be used for retail establishments, restaurants, and such.⁵² It also constrains the number and characteristics of driveways on a particular road.⁵³ Thus, much like State College making allowances for the Historic District, Kirkland permits variances between communities while allowing general design goals to drive its pedestrian districts forward.

C. Hawaii.

⁴⁶ Kirkland, Washington. Design Guidelines for Pedestrian-Oriented Business Districts, Supplement to Municipal Code § 3.30, 2 (2012), <http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Design+Guidelines.pdf>.

⁴⁷ Kirkland, *supra*, 2.

⁴⁸ Kirkland, *supra*, 12.

⁴⁹ Kirkland, *supra*, 13, 29.

⁵⁰ *See id.* § 15, 20, 25, 30, 35, 40, 45.

⁵¹ *See id.* § 53.

⁵² *See id.* § 53.04.3.

⁵³ *See id.* § 53.04.6.

While not providing ordinances in terms of adoption by municipalities, Hawaii is used as an example in terms of support provided by the state Department of Transportation in terms of assisting local cities and towns. Hawaii does have a statewide plan for pedestrians, but its toolbox for pedestrian site design is of special note. It highlights the need for consideration of all forms of transportation into an area that's being considered for pedestrian district zoning.⁵⁴ It goes so far as to provide a detailed example of an ideal mixed-use pedestrian site design, complete with plazas, trees, parking spaces for local businesses, and a unique structure highlighting the visual appeal of the concept.⁵⁵ The resource demonstrates what exemplary driveways look like in a pedestrian district, with narrower widths for such with a visible walkway for pedestrians.⁵⁶ The street and site designs within slow vehicular traffic through an area, increasing pedestrian safety.⁵⁷ In total, the document showcases the Department of Transportation's recognition of this new trend in urban development and signifies its cooperation in working with local communities to achieve pedestrian-friendly districts.

VI. Evaluation Metrics for Pedestrian Districts

Various measurements exist for both the planning and the measuring of success for the implementation of pedestrian planning. However, there are no universal standards for such employed throughout the nation and what follows is not a comprehensive list of every metric used. Every city that does implement a pedestrian district program does make heavy use of data though. It should be noted that relevant figures and specific target numbers will differ by the size, character, and needs of the municipality.

⁵⁴ Hawaii DOT at 9-2.

⁵⁵ *Id* at 9-4.

⁵⁶ *Id* at 9-10.

⁵⁷ *Id* at 9-26.

A. Foot traffic.

One of the metrics that can be used for both planning and measurement is that of measuring foot traffic. This can be done by implementing studies that measure the daily usage of walkways and crossroads at various times of the day in targeted areas. If possible, differentiation can be made for the types of walkers, such as between tourists, residents, employees of local businesses, and school children.⁵⁸ Such statistics, once gathered, can show strengths and weaknesses of a city's pedestrian traffic in the targeted area. Initially, that data can be examined to see what is working and why. After that, further studies can show the effects as various measures are implemented for pedestrian districts. Goals would be increases both in foot traffic and usage among specific groups.

B. Foot trips per household.

An additional metric would be to evaluate foot trips made by household.⁵⁹ This can occur through time-staggered surveys of households. Such data could identify needs not being met for residents in a specific area (food, shopping, medicine, etc.) as well as the auto usage by residents. A goal would include increased number of foot trips from households in the targeted zone and immediately outside of it and decreases in the lack of identifiable shortcomings for the district.

C. Automobile traffic.

⁵⁸ City of Seattle, [Pedestrian Master Plan: Performance Measuring Table](http://www.seattle.gov/transportation/pedestrian_masterplan/pmp_table.htm), Seattle.gov (Sept. 25, 2015, 9:09 PM), http://www.seattle.gov/transportation/pedestrian_masterplan/pmp_table.htm.

⁵⁹ *Traffic Impact Analysis*, UNIVERSITY OF WISCONSIN (Dec. 8, 2015, 6:31AM), http://www.lic.wisc.edu/shapingdane/facilitation/all_resources/impacts/analysis_traffic.htm

Another measure for evaluation is that of automobile traffic. This can include such factors as automobile traffic along targeted streets segmented by time and day, automobile level of service, and commute times. Traffic usage can help identify areas that might be affected by making a certain area more pedestrian friendly. This also applies to automobile level of service, a grading system that evaluates the quality of traffic in an area in terms of congestion. This is a helpful measure while transitioning to walking as the primary form of travel, as it helps community leaders respond to drivers dealing with the changes underway.⁶⁰ Furthermore, commute times measure the time employees and others that use thoroughfares to get to and from work and home. Goals would be to see traffic usage decrease (without a significant negative impact on surrounding roads), level of service to increase in grade, and commute times to stay the same or decrease.

D. Additional transit options.

It should be noted that if public transit and bicycle options are available, their usage can (and should be) tracked as well.⁶¹ All traffic flow in, out of, and through the targeted district and the surrounding areas can be useful in understanding the overall impact of a pedestrian district. Moreover, such options are useful tools in supplementing the use of a district while increasing sustainable efforts within the city.

E. Property values.

⁶⁰ *California has Officially Ditched Car Centric Level of Service*, STREETS BLOG LA (November 29, 2015, 7:43PM), <http://la.streetsblog.org/2014/08/07/california-has-officially-ditched-car-centric-level-of-service/>.

⁶¹ City of Seattle, *Pedestrian Master Plan: Performance Measuring Table*, Seattle.gov (Sept. 25, 2015, 9:09 PM), http://www.seattle.gov/transportation/pedestrian_masterplan/pmp_table.htm.

Property values are a good metric for the targeting of certain areas in a city for development as well as a measure of pedestrian district success or failure. While many cities and towns may choose to focus on the downtown area, low property values can serve to identify an area in need of revitalization. This data must be used in conjunction with foot traffic paths and the types of businesses in the area. Over time, as measures are implemented to establish the pedestrian district, further evaluations of property values, as determined by both sale price and rental rate, can be tracked. The goal would be to see increases in both.

F. Occupancy rates.

Occupancy rates of commercial and residential space within the pedestrian district can help chart the progress of measures implemented. A certain level of vacancy is always to be expected; that target can be set by city planners. The goal would be to see increases in both commercial and residential occupancy rates.⁶²

G. Pedestrian safety.

Pedestrian safety is of significant concern when implementing these districts. Two key statistics to be examined are average vehicle speed on targeted streets and accidents involving pedestrians. Average vehicle speed isn't just a useful identifier for traffic issues; the faster a car goes on a roadway, the more likely an accident involving a pedestrian is likely to result in serious injury or death.⁶³ Accidents along a particular roadway or a pedestrian district help

⁶² Nasim Iranmanesh, *Pedestrianisation a Great Necessity in Urban Designing to Create a Sustainable City in Developing Countries*, CONGRESS REPORT 44TH ISOCARP CONGRESS (2008), http://www.isocarp.net/data/case_studies/1130.pdf.

⁶³ *Id.*

identify areas of concern initially.⁶⁴ It should be noted that despite being consistently ranked as a walkable city, Miami's deaths per 100,000 from vehicular accidents actually rose to 2.8 in 2013.⁶⁵

Goals would be to see a decline in the average vehicle speed in the pedestrian district area and a decrease in the numbers of accidents, both total and fatal.

H. Walk Score.

Walk Score can be utilized as a supplemental data point. Walk Score is a commercial company that helps rank cities or regions in terms of residents being able to walk to amenities, ranging from food markets, doctors, entertainment options, and other relevant services and destinations.⁶⁶ Website users can search particular cities or a specific address. The algorithm is calculated as such:

The Walk Score algorithm awards points based on the distance to the closest amenity in each category. If the closest amenity in a category is within .25 miles (or .4 km), we assign the maximum number of points. The number of points declines as the distance approaches 1 mile (or 1.6 km)—no points are awarded for amenities farther than 1 mile. Each category is weighted equally and the points are summed and normalized to yield a score from 0–100.⁶⁷

⁶⁴ *Id.*

⁶⁵ *Pedestrian Death Rate*, MIAMI MATTERS (September 29, 8:18 PM),

<http://www.miamidadematters.org/modules.php?op=modload&name=NSIndicator&file=indicator&iid=12381785>.

⁶⁶ WALK SCORE, <http://www.walkscore.com> (last visited September 29, 11:52 PM).

⁶⁷ *Id.*

Higher scores are better; for instance, scores 70 and over indicate most errands can be accomplished on foot. Kirkland, Washington, only comes in at a 48.⁶⁸ Walk Score also ties into property value. Increases in one point have shown increases in property sales from \$500 to 3000 per point.⁶⁹ The site can readily be accessed.

I. Timely Evaluations.

Timely evaluations of all aforementioned metrics are important. While instant returns should not be expected, tracking the success or failure of measures being implemented helps the evaluation of the pedestrian district development. All these factors, both in the initial planning and after, should be weighed against the costs of the program. As data comes in, course corrections may be made to counter unforeseen developments or actions that are not having the projected impact.

VII. Issues, Costs, and Payment

While formulating a development plan, a city or municipality must evaluate what particular issues it faces if it chooses to implement a pedestrian mixed-use district, weigh the costs of doing so versus the perceived benefits, and determine how it shall pay for such an endeavor. To do so, it needs a wealth of data and most likely the help of a consultant who has worked such a plan before. The consultant can help guide the municipality officials through the design process while helping them leverage the data to formulate the tools that will be used to shape pedestrian mixed-use district.

⁶⁸ *Id.*

⁶⁹ Speck at 25.

A. Issues

There are many issues that a planning commission and municipality council must address in terms of ordinances that help create a pedestrian district. These can arise during the initial evaluation of areas or plan creation, or during the adoption and implementation stages. This proposal targets five specifically: cost vs. benefits, part of an overall plan for utilization of pedestrian districts, the problem of targeting one specific area, the impact on commuters and traffic flow, and finding the appropriate solution.

Benefits vs. Cost. The first item to be considered are the potential benefits to the municipality versus the proposed costs of creating a pedestrian district. All cities and towns want to be successful, but the landscape is littered with cities that have implemented pedestrian improvements only to see very little return for their investment. Failures can leave cities cash-strapped and can increase the difficulty of passing future sustainability efforts and reforms.

This is where investing in the research and possibly a consultant helps significantly. As noted, it's easy to make mistakes. Guided by the right data, a municipality can make smart investments (initial measures that have visible positive impact) that help set the stage for the full implementation of the pedestrian mixed-use district. Further staggered development and goals often offer the best chance for success for long-term development of pedestrian districts, minimizing the backlash from residents and businesses if there is too much change too quickly.⁷⁰

⁷⁰ Ellen Dunham-Jones and June Williamson. Retrofitting Suburbia: Urban Design Solutions for Redesigning Suburbs 24 (2011).

Part of an overall pedestrian district plan. The adoption of a zoning ordinance alone often will not suffice to create a successful pedestrian district. Based on the data from the research, there must be an overall plan for the entire city or municipality of which the pedestrian mixed-use district is but one part. How the district integrates with the rest of the community is important to the overall success of the efforts made. Additionally, there must be more ordinances passed in conjunction with zoning ones according to the needs of the project. These could range from changing the width of roads, widening sidewalks, setting aside areas for off-street parking, creating or improving a public transit system, or lowered speed limits on roads in the pedestrian district. This will likely involve amending the existing zoning code if the district is part of a zoning overlay on already developed land. Without additional ordinances and a plan for how the community fits together, a pedestrian district's growth could be stunted, if it gets going at all.

Political will. Committed leadership is necessary for the plan. This can come from a mayor or a planning commission. Pedestrian districts are a change for many areas. Assuaging citizens' concerns while holding fast in the face of opposition can be challenging. Strong leadership is also necessary for when a town or city doesn't have complete control over the roads that are in its area, just as highway or expressway owned by the state which will often have different priorities. The use of the Internet to educate the public and solicit their comments is encouraged in order to facilitate community engagement.⁷¹ Development plans also often need be sustained

⁷¹ Peter Newman and Isabella Jennings, Cities as Sustainable Ecosystems, 4 (2008).

over more than just one political term, as change doesn't always happen quickly. Locking in plans and garnering public support are important ways of making that task easier.

Targeting specific areas. Cities usually have limited resources and a number of problem areas. One of the pitfalls of pedestrian district development are that cities try to improve everywhere at once instead of focusing on one specific area at a time. This spreads out resources and slows development.⁷² However, certain areas, and especially the downtown area, may be in more need of help than others. Selling this to an entire area's citizenry that only one area is going to see development resources for a pedestrian district can be a challenge. It should be noted that some cities only need one success story, and one area's development can spur others and generate additional funds for development.⁷³

Impact on commuters/traffic. As noted by the metrics, creating a pedestrian district can have an impact on traffic. Moreover, it can be seen as an affront to those who drive to, from, and through the area in question. Pedestrian districts also go against the typical American notion of driving everywhere. Drivers can be concerned about everything from the impact on their commute time to lost parking spaces to the feeling that they're being made to suffer to give benefits to pedestrians. Communities need to be prepared for adjustment.

An appropriate solution. Municipalities should seek to find the solution that works best for them. While the principles behind the development of pedestrian districts are universal, the implementation of such is not. What is appropriate for Harrisburg may not work for

⁷² Speck at 253.

⁷³ *Id.* at 257.

Philadelphia or Erie; likewise, what works for a municipality in northeastern Pennsylvania may not work a community located off a commuter route in south-central Pennsylvania.

Expectations also need to be realistic; not every city can transform into a green economically thriving community, especially overnight. Relevant data serves as a helpful guide for what may need to happen in a particular area, with planning occurring by individuals who know and understand the area and city well. Finding engineers and architects that understand a city's specific plan is also critical.⁷⁴ Last but not least, solutions which incorporate a downtown or neighborhood's character is important. Pedestrian districts are not meant to erase a city's heritage; only to make sure that it has continued success.

B. Costs

While there are many advantages to adopting and utilizing pedestrian mixed-use districts, it is not a free transition. There are costs, financial, political, and social, that must be addressed.

Initial ordinance. The initial zoning ordinance by itself has relatively low costs. They arise in the form of traffic studies and surveys to gather the relevant data, as well as hiring any consultants for the plan. Additionally, there will be costs to inform and persuade the public on the issue in question. Information gathering sessions and hearings will need to be held to obtain a comprehensive picture of what is being proposed, all while allowing citizens to voice their opinions. Urban planners, urban engineers, and architects also may need to be hired as consultants.

⁷⁴ Speck at 246.

Follow-up costs. The real financial costs will come in forms of the ordinances and improvements to the infrastructure that supports the pedestrian mixed-use district that follow. These may include additional sidewalk construction, traffic lights, restructuring and addition of necessary utility infrastructure to support increased density, the narrowing of roads, construction of off-street parking, additions to public transit, the planting of trees, etc. The cost of these will be in accordance to the scale and needs of each project, as determined by the local governing authority through ordinance.

Political costs. Shifting away from the current automobile-focused community development plans, even if only for targeted areas, carries a political cost as well. Community leaders must be willing to commit to the long-term development of these areas in order for them to succeed. They also must be willing to expend political capital to make sure ordinances and amendments are adopted in a timely fashion. There will likely be push-back from both business owners and citizens concerned about how these new changes will impact their lives. The best way for community leaders to reduce the political cost of such efforts is to involve the local community along the way through education efforts and town-hall meetings, effectively putting community design on the agenda.⁷⁵ By creating buy-in, it will ease the transition to pedestrian mixed-use districts.

Additional pushback can come if a pedestrian mixed-use district is created through a zoning overlay on already existing land. If fees for non-compliance with ordinance rules are used as the

⁷⁵ Andres Duany, Elizabeth Plater-Zyberk, Jeff Speck. Suburban Nation: The Rise of Sprawl and the Decline of the American Dream 33 (2000).

primary method for shaping existing properties into what a municipality council hopes it will be as a district, there will likely be fierce resistance from property owners. Tax credits or breaks to encourage compliance are much more likely to see positive results.

Social costs. With any change in the structure of a community, whether it be a city or a municipality, there will be social costs. This could be a change in the demographics of the citizenry living in or around a pedestrian mixed-use district. This could result in increases in property values that disproportionately benefit some individuals at the expense of others (although this can be alleviated through careful review and by sub-rules of ordinances that allow for the grandfathering in or dedication to purpose of existing properties). Reduced or increased traffic flows in or around a pedestrian district could also bring changes to the community. How they manifest themselves will be evident through research and time, allowing for city and municipality leaders to adjust the development plans as needed if unforeseen issues develop.

C. Payment

As with any undertaking designed to change a community, there is always the question as to how to pay for it, especially given the aforementioned costs. When creating pedestrian mixed-use districts, cities and municipalities should understand that they are investing in the future of the community. Thus, while challenging measures might be needed initially, there will be a return on that investment in the end.

External Resources. Funds for supplementary improvements can be raised in a number of ways. Government grants on both the state and national level for sustainability and development are a possibility. One suggestion comes from under the HOPE VI program for community housing.⁷⁶ Another was to look at obtaining green bonds from the federal government.⁷⁷ A third suggestion was to look for block grants under the American Jobs Creation Act.⁷⁸ Still another would be to obtain funds through a grant from the Safe Routes to School program to assist in the changes for sidewalks and other transportation elements in a district.⁷⁹ Two final options would be to pursue Community Development Block Grants from the Department of Housing and Urban Development, or an award for a program that helps prevent chronic diseases (through sustainable development and increased exercise for citizens) from the CDC in terms of pursuing health issues alleviated by the district.⁸⁰⁸¹

Matching partnerships. Some communities are working with existing businesses in their areas for contributions to develop projects like the pedestrian mixed-use districts.⁸² In those cases, cities or municipalities either secure a commitment in advance from a local business for a

⁷⁶ Ellen Dunham-Jones and June Williamson. Retrofitting Suburbia: Urban Design Solutions for Redesigning Suburbs 21 (2011).

⁷⁷ *Id.* at 159.

⁷⁸ *Id.* at 160.

⁷⁹ *National SRTS State Project List*, SAFE ROUTES: NATIONAL CENTER FOR SAFE ROUTES TO SCHOOLS (February 3, 10:02 PM), http://apps.saferoutesinfo.org/project_list/.

⁸⁰ *Community Development Block Grant Program*, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (February 2, 8:44 PM), http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs.

⁸¹ *National Implementation and Dissemination for Chronic Disease Prevention*, CENTERS FOR DISEASE CONTROL AND PREVENTION (February 2, 8:53 PM), <http://www.cdc.gov/nccdphp/dch/programs/nationalimplementationanddissemination/index.html>.

⁸² Ellen Dunham-Jones and June Williamson. Retrofitting Suburbia: Urban Design Solutions for Redesigning Suburbs xiv (2011).

portion of the total costs of the projects, or enter into an arrangement where the business will match a municipality's contribution to the project.

Community measures. Those are not the only measures a community can follow to raise funds for the project, but what remains is less popular with local citizens and businesses. Other possibilities include increased parking fees and surcharges for commuting. Voters might also consider a bond issue to pay for projects. Last but not least, there are tax increases, which, while they may show a considerable return in the long run, can really hurt a city that's already economically depressed.

VIII. Conclusion

The ultimate goal of this proposed ordinance is to create attractive pedestrian districts within Pennsylvania cities and towns. This would include heavier-density mixed-use zoning (of both commercial, office, and residential) in order to facilitate an area where residents have foot access to their jobs and all amenities, eliminating the need for the use of a car. As noted though, zoning is but one step in terms of establishing thriving pedestrian districts and needs to be part of an overall plan for sustainable success for a municipality. Ordinances do exist currently that can be adapted to be used by municipalities of all sizes, catering to the needs of each while preserving the heritage of each location. Once adopted and implemented, foot traffic will help spur a city to new heights in terms of health, economically and environmentally. Through pedestrian districts, Pennsylvania municipalities will move towards a sustainable future.

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**MIXED-USE DISTRICT
ZONING ORDINANCE**

**ANDY MILLER
12/15/2015**

MUNICIPALITY

COUNTY, PENNSYLVANIA

ORDINANCE No. _____ - ____

AN ORDINANCE OF THE COUNTY OF _____, PENNSYLVANIA, FOR THE ZONING OF MIXED-USE COMMERCIAL DISTRICTS PURSUANT TO MUNICIPALITY DEVELOPMENT PLANS.

WHEREAS, the Municipality council of _____ finds that creation of a mixed-use district shall serve the following goals:

- (1) Preserve and reinforce the historic commercial architecture and character of the existing district while allowing innovative and creative infill development, site design and architecture that continuously evolves over time;
- (2) Promote a vibrant central area that supports commercial and cultural activities;
- (3) Enhance the pedestrian safety and orientation of the municipality center of _____ and encourage walkability;⁸³
- (4) Accommodate reasonable community growth including population and employment growth, and opportunities for development and redevelopment of a variety of residential dwelling types and nonresidential uses;⁸⁴
- (5) Facilitate appropriate development and redevelopment activities while protecting the tax base and encouraging economy in public expenditures.⁸⁵
- (6) Facilitate orderly, safe and aesthetically pleasing development and redevelopment within the municipality environment that enhances the quality of life for current and future residents of the Municipality as well as visitors;⁸⁶
- (7) Promote investment, stimulate business, and attract new business; and
- (8) Communicate the municipality's vision for the future mixed-use district.⁸⁷

NOW, THEREFORE, be it enacted and ordained by the _____ Municipality Board of Commissioners, _____ County, Pennsylvania, and it is hereby enacted and ordained with the authority of same as follows:⁸⁸

Section 1. Short Title.

⁸³ Hazleton, Pennsylvania, Municipal Code § 2011-12

⁸⁴ York, Pennsylvania, Municipal Code § 1303

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ Hazleton, Pennsylvania, Municipal Code § 2011-12

⁸⁸ Model Waste Ordinance

This ordinance shall be known and may be cited as the Mixed-Use Zoning Ordinance of _____ Municipality, _____ County, Pennsylvania.⁸⁹

Section 2. Purpose and Description.

(a) Purpose.

A mixed-use district is created for some or all of the following reasons:

- (1) A mixed-use district is intended to encourage smart-growth planning and development in the municipality of _____, and to encourage the creation of planned small communities where citizens may live, work and enjoy recreational activities without dependence on the automobile.⁹⁰
- (2) A mixed-use district shall combine residential, commercial and recreational elements in order to create a livable, more desirable environment for the residents of the municipality.⁹¹
- (3) A mixed-use district seeks to remedy the most pressing problems associated with sprawl - low-density, auto-oriented development, single-use developments lacking context and distinctiveness.⁹²

(b) Description.

A mixed-use district shall generally utilize the following elements in its creation, whether as a new development or as an overlay of an existing area:

- (1) A mixed-use district will allow higher density residential development, yet will require additional amenities so as to create a true livable community, zoning district, including a variety of residential elements and commercial and retail establishments.⁹³
- (2) A mixed-use district includes a variety of housing types, a mixture of land uses, an active center, a walkable design and often a transit option within a compact neighborhood scale area.⁹⁴
- (3) A mixed-use district can be developed either as infill in an existing developed area or as a new large scale project.⁹⁵
- (4) To qualify as a mixed-use district, a project should include a range of housing types, a network of well-connected streets and blocks and a variety of public spaces, and

⁸⁹ Model Waste Ordinance

⁹⁰ Powder Springs, Georgia, Municipal Code § 7.12.01

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

should have amenities such as stores, schools and places of worship within walking distance of residences.

Section 4. **Definitions.**

The following words and phrases when used in this ordinance shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Alley”. A public or private way permanently reserved as a secondary means of access to abutting property.⁹⁶

“Awning”. Secondary covering attached to the exterior wall of a building.⁹⁷

“Block”. A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.⁹⁸

“Buffer.” An area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms, and/or fences or walls, and designed to limit views and sounds from the development tract to adjacent properties and vice versa.⁹⁹

“Canopy”. An overhead roof or structure that provides shade or other shelter.¹⁰⁰

“Community center”. Squares, greens, neighborhood parks, public parks, and linear environmental corridors owned and maintained by the municipality.¹⁰¹

“Façade”. The front exterior of a building, typically facing the primary street unless otherwise noted as a side or rear facade.¹⁰²

“Historic Building”. A building that is listed or eligible for listing on the National Register of Historic Places.¹⁰³

“Infill Development”. New construction on previously developed land, such as on a parking lot or a vacant lot where a former building has been demolished.¹⁰⁴

“Lane”. A private street or easement located through the interior of blocks and providing vehicular and service access to the side or rear of properties.¹⁰⁵

⁹⁶ Wisconsin Model Ordinance for Traditional Neighborhood Development § 2.4

⁹⁷ Hazleton, Pennsylvania, Municipal Code § 2011-12

⁹⁸ Wisconsin Model Ordinance for Traditional Neighborhood Development § 2.4

⁹⁹ Powder Springs, Georgia, Municipal Code § 7.12.05.01

¹⁰⁰ Hazleton, Pennsylvania, Municipal Code § 2011-12

¹⁰¹ Model Ordinance for Traditional Neighborhood Development § 2.4

¹⁰² Hazleton, Pennsylvania, Municipal Code § 2011-12

¹⁰³ *Id.*

¹⁰⁴ *Id.*

“Mixed-Use District”. A development consisting of business, retail, residential, and cultural uses in a pedestrian-oriented activity center. Mixed-use is intended to encourage redevelopment of commercial areas of the municipality while stimulating reinvestment, generating jobs, increasing housing options.

“Municipality”. City or Borough or Township of _____, _____ County, Pennsylvania.

“Overlay district”. A specific geographic area upon which additional land use requirements are applied, on top of the underlying zoning code, in order to promote a specified goal. ¹⁰⁶

“Property owner”. The person owning such property as shown on _____ County Tax Assessors List. ¹⁰⁷

“Public sidewalk”. A paved path provided for pedestrian use and usually located at the side of a road within a right-of-way. ¹⁰⁸

“Review committee”. The mixed-use district review committee established under Section 7.

“Street”. The entire width of a public way or right-of-way when any part thereof is open to the use of the public.

Section 4. Applicability.

(a) General rule. –

This ordinance shall apply and be in full force and effect in _____ Municipality within _____ County, Pennsylvania, pursuant to the municipality’s development plan codified by existing zoning ordinance or by special ordinance. ¹⁰⁹

(b) Overlay district standards and new mixed-use district standards. –

Commencing the date of the adoption of this ordinance, the overlay district standards will apply to the following in mixed-use districts:

- (1) New construction of buildings or structures.
- (2) Exterior building improvements requiring a building permit.
- (3) Sign changes for which a conditional use permit is not required but which requires a building permit.

¹⁰⁵ Powder Springs, Georgia, Municipal Code § 7.12.05.07

¹⁰⁶ Hazleton, Pennsylvania, Municipal Code § 2011-12

¹⁰⁷ Hazleton, Pennsylvania, Municipal Code § 2011-12

¹⁰⁸ Powder Springs, Georgia, Municipal Code § 7.12.05.09

¹⁰⁹ Model Waste Ordinance

- (4) Renovations for which a conditional use permit is required under the provisions of the Pennsylvania Uniform Construction Code, as in effect at the time of the renovation (all applicable standards apply).
- (5) New or reconstructed parking areas with five or more spaces.¹¹⁰

(b) Mixed-use zoning application.

The mixed-use zoning ordinance may be applied to:

- (1) New development of five acres or more of land at any locus within the municipality;
- (2) Five acres or more of land contiguous to existing development at any locus within the municipality; or,
- (3) Redevelopment or infill development within areas designated for mixed-use district development.¹¹¹

(c) Existing development. --

Building, structure, parking area, or sign that lawfully exists at the time this ordinance is enacted, which would not otherwise be permitted under this ordinance, may be continued in the same manner as it existed before the effective date of the ordinance. Any future construction, additions, reconstruction, renovation, or sign erection shall be subject to the requirements of this ordinance.¹¹²

(d) Intent. –

It is the intent of the municipality council that the design standards required by the mixed-use are essential to and inseparably connected with the creation of the mixed-use district and that the mixed-use district would not have been created without all of the provisions contained herein.¹¹³

(e) Where the provisions of the downtown overlay district conflict with other requirements of the zoning and/or planning ordinance, the requirements of this ordinance shall be reviewed and acted upon by the Planning Commission of the municipality.¹¹⁴

Section 5. Application Process.

(a) Plan approval and rezoning. --

¹¹⁰ Hazleton, Pennsylvania, Municipal Code § 2011-12

¹¹¹ Traditional Neighborhood Model Ordinance § 2

¹¹² Hazleton, Pennsylvania, Municipal Code § 2011-12

¹¹³ New Freedom, Pennsylvania, Zoning Ordinance Amendment 5-11-12

¹¹⁴ Hazleton, Pennsylvania, Municipal Code § 2011-12

An application to rezone property to the mixed-use district as part of a mixed-use district development plan for the project site must be filed with and adopted by the municipal council. The filing of such an application is a pronouncement by the applicant of intent to adhere to a higher standard of design and to place a premium upon the long-term livability and attendant value appreciation of the development. It is also an acknowledgment that the developer will assume the risks inherent in larger up-front costs in order to make fuller utilization of land and to discourage sprawl.¹¹⁵

(b) Plan approval process.

The process leading to the zoning map amendment for a mixed-use district includes

- (1) A pre-submittal meeting of the review committee;
- (2) A submission of a complete set of the proposed mixed-use district elements;
- (3) A technical review of the plan;
- (4) Approval by the review committee of the mixed-use development plan;
- (5) An application for the proposed zoning map amendment;
- (6) A public hearing on the zoning map amendment; and
- (7) The adoption of the zoning map amendment.¹¹⁶

(c) Mixed-use district and property rezoning elements. –

The proposed mixed-use development plan and property rezoning applications shall include the following elements:

- (1) Topographical map of the project site at two foot intervals;
- (2) List of project-specific land uses;
- (3) List of project-specific site development standards, including standards in, or standards to stand in lieu of those in Sections 11-30;
- (4) Location of streets and public open spaces;
- (5) Location of residential, commercial, and civic buildings and lots;
- (6) Location and amount of land in flood hazard areas and any other lands not suitable for development;
- (7) General location of any proposed watershed protection measures;¹¹⁷
- (8) A conceptual storm water management plan identifying the proposed patterns of storm water runoff, locations of storm water infiltration areas, and other significant storm water best management practices;
- (9) Identification of the architectural style(s) of the mixed-use district and the accompanying site design style(s);
- (10) A written report that provides general information about the covenants, conservation easements, or agreements, which will influence the use and maintenance of the proposed development;¹¹⁸

¹¹⁵ Greensboro, North Carolina, Municipal Code § 30-4-2

¹¹⁶ *Id.*

¹¹⁷ Greensboro, North Carolina, Municipal Code § 30-4-2

¹¹⁸ Model Ordinance for Traditional Neighborhood Development § 3.2

(11) Any other information required by the review committee to demonstrate conformance with the mixed-use district purposes and standards.

(d) Review of the mixed-use district development plan and property rezoning applications. --

The review committee shall review the proposed mixed-use development plan or rezoning application for adherence to the purposes of the mixed-use district and consistency with the requirements of all applicable standards in this ordinance and will forward its conclusions and recommendations to the municipality zoning authority. Meeting minimum or maximum standards and/or guidelines will not be, in and of itself, evidence of adherence to the purposes of the mixed-use district.¹¹⁹

(e) Adoption of the mixed-use district development plan. –

A public hearing shall be conducted by the municipality council to review and consider for adoption the proposed mixed-use district development plan.¹²⁰ Following that, the municipality council shall receive the recommendation from the review committee. Upon due consideration, the municipality council shall either:

- (1) Approve the mixed-use district development plan and zoning map amendment,
- (2) Approve the mixed-use district development plan and zoning map amendment with modifications; or
- (3) Deny the mixed-use district development plan and zoning map amendment.¹²¹

(f) Approval of property rezoning applications.

All approval of property rezoning applications is left to the municipality zoning authority with consideration given to the review committee's comments on such and whether the application is consistent with mixed-use district purposes and standards.

Section 6. Development standards.

Except as otherwise noted, buildings and improvements within a mixed-use district shall comply with the site development regulations and review procedures established in the Subdivision and Land Development Code, of the Municipality of _____, as adopted and amended by municipality council.

Section 7. Establishment of municipality mixed-use district review committee

¹¹⁹ Greensboro, North Carolina, Municipal Code § 30-4-2

¹²⁰ *Id.*

¹²¹ Wisconsin Model Ordinance for Traditional Neighborhood Development § 3.3

(a) Establishment. --

There is hereby established an advisory committee to the municipality of _____ planning commission and the zoning hearing board, to be known as the mixed-use district review committee (review committee), which shall have the powers and duties as set forth in this ordinance. The review committee shall consist of seven members, who shall be appointed by the municipality authority. Review committee members shall be appointed with due regard for the need to include municipality residents, who are professionals with expertise in the fields of urban design, architecture, urban planning, landscape architecture, engineering, economic development, and other related disciplines.¹²²

(b) Members. –

The review committee shall consist of:

- One planning/design professional;
- One member of the _____ historical society;
- One mixed-use overlay district property owner;
- Two business owners within the mixed-use district;
- One representative from the _____ Chamber of Commerce; and
- One ad hoc member.¹²³

(c) Terms. --

Members shall be appointed to serve three year terms, except the Council member, who shall be appointed to a two year term. For the initial year, two members shall have one year terms, two members shall have two year terms, and three members shall have three year terms. Members shall serve until their successors have been named.¹²⁴

(d) Quorum. --

A majority of the membership of the review committee shall constitute a quorum. Any action or decision of the review committee shall have the support of such a majority of its appointed members.¹²⁵

(e) Compensation. –

The review committee is a non-paid position.¹²⁶

(f) Open meetings. –

¹²²Hazleton, Pennsylvania, Municipal Code § 2011-12

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

The review committee is subject to the provisions of 65 Pa.C.S. Ch. 7.¹²⁷

Section 8. Powers and duties of the mixed-use overlay district review committee.

(a) Duties. --

The mixed-use overlay district review committee (review committee) shall develop rules for consideration by the planning commission, consistent with this regulation, governing its procedures and transactions. Upon adoption by the planning commission, the review committee shall implement the rules and regulations.¹²⁸ The review committee shall review all plans for new construction and the alteration, repair, or moving of existing structures located within the mixed-use overlay district. Only the zoning authority is empowered to issue a Certificate of Appropriateness (COA).¹²⁹

(b) Meeting schedule. --

The review committee shall meet as required to carry out the review of applications for Certificates of Appropriateness and such other related work as may be accepted through request of the zoning authority. A meeting shall be held at least once each month when there are applications to be considered and not less than once a year. Special meetings may be held at the call of the chairperson of the review committee.¹³⁰

(c) Officer selection. --

The review committee shall annually select one of its members to serve as chairperson and one as vice chairperson. The municipality _____ shall provide such staff assistance as is necessary and available.¹³¹

The review committee may review formal site plan applications submitted in the mixed-use overlay district in an advisory capacity to the planning commission.¹³² The review committee may review informal site plan applications submitted in the mixed-use overlay district in an advisory capacity to municipality staff.¹³³

(e) Advisory capacity. --

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

The review committee shall advise municipality officials and its other boards and commissions on matters related to mixed-use development, and the mixed-use overlay district and regulations.¹³⁴

(f) Member responsibilities. --

The review committee shall conduct and/or encourage members to attend educational sessions, visit other downtowns with successful downtown revitalization programs, or seek in-depth consultation on matters of historic preservation and/or development guidelines. The training should pertain to the work and functions of the review committee.¹³⁵

(g) Further development of committee. --

The review committee may recommend to the planning commission the establishment of additional policies, application requirements, rules, and regulations as it deems necessary to administer its duties.¹³⁶

Section 9. Fees.

(a) General rule. --

The municipality council may, by resolution, establish fees for the administration of this ordinance.¹³⁷

(b) Types of fees. --

The following types of fees may be imposed by resolution:

- (1) Penalty for non-compliance for land use.
- (2) Penalty for non-compliance with aesthetic restrictions.
- (3) Penalty for non-compliance with numerical rules established in sections below.

(c) Administration of fees.

All fees as established by resolution shall be administered by the municipality zoning officer.

Section 10. Tax benefits and credits.

(a) General rule. --

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ Wisconsin, A Model Ordinance for Traditional Neighborhood Development § 1.4

The municipality council may, by resolution, establish tax benefits or credits for the administration of this ordinance in order to best promote the adoption of existing property owners and developers within a mixed-use district.

Section 11. District size.

(a) General rule. --

The mixed-use district shall contain a minimum of five (5) acres.¹³⁸

(b) Subdivision. --

Subdivision of land within the mixed-use district for the purpose of financial arrangements with building occupants, including fee simple purchase, leases, and ground leases is permissible. There shall be no minimum or maximum lot size established for subdivision of lots within the mixed-use district.¹³⁹

Section 12. Unified Design and Management.

(a) Mixed-use elements. --

Each mixed-use district shall provide a unified and coordinated design theme of:

- (1) Streets, access drives, off-street parking and pedestrian ways;
- (2) Pedestrian oriented spaces;
- (3) Architectural;
- (4) Landscape design;
- (5) Lighting fixtures; and
- (6) Signage.¹⁴⁰

(b) Mixed-use district management. --

Each mixed-use district shall be under a single management and control agreement (ex., master association agreement), except out-parcels and ground leases may be developed under separate control and management in accordance with an approved and recorded master plan.

Section 13. Permitted uses.

A mixed-use district may include any of the following:

- (1) Automated teller machine when provided as a component of a building that houses

¹³⁸ New Freedom, Pennsylvania, Municipal Code § 2012.

¹³⁹ *Id.*

¹⁴⁰ *Id.*

a permitted use designed as a walk-up facility located within a pedestrian courtyard;

- (2) Bed and breakfast Inn;
- (3) Cultural facility;
- (4) Day care center;
- (5) Day care home (family);
- (6) Day care home (group);
- (7) Dwelling including multi-family, single family attached, single family detached, single family semi-detached and two-family dwellings;
- (8) Financial institution, excluding drive-thru facility;
- (9) Hotel, motel and similar lodging;
- (10) House of worship and related uses;
- (11) Indoor entertainment/recreation facility;
- (12) Indoor mini-storage facility for the exclusive use of the mixed-use residents;
- (13) Medical clinic;
- (14) Personal service shop;
- (15) Private club;
- (16) Professional or business office;
- (17) Public use and public utility structure;
- (18) Restaurant, tea room, café, tavern, confectionary, bakery, and similar establishments producing or serving food or beverages;
- (19) Retail store or shop;
- (20) Shopping center involving any use permitted within this zone;
- (21) Trade or professional school;
- (22) Veterinary office provided there are no outdoor kennels; and
- (23) Accessory uses customarily incidental to the above permitted uses. Such uses include, but are not limited to, clubhouse and other amenities for the sole use of the residents of the mixed-use district and real estate sales, rental, or management office for the mixed-use district.¹⁴¹

Section 14. Prohibited uses.

A mixed-use district may not include any of the following:

- (1) Adult uses, cabarets, massage parlors, and tattoo establishments;
- (2) Drive-thru facilities or elements of establishments;
- (3) Kennel and outdoor keeping of animals;
- (4) Fuel service facilities;
- (5) On-site dry cleaning or laundry plants;
- (6) Drive-thru ATM; and
- (7) Sales, service, repair garages and filling stations for automotive, boat, recreational vehicle and truck dealerships and similar vehicles.¹⁴²

Section 15. Community center.

¹⁴¹ *Id.*

¹⁴² *Id.*

(a) General provisions. –

Each mixed-use district shall be designed to have one primary internal open space which shall be considered as part of the dedicated common open space requirement and shall be referred to as the community center.¹⁴³ The community center could be a central square, a neighborhood park, a playground, or some other open space.¹⁴⁴

(b) Community center requirements. --

As specified below, the community center for the mixed-use district shall comply with the following specifications:

- (1) Each community center shall have a minimum area of 10,000 square feet;
- (2) Each community center shall be situated within the development so that the center of the community center is within 1,500 feet of 60% of all dwelling units in the district;
- (3) Each community center may include public restrooms, public telephones, and police/fire call boxes;
- (4) Peripheral open space shall be required on the exterior perimeter of each mixed-use district and shall cover the entire perimeter of the community;
- (5) At a minimum, peripheral open space shall consist of a landscaped or arboreal buffer of no less than 25 feet;
- (6) Peripheral open space areas may be used for golf courses, and public and semi-public recreation purposes with the approval of the municipality council;
- (7) Common open space, particularly peripheral open space areas, containing existing attractive or unique natural features, such as streams, creeks, ponds, woodlands, specimen trees, and other areas of mature vegetation worthy of preservation shall, to the maximum extent possible, be left unimproved and in its natural state.¹⁴⁵

Section 16. Floor Air Ratio.

(a) Prescriptions for Floor Air Ratio. --

The mixed-use district shall use the following ratios:

- (1) The maximum gross floor area ratio shall be 70%.
- (2) The maximum residential floor area ratio shall be 65%.
- (3) The following areas are exempt from floor area ratio calculation:
 - i. Street kiosks and vendors;
 - ii. Floor area located below grade;
 - iii. Floor area used for enclosed off-street parking when exclusively for use by residents of the mixed-use development; and
 - iv. Floor area located on the rooftop of a structure when used for rooftop

¹⁴³ Powder Springs, Georgia, Municipal Code § 7.12.10

¹⁴⁴ Wisconsin Model Ordinance for Traditional Neighborhood Development § 4.2

¹⁴⁵ Powder Springs, Georgia, Municipal Code § 7.12.10

recreational space, mechanical equipment, stair and elevator penthouses, communication equipment and antennas.¹⁴⁶

Section 17. Lot area, lot width, impervious coverage, building height and gross floor area¹⁴⁷

Minimum Lot Area	None
Lot Width	None
Maximum Impervious Coverage	85%
Maximum Building Height	60' excluding chimney, antennae, mechanical equipment and architectural tower

¹⁴⁶ Hazleton, Pennsylvania, Municipal Code § 2011-12

¹⁴⁷ New Freedom, Pennsylvania, Municipal Code § 2012.

Section 18. Building setback and separation.

(a) General rule. --

Building setback and building separation are exclusively subject to applicable provisions of the Pennsylvania Uniform Construction Code Statute, 35 P.S. §§7210.101 to 7210.1103, as amended.

(b) Rule for new building development. --

Proposed buildings that are situated adjacent to an existing principal building shall be setback from the street right-of-way a distance that is equal to the existing building or screened from the existing building.¹⁴⁸

Section 19. Building orientation.

(a) Orientation guidelines. --

The following guidelines shall be utilized in terms of mixed-use district planning and building construction:

- (1) When possible, buildings shall be sited to form a progression of grid-blocks to create a town streetscape.
- (2) An individual building footprint, at ground-level, shall not exceed 25,000 square feet.
- (3) Gateway structures may be utilized to identify entrances to the mixed-use district. The gateway structure may extend over streets, service lanes, and/or access roads. Gateway structures may also be utilized as focal points at the terminus of streets and pedestrian corridors.
- (4) Free-standing exterior vending machines may be provided in conjunction with a commercial use provided the vending machine is contained within architecturally integrated enclosures that are attached to, and a part of a commercial building. Vending machine enclosures shall shield machines from view from the rear and sides. Vending machine enclosures shall not exceed 75 square feet in interior size, and no more than two enclosures shall be permitted in the mixed-use district. Vending machines shall be controlled solely by the management company or the owner of the principal use where the vending machine is located.
- (5) Areas located between commercial buildings shall provide site amenities and/or site features (e.g., fountains, sculptures, kiosks, merchandise/vendor carts, landscape plantings) to create a focal point or aesthetic accent.
- (6) The mixed-use district site plan may illustrate future commercial establishments.

¹⁴⁸ *Id.*

Floor area associated with future buildings shall be attributable to total floor area coverage, and impervious coverage. Required amenities associated with future buildings are not required to be constructed until such time as a building permit is secured for the future building. Off-street parking may be located temporarily where future buildings are proposed provided that off-street parking shall be relocated and accommodated on site along with the additional off-street parking required by the future buildings at the time of building permit submission and approval.¹⁴⁹

Section 20. Architectural and aesthetic requirements.

(a) General rule. –

The following elements shall be required for the architectural and aesthetic make-up of mixed-use districts:

- (1) Architectural facades shall be compatible with the historic character of the mixed-use district.
- (2) Building facades that include corporate identity, exclusive of signage, shall incorporate the corporate identity into the overall architecture of the building.
- (3) Roof top service equipment shall be screened from ground view through architectural treatments to roof lines and/or facades. Roof features may include parapets, overhanging eaves, or sloping roofs.
- (4) Awnings, canopies, and porches may be incorporated into building facades. Awnings and canopies shall extend no less than two feet (2') or more than twelve feet (12') from the facade of the building. Ground-floor awnings and canopies shall not exceed a height of fifteen feet (15') above the ground surface.
- (5) Existing buildings with nonconforming architecture may be retained as nonconformity structures.¹⁵⁰

Section 21. Utilities

(a) Utility requirements and restrictions. –

The following shall be required of utilities in mixed-use districts:

- (1) All uses shall be served by public water and public sewer facilities.
- (2) All utility service lines shall be placed underground.¹⁵¹

Section 22. Parking requirements

¹⁴⁹ New Freedom, Pennsylvania, Municipal Code § 2012.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

(a) Table for designation of number of parking spaces per use. --

In a mixed-use district, the following minimum number of parking spaces shall be provided:

USE	MINIMUM PARKING SPACES
Automated teller machine (ATM)	None
Clubhouse and other amenities for the sole use of the residents of the mixed-use district	None
Dwelling including multi-family, single family attached, single family detached, single family semi-detached and two-family dwellings	1.9 per dwelling
Indoor Mini-Storage Facility for the exclusive use of the Mixed Use Residents	None
All other uses	1 per 200 square feet of gross floor area

(b) Off-street parking requirements stated in other areas of _____’s zoning code may be reduced by municipality council approval of a conditional use subject to existing ordinances and the following:

- (1) Submission of a parking study that proves to the satisfaction of municipality council that the granting of the conditional use will not adversely affect parking availability in the immediate neighborhood. The person who conducted the parking study shall be present at the conditional use hearing to testify that the study is accurate.
- (2) Where on-street parking is to be considered, the parking study shall include a neighborhood parking analysis of the area within 500 feet of the mixed-use boundary and
- (3) The number of available off-street and on-street parking spaces within the study area during at least three different times of the day and week, including the peak time(s) of the proposed use and excluding days when streets are posted for cleaning or special events.
- (4) For computing the number of available on-street parking spaces, a stall length of 21 feet shall be used and setbacks of five feet from driveways or alleys and 25 feet from

- intersections shall be utilized. Areas restricted due to bus stops, fire hydrants, load zones, etc., shall not be counted as available on-street parking.
- (5) Number of existing units within the study area which generate a parking demand and the level of demand.
 - (6) Anticipated parking impacts due to the proposed use.
 - (7) Projects, developments or other factors which may have an impact on future availability of on-street parking and the projected impacts.
 - (8) Plotting of the proposed parking that is included in the study.¹⁵²

Section 23. Landscaping requirements

(a) General rule. –

Landscaping shall be arranged to provide visual interest, define outdoor pedestrian oriented spaces, complement the proposed architectural style, and achieve other functional and aesthetic elements within the mixed-use district.

(b) Prescriptive rules. --

In mixed-use districts, the following rules shall apply in terms of landscaping:

- (1) Ground cover alone is not sufficient landscaping. Trees, shrubs or other approved material shall be provided. At least one shade tree shall be provided for each 800 square feet, or fraction, of landscape area.
- (2) A ten-foot-wide landscape strip shall be provided along mixed-use district perimeter boundary. Such landscape strip shall comply with the applicable requirements of this Section.
- (3) Surface parking lots that contain twenty or more parking spaces shall provide a parking lot landscape planting area of four square feet per parking space to be evenly distributed throughout the parking lot. When the required number of curbed islands (based on the lot's size) for landscaping purposes encumber the parking lot and traffic circulation functions, up to 50% of the required landscape planting area may be consolidated planting of large stands of trees to break up the scale of the parking lot, enhance an entrance, or enhance the perimeter of the parking lot.
- (4) Street trees shall be provided along all streets and access drives at a ratio of one tree per 50 linear feet. Up to 20% of required street trees may be planted within adjoining pedestrian oriented spaces or corridors.
- (5) Plantings shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems and shall be free from disease, insects, insect eggs, and larvae. Plantings shall be selected from stock that was grown under climatic conditions similar to the locality of the property.

¹⁵² New Freedom, Pennsylvania, Municipal Code § 2012.

All planting shall be performed in conformance with good nursery and landscape practice. Plantings shall be properly maintained and replaced if dead.

- (6) Type 1 Shade Trees shall be a minimum trunk caliper of one and one half inches at a height of six inches above finished grade, minimum average height of ten feet and have a clear trunk at least five feet above finished grade.
- (7) Type 3 Shade Tree shall be a minimum trunk caliper of nine sixteenth inches at a height of six inches above finished grade, minimum average height of four feet and have five or more branches.
- (8) Coniferous Evergreen Trees shall be a minimum height of six feet with a height to spread ratio of no less than five to one.
- (9) Shrubs shall be a minimum diameter of 24 inches at maturity.
- (10) Any tree or shrub which dies shall be replaced. All landscaping and screening treatments shall be properly maintained. Landscape materials that die or are damaged shall be replaced within 30 days, season permitting.
- (11) Requirements for the measurements, branching, grading, quality, balling, and burlapping of trees shall follow the code standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSI Z60.1–2004, as amended.
- (12) Curbing shall be provided in parking areas to insure no greater than a two and one-half foot overhang into the interior landscaped area. Curbing may be modified to accommodate surface water runoff facilities.¹⁵³

Section 24. Sidewalks and bikeways.

The following shall be the rules for all sidewalks and bikeways in the area, save for variances allowed by the municipality zoning authority:

- (1) A sidewalk network shall be provided throughout the development that interconnects all dwelling units with other units, non-residential uses, and common open space.
- (2) Sidewalks shall be a minimum of four feet in width, expanding to six feet along major pedestrian routes; sidewalks in commercial areas shall be between eight and fifteen feet in width.
- (3) Sidewalks shall be constructed of brick, slate, colored/textured concrete pavers, concrete containing accents of brick, or some combination thereof that is compatible with the style, materials, colors, and details of the surrounding buildings.
- (4) Walkways shall be raised and curbed along buildings and within parking lots, where suitable.
- (5) All parking lots shall provide for pedestrian traffic.
- (6) Pedestrian street crossings shall be clearly delineated by a change in pavement color and/or texture.

¹⁵³ *Id.*

- (7) Bikeways shall be provided, where possible, to link internal open space areas with peripheral open space areas.
- (8) Bikeways shall be a minimum of six (6) feet wide and may use asphalt paving.
- (9) Bike racks shall be provided in internal open space areas and recreation areas in the peripheral open space.
- (10) All sidewalks and other pedestrian walkways shall have appropriate lighting.¹⁵⁴

Section 25. Streets within a mixed-use district.

- (a) General provisions. --

In a mixed-use district, the following specifications shall be used in street construction and modification:

- (1) Street layout shall be a modified grid street pattern adapted to the topography, unique natural features, environmental constraints of the tract, and peripheral open space areas.
 - a. The street layout shall take into consideration the location of the community focus, other internal open space areas, gateways, and vistas.
 - b. There shall be a minimum of two interconnections with the existing public street system.
 - c. There shall be, to the maximum extent possible, linkages to adjacent developments and neighborhoods consisting of pedestrian and bicycle paths.¹⁵⁵
- (2) Street layout shall form an interconnected system of streets primarily in a rectilinear grid pattern, modified, however, to avoid a monotonous pattern.
 - a. The use of cul-de-sacs and other roadways with a single point of access shall be minimized.
 - b. To the greatest extent possible, streets shall be designed to have a maximum length of 600 feet.
 - c. Street layout shall incorporate a hierarchy of street types as specified. The following shall represent the hierarchy of street types:
 - i. Lane or alley.
 - ii. Two-way residential street.
 - iii. Commercial mixed use street (Main Street).
 - iv. Two lane arterial.¹⁵⁶
 - d. Variances shall be allowed at the discretion of the review committee and the zoning authority in order to better promote the purposes of the mixed-use district and to comply with parking needs within the district.

¹⁵⁴ Powder Springs, Georgia, Municipal Code § 7.12.15

¹⁵⁵ Powder Springs, Georgia, Municipal Code § 7.12.12

¹⁵⁶ *Id.*

- (3) Requirements for each street type
- a. Lane or alley.
 - i. Paved width – eighteen feet.
 - ii. Right-of-way width - 36 feet.
 - iii. Parking allowances - No on-street parking shall be allowed.
 - iv. Design Speed - ten m.p.h.
 - v. Curbing requirements - Curbing shall be required.
 - b. Two-way residential street.
 - i. Paved width - 24 feet.
 - ii. Right-of-way width - 50 feet.
 - iii. Parking allowances - No on-street parking shall be allowed.
 - iv. Design Speed - 25 m.p.h.
 - v. Curbing requirements - Curbing shall be required.
 - c. Commercial mixed use street.
 - i. Paved width - 34 feet.
 - ii. Right-of-way width - 64 feet.
 - iii. Parking allowances - On-street parking is permitted.
 - iv. Design Speed - 25 m.p.h.
 - v. Curbing requirements - Curbing is required.
 - d. Two way arterial street.
 - i. Paved width - 24 feet.
 - ii. Right-of-way width - 70 feet.
 - iii. Parking allowances - On-street parking is not permitted
 - iv. Design Speed - fifteen m.p.h.¹⁵⁷

Section 26. Outdoor lighting.

- (a) General Rule. –

Street lighting shall be provided along all streets within the mixed-use district.

- (b) Additional guidelines. –

The following additional rules shall govern and guide the inclusion of outdoor lighting in the mixed-use district:

- (1) More, smaller lights shall be used as opposed to fewer, high-intensity lights.
- (2) Street-lights shall be installed on both sides of the street at intervals of no greater than 75 feet.
- (3) Street lighting design shall meet the minimum standards developed by the Illumination Engineering Society.
- (4) Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.

¹⁵⁷ Powder Springs, Georgia, Municipal Code § 7.12.12

- (5) Street lights shall be decorative and blend with the architectural style of the small community.¹⁵⁸

Section 27. Entries and Facades.

- (a) General Provisions. –
- (b) The following rules shall govern the use of entries and facades in the mixed-use district:
 - (1) The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.
 - (2) The front facade of the principal building on any lot shall face onto a public street.
 - (3) The front facade shall not be oriented to face directly toward a parking lot.
 - (4) Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences. For commercial buildings, a minimum of 50 percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
 - (5) New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.¹⁵⁹

Section 28. Storm water management.

- (a) General provisions. –

The design and development of the traditional neighborhood development shall minimize off-site storm water runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the following requirements:

- (1) Untreated, direct storm water discharges to wetlands or surface waters are not allowed.
- (2) Post development peak discharge rates should not exceed pre-development peak rates.
- (3) Erosion and sediment controls must be implemented to remove 80% of the average annual load of total suspended solids.
- (4) Areas for snow storage should be provided unless the applicant provides an acceptable snow removal plan.
- (5) Redevelopment storm water management systems should improve existing conditions and meet standards to the extent practicable.¹⁶⁰

¹⁵⁸ Powder Springs, Georgia, Municipal Code § 7.12.57.02

¹⁵⁹ Wisconsin Model for Traditional Neighborhood Development § 4.7.2

¹⁶⁰ Model Ordinance for Traditional Neighborhood Development § 6

Section 29. Modification of standards.

(a) General rule. --

Municipality council may permit the modification of the design standards by conditional use approval in order to encourage the use of innovative design.

(b) Modification application process. --

An applicant desiring to obtain a modification of standards shall, when submitting an application for approval of a development within the district, submit an application for such conditional use approval. Municipality council shall consider both requests simultaneously. Any modification shall be subject to the conditional use criteria and a demonstration that the modifications will better serve the intended purpose of this Zone.¹⁶¹

Section 30. Fair Housing Amendments Act information statement.

The Municipality of _____ recognizes its obligations pursuant to the Fair Housing Amendments Act (“Act”). In accordance with the act, the Municipality of _____ does not discriminate against people with disabilities. The Municipality shall grant reasonable accommodations to afford people with disabilities the same opportunity to housing as those who are without disabilities. Individuals seeking a reasonable accommodation under the act should contact the Municipality’s zoning officer. This statement should not be considered as a comprehensive explanation of the applicant’s rights under the act.¹⁶²

Section 31. Severability

The provision of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of _____ Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.¹⁶³

Section 32. Repeals.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.¹⁶⁴

Section 33. Effective date.

¹⁶¹ New Freedom, Pennsylvania, Municipal Code § 2012.

¹⁶² York, Pennsylvania, Municipal Code § 1303

¹⁶³ Model Animal Control Ordinance

¹⁶⁴ Model Animal Control Ordinance

This ordinance shall become effective five (5) days after enactment.¹⁶⁵

ENACTED AND ORDAINED into law this _____ day of _____, 2____. ¹⁶⁶

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*