

Flood Recovery Task Force, Inc.: An Action Program for Housing Development in Wyoming Valley, 1974 March 1st

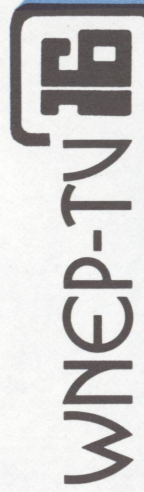
AN ACTION PROGRAM FOR HOUSING DEVELOPMENT IN WYOMING VALLEY

PHASE 3
CODE AND ORDINANCE REVISION PROGRAM

MARCH 1, 1974

Prepared for
FLOOD RECOVERY TASK FORCE, INC.

By
DIRECTION ASSOCIATES, INC.



SERVING NORTHEASTERN PENNSYLVANIA

April 27, 1976

TO: Community Leaders and Broadcast Media
Scranton/Wilkes-Barre Area

FROM: Thomas P. Shelburne

Attached is the WNEP-TV summary of the community leaders ascertainment program recently conducted in Wilkes-Barre and Scranton.

Approximately 80 people interviewed listed 28 odd problems and the average number of problems gained per interview was five. This year, community leaders stressed the problem of general appearance of the area and the need for revitalization and renovation as the number one problem.

Other problems in order of those mentioned most frequently are listed on the attached sheets.

NCP COMMUNICATIONS, INC.

WILKES-BARRE / SCRANTON AIRPORT / 18641

717-655-2801 717-457-7401

COMMUNITY NEEDS ASCERTAINMENT

TELEVISION & RADIO STATIONS IN THE WILKES-BARRE/SCRANTON AREA

APRIL 6 - 9, 1976

HOTEL STERLING - WILKES-BARRE

SHERATON HOTEL - SCRANTON

NUMBER OF PERSONS INTERVIEWED - 80

RANK OF PROBLEMS IN THE ORDER OF THOSE MENTIONED MOST FREQUENTLY.

- | | |
|---|------|
| (1) GENERAL APPEARANCE OF THE AREA | (51) |
| Need for downtown renovation and revitalization. | |
| Need for access roads. | |
| Poor condition of roads and streets. | |
| Need for traffic control and better transportation system. | |
| The ecology of the general area. | |
| Need to improve overall run down appearance including litter, etc. | |
| (2) NEED FOR INDUSTRY AND BETTER QUALITY JOBS | (45) |
| General economic conditions; per family income. | |
| Better career opportunities for youth needed. | |
| Need for more investment capital and financing. | |
| (3) NEED TO IMPROVE THE QUALITY OF GOVERNMENT | (42) |
| The problem of fragmentation. | |
| The lack of coordination between departments of government and between governmental bodies in the area. | |
| Lack of competency on the part of public employees. | |
| Need for better use of community development funds. | |
| Too much "petty politics". | |
| Too much patronage. | |
| (4) THE PROBLEM OF GENERAL NEGATIVE ATTITUDES | (36) |
| Need for more positive thinking and enthusiasm. | |
| Need for broader leadership. | |
| The problem of an "anti-intellectual" attitude. | |
| (5) NEED FOR MORE ADEQUATE HOUSING | (29) |
| Housing for the aging. | |
| More and better nursing homes. | |
| Housing at all levels. | |
| Better attention and care for our increasing number of aging people. | |

(6)	NEED FOR BETTER HEALTH CARE FACILITIES AND PROGRAMS	(22)
	Need for more doctors. High cost of hospital care.	
(7)	CRIME	(19)
	Better law enforcement needed. More and better training of law enforcement officers. Juvenile delinquency. Permissiveness.	
(8)	RECREATION	(18)
	Need for expanded and better coordinated recreational programs and facilities. Recreation centers. Recreation to meet the needs of youth in the community.	
(9)	BETTER EDUCATIONAL PROGRAMS AND FACILITIES	(17)
	The need for more and wider <u>graduate courses in local colleges.</u>	
(10)	TAX REVISION	(12)
	System of taxation, particularly property taxes, out of date and unfair.	
(11)	PRICES	(10)
	<u>High cost of hospital care.</u> High cost of services. High cost of houses and rent. High cost of food.	
(12)	DRUGS	(9)
(13)	FLOOD PREVENTION	(8)
(14)	NEED FOR MORE CULTURAL FACILITIES AND CULTURAL PROGRAMS	(5)
(15)	ZONING ENFORCEMENT	(5)
(16)	LABOR PROBLEMS	(4)
(17)	PARKING NEEDS	(4)
(18)	NEED TO REVISE WELFARE SYSTEM	(3)
(19)	NEED FOR ENERGY PROGRAMS	(3)
(20)	BETTER GUIDANCE PROGRAMS	(2)

- (21) CLEAR DEFINITION OF ISSUES (2)
- (22) BETTER SERVICES (2)
- (23) STEAM HEAT (WILKES-BARRE) (2)
- (24) OTHER - Each of the following was mentioned once:
 - Need for land use coordination.
 - Improvement of State government.
 - Better office space in downtown area.
 - Child abuse.
 - Regional salary schedule for teachers.

AN ACTION PROGRAM FOR HOUSING DEVELOPMENT IN WYOMING VALLEY

PHASE 3

CODE AND ORDINANCE REVISION PROGRAM

March 1, 1974

Prepared for
FLOOD RECOVERY TASK FORCE, INC.

By
DIRECTION ASSOCIATES, INC.
Spring House, Pennsylvania

This technical assistance study was conducted by professional consultants under a third party contract with the Flood Recovery Task Force which has received monies from the Economic Development Administration. The statements, findings, conclusions, recommendations, and other data in this report are solely those of the contractor and do not necessarily reflect the views of the Economic Development Administration.

CREDITS

FLOOD RECOVERY TASK FORCE, INC.

DIRECTION ASSOCIATES, INC.

Mr. Andrew J. Sordoni, III, Chairman
The Honorable Max Rosenn, Past Chairman

Steering Committee

Mr. Charles Hardwick
Mr. Thomas Kiley
Mr. Harold Rose
The Honorable Max Rosenn
Mr. Roman Rubinstein
Mr. Edward Schechter
Mr. Andrew J. Sordoni, III

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ABSTRACT

I. Principal Objective

The study on which this report is based was designed both to ascertain whether existing land development regulations and procedures were dissuading developers from choosing housing construction sites in Wyoming Valley, and if appropriate, to recommend remedial changes.

II. Principal Finding

The regulations and ordinances governing land development in Wyoming Valley are not major disincentives to housing construction. However, the current housing needs of the valley are sufficiently acute so that the elimination of even the most minor administration and procedural obstacle is a desirable end.

III. Principal Recommendations - Section One

A. General

1. Planned Residential Development (PRD) Zoning should be adopted by the County and all municipalities in the region.

2. The Planned Residential Development Ordinance as revised by this Report should be the version adopted by the Luzerne County Planning Commission and all municipalities.

3. The communities listed in Chart A should permit smaller lot sizes, higher densities for apartments and less restrictive setback regulations.

4. The time required to make zoning decisions should be reduced.

B. Subdivision Ordinances

1. Regulatory Boards should have greater flexibility in approving subdivisions so as not to deter imaginative housing development proposals.

2. Landscaping and land dedication ordinances should be clarified.

3. Performance Bonds for builders should be eliminated. Current legal sanctions are adequate.

4. Processing of subdivision ordinances should be accelerated by the Municipality.

C. Building Codes

1. All municipalities should adopt and/or update the Building Officials Conference of America (BOCA) Building Code.

D. Administration

1. Technical Proficiency of local subdivision and zoning administrators should be improved by formal instruction programs.

E. Implementation

1. The municipalities listed in the chart on page four should implement these proposed changes immediately (see map).
2. Specific changes to various ordinances are presented by municipality in charts A through F.

IV. Principal Recommendations - Section Two

A. Model Languages

1. A uniform requirement for the written decisions of Zoning Hearing Boards should be adopted. An example is shown on Page 12.

2. A uniform statement for special exception standards should be adopted. The best model is shown on Pages 12 and 13.

3. Recommended changes in the proposed Residential Development Section of the Luzerne County Zoning Ordinance are presented on Pages 13 through 17.

B. Suggested Additions to all Local Zoning Ordinances

1. Fast tracking should be adopted because it is a construction technique particularly suitable for large scale projects. (See Pages 17 and 18.)

2. Incentive zoning should be adopted. (See Pages 18, 19, and 20.)

SECTION ONE

RECOMMENDED CHANGES
IN
LAND DEVELOPMENT CONTROLS
TO ELIMINATE
DISINCENTIVES TO HOUSING PRODUCTION

SECTION ONE:

Recommended Changes in Land Development Controls to Eliminate Disincentives to Housing Production

Although Wyoming Valley's land development regulations do not deter housing construction, they do not encourage it. Therefore, they should be modernized and standardized as quickly as possible. As Phase 2 of this study indicated, the region needs 17,000 new housing units by 1980; but as matters now stand, it is not likely to get them. Housing developers considering construction in the Valley learn that its municipalities have enacted 31 separate zoning ordinances, 17 separate subdivision regulation ordinances, and 20 separate building codes. They also learn that in a number of instances a municipality's building code conflicts with that of the adjacent municipality; and that many municipalities still impose outdated legal restrictions on siting, size of tract, and kind of housing unit allowed. At that point, they usually turn their backs on Wyoming Valley and start looking around for another area that needs new housing. To operate profitably, housing developers need a high degree of flexibility which is not now available to them in Wyoming Valley.

The Valley needs those developers. Its municipal governments should act at once to create the atmosphere conducive to profitable housing construction. Specifically, they should make the changes in their housing construction regulations recommended below.

I.

Planned Residential Development Zoning should be allowed and encouraged throughout the region.

By allowing clustering of housing units on a portion of a site and combinations of various kinds of housing units, PRD zoning offers benefits to developers and to persons in need of housing. Clustering makes it possible to consolidate utility and service systems, and thus, to reduce building costs, and ultimately, rentals. It also makes open space available for the enjoyment of recreational use of residents of the units. Combining different kinds of units such as detached single-family residences, attached townhouses, and apartments makes it possible for a single development to fill a variety of housing needs. Further, this development technique is perfectly suited to the region's market demands and rugged topography.

II.

Valley Municipalities should make these changes at once:

The initial step toward implementation of this report is that the Luzerne County Planning Commission's proposed Planned Residential Development Ordinance be revised in accordance with recommendations made herein, and that it be adopted by the County and all municipalities in the study area (See Chart F). This would result in a uniform ordinance allowing for the development of contiguous parcels situated across community lines, giving builders greater flexibility in the size of the tract of land that may be developed and in the mixture of residential building types, making it possible to

cluster homes in one area of a site so that other portions of the site may be left open for recreation facilities.

Enactment of the proposed Planned Residential Development Ordinance will result in a considerable savings in housing development costs. This will undoubtedly increase the volume of new housing construction and have a stabilizing effect on the rental levels of new housing units. As is documented in the Flood Recovery Task Force's Phase 2 Report, Housing Construction Requirements, the region needs more than 17,000 new housing units by the end of this decade. The economies and incentives to builders and ultimately renters or home buyers provided by Planned Residential Development make it an absolute requirement in order to meet the demand for new housing.

III. The Status of the Codes and Ordinances in Wyoming Valley and Recommended Changes.

Taken together, the existing land development ordinances in Wyoming Valley are not very restrictive of development compared to those of other regions; potential housing developers generally find a hospitable atmosphere as far as legal procedures are concerned. Nevertheless, this report will be useful to public officials, developers, and the general public, as a detailed guide to further improving and refining the zoning, subdivision, and building codes in the Valley. If an effort to improve these regulations is initiated as a result of this study, Wyoming Valley will be able to embark on a new facet of the overall flood recovery effort.

Charts A through F detail the recommendations of this study. They are based on an in-depth analysis of all study area codes, including those of the County, on the City of Wilkes-Barre's proposed new zoning code, and on all current comprehensive plans. A general summary of these recommendations follows:

A. Zoning Ordinances

1. Several municipalities (See Chart A) should permit smaller lot sizes for detached homes, and higher densities for apartments. Setback requirements for buildings and minimum lot widths should be made less restrictive in some instances. The larger urban centers (including Wilkes-Barre, Nanticoke, Pittston City and Kingston Borough) should each provide at least one zone where apartments of unlimited height may be built.
2. Each community should adopt the County's draft Planned Residential Development Ordinance after it considers and incorporates recommendations from this report.
3. Almost all municipalities need to expedite administrative procedures by reducing the time required to render zoning decisions. This recommendation is in accord with recent changes

in the Pennsylvania Municipalities Planning Code, Act 247, as amended by Act 93/1972, which now requires that regulatory bodies or other responsible agencies act upon requests for zoning changes and amendments within sixty (60) days or less of the date of application.

B. Subdivision Ordinances

1. Regulatory boards responsible for approving subdivisions should be given flexibility in interpreting regulations, so that a housing development with unusual characteristics will not suffer. This means that local governing bodies must broaden the basic criteria on which such agencies as zoning hearing boards evaluate requests for variances, special permits and changes or amendments to the prevailing zoning ordinance. Such new criteria must include social and economic costs and benefits to the community.
2. Ordinances pertaining to landscaping and land dedication requirements should be clarified and a reasonable limit set on the amount of land to be dedicated.
3. Assurance that improvements and streets will be built properly should be in the form of legal

documentation as provided for in the County's code, instead of the present burdensome and costly requirement for the builder to put up a bond. The present County code contains sufficient sanctions, such as withholding an occupancy certificate to safeguard municipal interests.

4. Processing of subdivision applications should be improved by limiting the time period and by providing for informal discussions between the developer and the municipality prior to formal application.

C. Building Codes

The 25 municipalities having no building code should adopt the Building Officials Conference of America (B.O.C.A.) Code, and the 19 communities now using the B.O.C.A. Code should update it regularly. One Borough (Yatesville) uses a locally developed code, and this community should consider changing to the latest B.O.C.A. Code. Uniformity is always desirable because it is attractive to housing developers. But, when large P.R.D.'s or subdivisions cross two or three municipal boundaries, it is absolutely essential.

IV. Technical Instruction Should Be Provided to Administrators of Municipal Zoning and Subdivision Ordinances

As matters now stand, zoning and subdivision administration is usually handled by lay boards and/or a local administrator. The latter is usually someone who has no technical background in land development, and is often someone working only part-time on zoning and subdivision matters.

It is recommended that courses and seminars be arranged under the auspices of local colleges in combination with the County and City of Wilkes-Barre planning staffs, to educate the administrators in how to most effectively discharge their duties in the public interest. There should be a basic course for new administrators, and periodic instruction or seminars to discuss new issues and problems that are arising or new techniques that have been developed. The content of the basic course work should include:

- legal principles
- comprehensive plan considerations
- the needs of developers
- design and layout techniques
- planned residential development design principles
- communication techniques taught by technical persons and professionals, including engineers, planners, etc.
- decision-making considerations peculiar to the region.

Administrators of building codes should be well versed in con-

struction techniques, and/or structural engineering. If a community cannot find such a well-trained administrator, it should arrange to avail itself of the services of qualified personnel already at work in the region.

V. The High Priority Communities Listed Below Should Be First To Adopt Recommended Changes

Because they have a strong potential for intensive housing development, some of the region's municipalities should consider and implement the recommendations listed above as quickly as possible. These municipalities are:

High Priority Communities

<u>1st Level Priority</u>	<u>2nd Level Priority</u>	<u>3rd Level Priority</u>
Dallas Township	Dupont Borough	Avoca Borough
Hanover Township	Fairview Township	Exeter Borough
Jenkins Township	Nanticoke City	Forty Fort Borough
Kingston Borough	Wright Township	Larksville Borough
Kingston Township		Swoyersville
Laflin Borough		Borough
Pittston Township		West Wyoming
Plains Township		Borough
Wilkes-Barre City		
Wilkes-Barre Twp.		

These high priority areas were selected after consideration of

a number of factors, including but not limited to urban renewal activity, vacant land, access to present or proposed highway systems, population growth, and availability of utilities, particularly sewer and water.

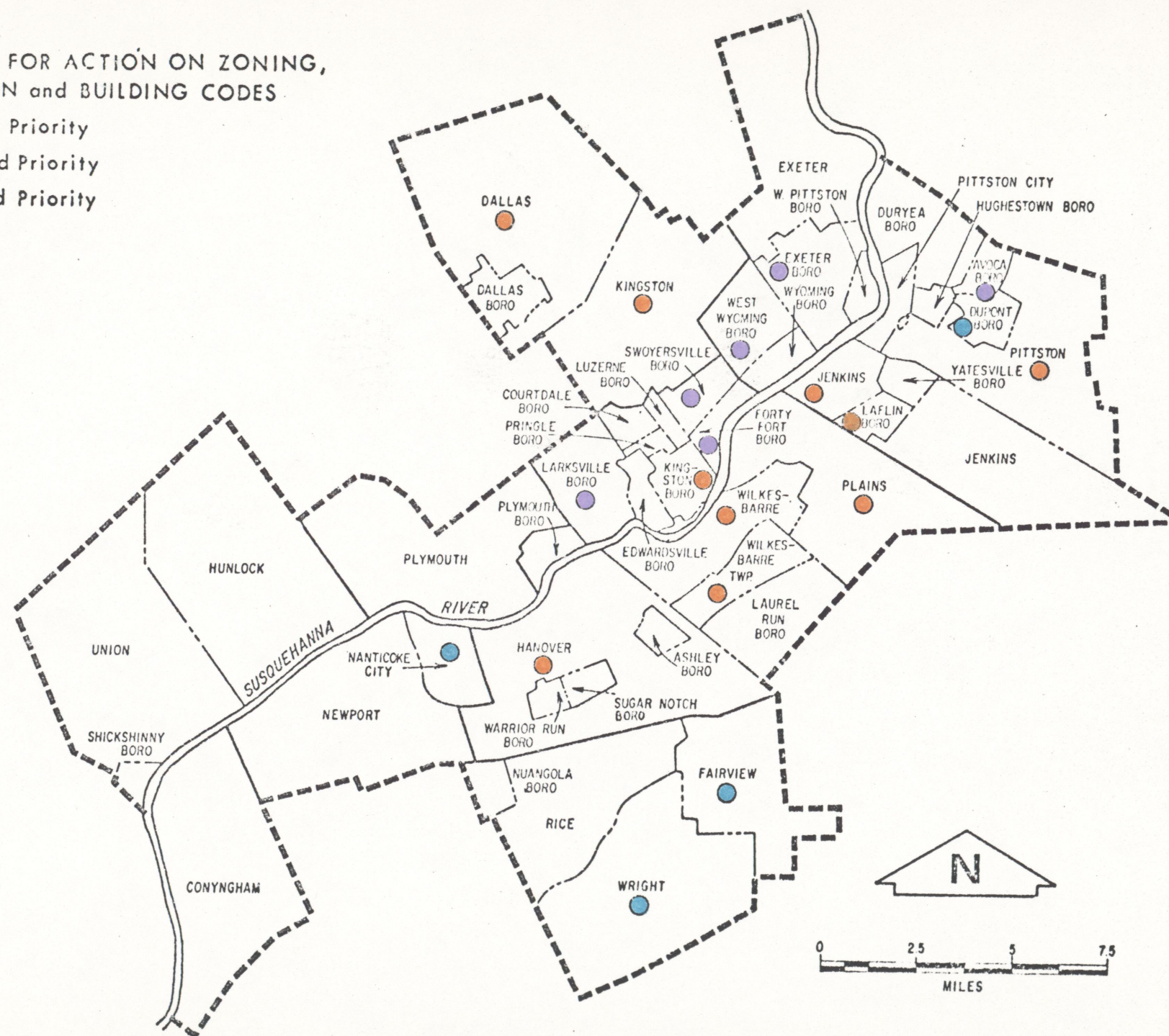
Conclusion

This section summarizes, by municipality, the specific recommendations designed to correct deficiencies in local ordinances which inhibit the construction of housing.

Section Two contains the necessary language and legal provisions to implement the most critical recommendations. It also presents additional legal mechanisms relating to innovative zoning and subdivision devices not now available anywhere in the region.

Once this material has been reviewed and discussed by local professionals, elected officials and concerned citizens, the process of orderly change can be instituted and another step taken toward the solution of housing problems in Wyoming Valley.

- 1st Priority
- 2nd Priority
- 3rd Priority



DIRECTION ASSOCIATES INC.
SPRING HOUSE, PA.

CHART A

RECOMMENDED CHANGES IN MUNICIPAL ZONING ORDINANCES

	MUNICIPALITY																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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* Planned Residential Developments (P.R.D) should then be permitted in any residential zone,
subject to approval as a Special Exception by the municipality's zoning hearing board.

Sources: Existing zoning ordinances of the municipalities shown,
except for proposed revision in the City of Wilkes-Barre.

CHART B

RECOMMENDED CHANGES IN MUNICIPAL SUBDIVISION ORDINANCES

In Subdivisions of more than 10 dwelling units	MUNICIPALITY	Ashley Borough	Dupont Borough	Exeter Township	Hanover Township	Jenkins Township	Kingston Township	Laflin Borough	Laurel Run Borough	Nanticoke City	Newport	Plains Township	Rice Township	Slocum Township	Wilkes-Barre City	Wilkes-Barre Township	Wright Township	The following Boroughs and Townships do not have their own ordinance and, therefore, by law, are subject to the County of Luzerne Ordinance.	
	LUZERNE COUNTY (Applies to the municipalities listed in the last column)						X												
	Provide a "Modification Clause," which permits the Zoning Hearing Board to alter those regulations that are inappropriate for a particular project							X											Avoca Borough Courtdale Borough Conyngham Township Dallas Borough Dallas Township Duryea Borough Edwardsville Borough Exeter Borough Fairview Township Forty Fort Borough Hughestown Borough Hunlock Township Kingston Borough Larksville Borough Luzerne Borough Newport Township Nuangola Borough Pittston City Pittston Township Plymouth Borough Plymouth Township Pringle Borough Schickshinny Borough Sugar Notch Borough Swoyersville Borough Union Township Warrior Run Borough West Pittston Borough West Wyoming Borough
	Eliminate any provisions which require a street maintenance bond		X				X		X		X	X	X	X		X	X		
	Adopt the County Provision which permits use of a security guarantee to insure completion of improvements required of the developer (in place of the street bonding requirement now in effect)		X	X	X	X													
	Pavement width requirements for residential streets should not exceed 20 - 26 feet				X														
	Land dedication requirements should be limited to 5% of the total land area of the site			X		X		X		X				X		X			
	Landscaping in public rights-of-way should be limited to one tree per lot average, as well as seeding or sodding		X				X		X		X	X					X		
	Allow cul-de-sac streets to be as long as 500 feet				X														
	Provide greater clarity and more specific standards in the requirements for dedication of part of the subdivision to the municipality			X		X		X											

Source:

Existing subdivision regulations of the municipalities shown.

CHART C

RECOMMENDED ACTION ON BUILDING CODES

The following municipalities do not have a building code, and should enact the current BOCA model code (Building Officials Conference of America)

Avoca Borough
Courtdale Borough
Conyngham Township
Dallas Borough
Dallas Township
Dupont Borough
Duryea Borough
Exeter Borough
Exeter Township
Fairview Township
Forty Fort Borough
Hunlock Township
Jenkins Township
Kingston Township
Laflin Borough
Newport Township
Nuangola Borough
Pittston Township
Pringle Borough
Rice Township
Sugar Notch Borough
Union Township
Warrior Run Borough
Wilkes-Barre Township
Wright Township

The following municipality uses a local code, and should change to the BOCA model code for consistency within the region

Yatesville Borough

The following municipalities have the BOCA model code and should make provision for regular updating to the latest published version

Ashley Borough
Edwardsville Borough
Hanover Township
Hughestown Borough
Kingston Borough
Larksville Borough
Laurel Run Borough
Luzerne Borough
Nanticoke City
Pittston City
Plains Township
Plymouth Borough
Plymouth Township
Schickshinny Borough
Swoyersville Borough
West Pittston Borough
West Wyoming Borough
Wilkes-Barre City
Wyoming Borough

Source: Building codes of municipalities, interviews with local building officials, and Wilbur Smith & Associates, The Wyoming Valley, Planning and Development considerations.

CHART D

RECOMMENDATIONS FOR CORRECTING ZONING ADMINISTRATIVE DEFICIENCIES

	MUNICIPALITY																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
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The following Boroughs and Townships do not have their own ordinances, and, therefore, by law, are subject to the County of Luzerne Ordinance.

Avoca Borough
Courtdale Borough
Conyngham Township
Duryea Borough
Edwardsville Borough
Exeter Borough
Hunlock Borough
Luzerne Borough
Newport Township
Plymouth Township
Schickshinny Borough
Sugar Notch Borough
Union Township
Warrior Run Borough
Yatesville Borough

Source: Existing zoning ordinances of the municipalities shown, except for proposed revision in the City of Wilkes-Barre.

CHART E

RECOMMENDATIONS FOR CORRECTING SUBDIVISION ADMINISTRATIVE DEFICIENCIES

MUNICIPALITY	LUZERNE COUNTY (Applies to the Municipalities listed in the last column)	Ashley Borough	Dupont Borough	Exeter Township	Hanover Township	Jenkins Township	Kingston Township	Laflin Township	Laurel Run Borough	Nanticoke City	Newport Township	Plains Township	Rice Township	Slocum Township	Wilkes-Barre City	Wilkes-Barre Township	Wright Township
Adopt a provision requiring conformity to comprehensive plan of all subdivision proposals			X					X									
Adopt provision for preliminary informal discussion between the developer and local public officials								X									
Limit the time allowed each reviewing agency to respond to developer's plans to two weeks		X	X	X		X			X						X		
Prohibit completely, or limit to one week, the authority of any local agency to extend the review time permitted to outside agencies		X				X			X	X	X	X	X	X	X	X	X

Source: Existing subdivision regulations of the municipalities shown.

The following Boroughs and Townships do not have their own ordinances, and, therefore, by law, are subject to the County of Luzerne Ordinance

Avoca Borough
Courtdale Borough
Conyngham Township
Dallas Borough
Dallas Township
Duryea Borough
Edwardsville Borough
Exeter Borough
Fairview Township
Forty Fort Borough
Hughestown Borough
Hunlock Township
Kingston Borough
Larksville Borough
Luzerne Borough
Newport Township
Nuangola Borough
Pittston City
Pittston Township
Plymouth Borough
Plymouth Township
Pringle Borough
Schickshinny Borough
Sugar Notch Borough
Swoyersville Borough
Union Township
Warrior Run Borough
West Pittston Borough
West Wyoming Borough

CHART F
A N A L Y S I S O F
PROPOSED LUZERNE COUNTY PLANNED RESIDENTIAL DEVELOPMENT
(P.R.D.) ORDINANCE

Summary of the
PROVISIONS OF PRESENT DRAFT ORDINANCE
Developed by County Planning Commission

Summary of
SUGGESTED CHANGES
(Detailed wording appears in Section Two)

A. GENERAL

1. P.R.D. districts are not shown on the map; a developer must obtain special permission from the governing body.
2. All P.R.D. applications must be reviewed by planning commission within 30 days of submittal.
3. P.R.D.'s must conform to the comprehensive plan.

B. LAND USE PERMITTED

1. Minimum acreage for P.R.D. development: 20
2. P.R.D.'s from 20 to 50 acres: land uses may not differ from what is already allowed in the particular zoning district.
3. P.R.D.'s from 50 acres up in districts where apartments are not permitted normally: up to 20% of the units may be apartments.
4. P.R.D.'s from 50 acres up where apartments are permitted normally: 100% of units may be apartments.
5. All P.R.D.'s from 50 acres up: up to one acre of land per 100 dwellings is permitted in commercial and professional land uses.
6. All P.R.D.'s from 200 acres up: more commercial and professional than above and other uses may be permitted only if the governing body agrees.

C. LOCATION OF P.R.D.'s

1. Permitted in all zones that permit residential, except for the commercial zone.
2. Prohibited in mining and industrial zoning districts.

D. DENSITY STANDARDS

1. In any particular zoning district where P.R.D. is allowed, the developer may build only the same number of units as he would under normal subdivision rules.
2. Reductions in individual lot sizes are permitted below the minimum square footage that would be allowed in the particular zoning district under normal subdivision rules, in all residential districts.
3. Lot size reductions, below what is required under normal subdivision rules, are as follows:

Zoning Districts		Minimum Lot Area Per Unit		Maximum Open Space Potential of P.R.D.	Housing Types Allowed*
		Normal Subdivision	P.R.D. Subdivision		
C-1	Conservation	2 acres	40,000 s.f.	54% of tract	Single-family detached and trailers.
A-1	Agricultural	1 acre	20,000 s.f.	54% of tract	Above, plus two-family structures.
S-1	Suburban Residential (no public utilities)	20,000 s.f.	12,000 s.f.	40% of tract	Single-family detached only.
S-1	Suburban Residential (either public sewer or water)	11,250 s.f.	9,000 s.f.	20% of tract	Same as above.
R-1	Residential (no public utilities)	20,000 s.f.	12,000 s.f.	40% of tract	Single-family detached only.
R-1	Residential (either public sewer or water)	11,250 s.f.	9,000 s.f.	20% of tract	Same as above.
R-1	Residential (all public utilities)	7,200 s.f.	6,000 s.f.	17% of tract	Same as above.
R-2	Residential (no public utilities)	20,000 s.f.	12,000 s.f.	40% of tract	Single-family detached and two-family detached.
R-2	Residential (either public sewer or water)	11,250 s.f.	9,000 s.f.	20% of tract	Same as above.
R-2	Residential (all public utilities)	3,500 s.f. (on minimum lot of 6,000 s.f.)	3,000 s.f.	14% of tract	Above, plus two-family attached structures.

A. GENERAL

No suggested changes.

B. STANDARDS

1. Minimum should be reduced to 10 acres.
2. Only P.R.D.'s from 10 to 20 acres should be restricted to normally allowed land uses.
3. P.R.D.'s from 20 acres and up in all zoning districts should permit a variety of all housing types including townhouses and apartments; the density standards in item C., below, plus the judgment of the governing body will satisfactorily prohibit a density pattern not considered acceptable in any particular locality.

C. LOCATION OF P.R.D.'s

1. Should also be permitted in the commercial zone, since it normally permits residential uses.

D. DENSITY STANDARDS

1. Only after the ordinance has been tested under its present density standards, consideration should be given to permitting 10% to 25% more units than normally allowed in an overall tract of 20 acres or more. The benefits of clustering homes and providing open space should more than compensate for this increase.)
2. After the ordinance has been tested under its present density standards, there should be established a maximum lot reduction for each individual lot, that slightly exceeds a maximum reduction of all lots in a particular subdivision. This would permit the developer greater design flexibility and allow the governing body greater authority to require excellence in design.

C. LOCATION OF P.R.D.'s

- 1. Permitted in all zones that permit residential, except for the commercial zone.
- 2. Prohibited in mining and industrial zoning districts.

D. DENSITY STANDARDS

- 1. In any particular zoning district where P.R.D. is allowed, the developer may build only the same number of units as he would under normal subdivision rules.
- 2. Reductions in individual lot sizes are permitted below the minimum square footage that would be allowed in the particular zoning district under normal subdivision rules, in all residential districts.
- 3. Lot size reductions, below what is required under normal subdivision rules, are as follows:

Zoning Districts		Minimum Lot Area Per Unit		Maximum Open Space Potential of P.R.D.	Housing Types Allowed*
		Normal Subdivision	P.R.D. Subdivision		
C-1	Conservation	2 acres	40,000 s.f.	54% of tract	Single-family detached and trailers.
A-1	Agricultural	1 acre	20,000 s.f.	54% of tract	Above, plus two-family structures.
S-1	Suburban Residential (no public utilities)	20,000 s.f.	12,000 s.f.	40% of tract	Single-family detached only.
S-1	Suburban Residential (either public sewer or water)	11,250 s.f.	9,000 s.f.	20% of tract	Same as above.
R-1	Residential (no public utilities)	20,000 s.f.	12,000 s.f.	40% of tract	Single-family detached only.
R-1	Residential (either public sewer or water)	11,250 s.f.	9,000 s.f.	20% of tract	Same as above.
R-1	Residential (all public utilities)	7,200 s.f.	6,000 s.f.	17% of tract	Same as above.
R-2	Residential (no public utilities)	20,000 s.f.	12,000 s.f.	40% of tract	Single-family detached and two-family detached.
R-2	Residential (either public sewer or water)	11,250 s.f.	9,000 s.f.	20% of tract	Same as above.
R-2	Residential (all public utilities)	3,500 s.f. (on minimum lot of 6,000 s.f.)	3,000 s.f.	14% of tract	Above, plus two-family attached structures.
R-3	Residential	2,000 s.f. (on minimum lot of 6,000 s.f.)	1,500 s.f.	25% of tract	Above, plus apartments.

*Qualified by item B, above.

- 4. The method for calculating the number of units permitted in a tract is ambiguous, but it probably requires subtracting a given amount of land for streets (25-30%), regardless of the actual amount of land that the plan shows to be developed in streets.

E. OPEN SPACE

- 1. Open space not subject to further subdivision must be set aside for use of the residents, and the open areas must be consistent with the comprehensive plan and properly maintained; the ordinance does not specify amounts of open space under any formula, but leaves this determination to the governing body.

F. YARDS, LOT WIDTH, AND COVERAGE

	Single-Family Detached	Single-Family Semi-Detached	Single-Family Attached
Minimum lot width, street line	50 feet	50 feet	30 feet
Minimum lot width, building line	60 feet	50 feet	30 feet
Maximum building coverage	20%	30%	No more than 6 attached together.
Minimum front yard	40 feet	30 feet	40 feet
Total side yards	25 feet (requires 2 yards)	15 feet (requires 1 yard)	---
Minimum rear yards	30 feet	30 feet	---
Other requirements	---	---	A cluster of attached homes must be 150 feet distant from other buildings in the P.R.D.

C. LOCATION OF P.R.D.'s

- 1. Should also be permitted in the commercial zone, since it normally permits residential uses.

D. DENSITY STANDARDS

- (1. Only after the ordinance has been tested under its present density standards, consideration should be given to permitting 10% to 25% more units than normally allowed in an overall tract of 20 acres or more. The benefits of clustering homes and providing open space should more than compensate for this increase.)
- 2. After the ordinance has been tested under its present density standards, there should be established a maximum lot reduction for each individual lot, that slightly exceeds a maximum reduction of all lots in a particular subdivision. This would permit the developer greater design flexibility and allow the governing body greater authority to require excellence in design.

- 4. Since the "clustering" features of P.R.D. will result in less area in streets than in standard development, calculation of net developable land for lots should consider actual streets to be built, and not an arbitrary acreage. Usually, the actual street percentage in P.R.D.'s will be about 15%, and this reduction will permit more homes to be built.

E. OPEN SPACE

- 1. To give the developer greater certainty about what will be required of him, the open space requirement should be specified as all those lands not shown on the development plan as either subdivided lots or public rights-of-way, at the time the governing body is acting on the plan.

F. YARDS, LOT WIDTH, AND COVERAGE

These requirements should be deleted because sufficient protection is provided by the lot area requirements (D, above), and the governing body's review powers. The standards shown here will prevent desired maximum permitted lot reductions, will inhibit design flexibility, and in some cases are more restrictive than similar requirements under normal subdivision procedures.

SECTION TWO

MODEL LANGUAGE AND RECOMMENDED
ADDITIONAL PROVISIONS

SECTION TWO: Model Language and Recommended
Additional Provisions

This Section is divided into three parts. Part A contains model sections of ordinances which should be used to replace those provisions of existing ordinances which were recommended for adjustment in previous charts in this report. Part B contains suggested legal mechanisms for inclusion in all ordinances in the study area. Part C contains recommendations for consolidating all development regulations into a unified code.

Summary

Overall, the County PRD provision embodies the concepts necessary for creativity of design and planning for large scale developments. Each municipality should adopt the County provision if they have not already done so. Those municipalities which already have adopted the provision should examine the suggested changes made above which will increase the usefulness of the PRD provision.

A. Model Language

1. Written Decisions — Zoning Hearing Board

Those ordinances which were cited in Chart D for not having a provision requiring a written decision of the Zoning Hearing Board should adopt the following provision from the proposed Wilkes-Barre City Zoning Ordinance:

"Zoning Hearing Board - Decisions:

The board or the hearing officer, as the case may be, shall render a written decision, or when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing. Each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date."

2. Model Language for Special Exception Standards

The following, designated form I, is the best model of explicit special exception standards. It enumerates in great detail the several factors which a zoning hearing board must consider.

Form 1 (From Bair, Text of a Model Zoning Ordinance)

"Before any special exceptions shall be issued, the Zoning Hearing Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:

- 1) *Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;*
- 2) *Off-street parking and loading areas where required, with particular attention to the items in 1) above, and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;*
- 3) *Refuse and service areas, with particular reference to the items in 1) and 2) above;*
- 4) *Utilities, with reference to locations, availability, and compatibility;*
- 5) *Screening and buffering with reference to type, dimensions, and character;*

- 6) *Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects and compatibility and harmony with properties in the district;*
- 7) *Required yards and other open space;*
- 8) *General compatibility with adjacent properties and other property in the district."*

3. Proposed Planned Residential Development Section of Luzerne County Zoning Ordinance

The planned residential development section of the Luzerne County Zoning Ordinance is recommended for adoption throughout the study area. In reviewing the ordinance several features were identified which should be revised to more fully promote the goals of planned residential development. Therefore, it is recommended that the following draft sections and comments on sections of the proposed Luzerne County Zoning Ordinance — P.R.D. Section be carefully evaluated when adoption of this ordinance is being considered.

Sections 6.1521 and 6.1523427

These sections express the intent of the ordinance, although section 6.1523427 seems to be out of sequence. An intent section is very important in the interpretation of the ordinance in relation to a specific application. Therefore, a more complete statement of this nature should be used. These two sections should be combined and expanded as follows:

Section 6.1521 STATEMENT OF INTENT

"Within districts now existing or which may hereafter be created, it is intended to permit, on application and on approval of detailed site, use and building plans, creation of new planned residential development districts for specialized purposes where tracts suitable in location and character for the uses and structures proposed are to be planned and developed as units. Suitability of such tracts for the plans and development proposed for the PRD district shall be determined by reference to the comprehensive plan and the existing and prospective character of surrounding development.

Within PRD districts, regulations adapted to such unified planning and development are intended to accomplish the purposes of zoning and other applicable

regulations to the same degree as in districts in which regulations are intended to control development on a lot-by-lot rather than unified basis, and to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety in physical development, creative design, and a better environment.

In view of the substantial benefits to the public of planned development, it is the intent of this ordinance to promote and encourage development in this form where appropriate in location and character."

Section 6.1523111 and the first sentence of Section 6.1523112 should be revised.

These sections prohibit significant amounts of multi-family housing. Section 6.1523111 should be revised to allow PRD's of 20 acres or less without special approval. Section 6.1523112 sets an unusually low percentage of apartments for larger PRD's and should be changed to allow all housing types, including townhouses and apartments in PRD's of 20 acres or more. Providing for a variety of housing types will not change the number of housing units, but it will give the builder useful flexibility and the public more open space.

Section 6.152321

PRD's should be allowed in any district in which some residential use is allowed. To be in conformity with the rest of the existing ordinance, then, the word "commercial" should be deleted from this section, since residential use is already allowed in at least one commercial zoning district, as a special exception use.

Section 6.152331

Since it is absolutely essential that a developer know how many units he can build on a site, all terms bearing on such a determination should be defined. The key phrase of the ordinance relating to this matter is "net development area." Yet, nowhere is this term defined more precisely than to say that common open space is included in the calculations.

Also, standard subdivision rules require reducing the gross area of the tract by 25% to 30% in consideration of streets, no matter what the actual land in streets turns out to be on the plan. This should be clearly not the case for PRD's. Classification of this issue would be realized by incorporating the following provision:

"Net Development Area - the difference between the total area of the proposed site and the total area to be used for proposed streets as expressed in the development plan given final approval by the governing body."

Section 6.152333

The 20 acre minimum requirement for a PRD should be reduced to 10 acres. Sites of ten acres are frequently appropriate for PRD development, but such small sites should not be exempted from existing use restrictions. The problems of sections 6.1523111, 6.1523112, and 6.152333 could be corrected by the following wording:

"The minimum site eligible for PRD benefits without other restrictions is twenty (20) acres. A site between ten (10) and twenty (20) acres in size shall be restricted to the uses permitted in the zoning district where it is located."

Section 6.1523412

As presently written, this section is too vague about open space requirements. It should be rewritten to make it clear that the required open space will be all those lands not shown on the development plan either as subdivided lots or as streets, at the time the governing body acts on the plan.

Sections 6.15234211, 6.15234213, 6.15234214,
6.15234215, 6.15234221, 6.15234223, 6.15234224,
and 6.15234225

Although flexibility and opportunity for innovation are often cited as the PRD's chief advantages, requirements in these sections work to deny both to developers.

An excess of requirements concerning such planning details as lot width, setbacks, side yards and rear yards, have the effect of dictating the shape of the lot.

Limiting the developer's opportunities to vary lot sizes means restricting his opportunities to develop new approaches to the total site design.

These restrictive provisions should be replaced by a sentence saying, in effect, that in addition to minimum lot size, these uses must meet the general standards set for them in cases where they are special exceptions. These

standards would be interpreted in the spirit of the goals of the PRD provision. As far as the single-family units are concerned, minimum lot size and the PRD goals would be the only standards. It might read as follows:

"Lot Size

In addition to the minimum lot size standards set out earlier in this ordinance, the only other standards applying to lot size are those provided by the governing body in acting on the specific plan and proposal. General standards shall be interpreted in accordance with the spirit of this section of the ordinance."

Sections 6.152342251 and 6.152342252

The provisions in these sections were developed for, and apply to, single-family attached homes. When applied to standard townhouse designs, these same sections result in a requirement for unusually large yards. By reducing the 6,000 square foot requirement in Section 6.152342251 by one-half and dedicating the remainder to open space, this problem could be eliminated.

Section 6.1523424

For consistency and clarity all references to "town-house" in this section should be changed to "single-family attached home". There are no definitions of either term and this change will make it clear to the reader.

Section 6.1523426

Private interior roads should not have to meet public road standards which entail extra costs. Pavement widths can be narrowed to eighteen (18) to twenty (20) feet without risking loss of access for emergency vehicles. All through roads in the PRD should conform to municipal standards. Only the roads actually proposed should be deleted in computing the net development area.

B. Suggested Additions to All Local Zoning Ordinances

1. Fast-tracking

Fast-tracking is a construction technique (particularly suitable for large-scale projects), which compresses the total design and construction time period by permitting the start of construction before final plans are complete. By shortening the time needed to complete

the building, costs are lowered, often by as much as one percent of total costs for each month of construction time saved.

The conventional building process requires that all the engineering, architectural, and design work be fully completed before excavating work starts. Most ordinances require completed plans before a building permit can be issued. Fast-tracking changes this approach by starting excavation, foundation, and steel work, before the plans for the last stages of construction are complete. For a project that might ordinarily take four to six years to complete, with the fast-tracking technique, it is often possible to save one year.

A recommended provision allowing the use of the fast-tracking principle is presented below:

"Definition Section"

- a. *'Fast-tracking' shall mean that type of construction which divides the design stage into component parts, each floor or stage of the building or structure requiring approval by the Building Commission previous to construction; each floor or stage of the building or structure can be built before the design for any subsequent floor need*

be completed or approved. Fast-tracking does not exempt the owner from any other provisions of this or any other municipal ordinance."

"Building Permit Section"

- a. *Fast-tracking will be permitted upon application to and approval of the Building Commissioner."*

2. Incentive Zoning

a. Land Use Intensity Standards

Although the advantages of varying densities are primarily intended for large-scale development, there is a way for a developer with one acre or less to enjoy their benefits.

One approach which achieves this goal to some extent is the land use intensity device developed by the Federal Housing Administration. The municipality is partially divided into multi-family districts which have different land use intensity ratings (LUI). Each rating, LUI 70 for example, requires a certain minimum lot size. Below that size, LUI still applies but not at such a high density rating. In this way, developers and owners are encouraged to

combine small lots in order to achieve higher densities per unit of lot size.

Each multi-family district has a separate set of standards, depending on the established LUI rating, which coordinates floor area, open space, livable open space, recreation space, and parking space. For instance, at LUI 70 the floor area ratio might be 2.00 which would yield 40,000 square feet of floor area from a 20,000 square foot lot. This replaces regulations which require a certain lot area for each dwelling unit, thus eliminating problems with partial left-over dwelling units. The developer can apportion this floor area among his units as he likes, but no matter how he does it, the total population of the units will be the same. Thus, density becomes the key regulatory consideration. There are similar ratios to apply in using the other standards mentioned above.

Land use intensity ratings, along with the ratios for the other standards, enable a developer quickly to determine how intensely his site can be used. In addition, they provide an incentive, in the form of higher density, to build on lots which are large enough to qualify for the full LUI rating, but still too small to qualify for planned residential development treatment.

b. Amenities

Another form of incentive zoning takes the form of increasing densities, either by lowering minimum lot area standards, lowering the minimum square feet required per dwelling, or reducing lot coverage, in exchange for amenities provided by the developer which benefit the units constructed. The most common amenities which the developer would be expected to provide in order to gain his higher density are: additional parking, a children's playground, additional open space, and landscaping or screening. A model provision would read:

Increased Density - Amenities

The residential density of the proposed project shall be increased by five (5) percent over the density determined by the standards of this ordinance if the applicant provides one of the following:

- 1) *one-half ($\frac{1}{2}$) additional parking space per unit;*
- 2) *a children's playground of a size sufficient to serve the project as determined by the Board;*
- 3) *an additional twenty-five (25) square feet of open space per resident;*

- 4) *landscaping or screening which improves the appearance of the project and its suitability as a residence as determined by the Board.*

This section shall apply only to projects involving ten (10) or more units or forty (40) or more residents.

C. Consolidation of Development Regulations

Apart from problems arising from such regulatory controls as zoning ordinances, subdivision regulations, and building codes, there are issues which derive from all of them taken as a whole. A comprehensive review of these physical development regulations would uncover areas of conflict among them. Correcting these would relieve administrative confusion, and allow the developer to get all the service he needs at one place and one time.

The first problem is the sheer number of regulatory instruments which have come into use over a period of years. A developer must be aware of zoning, subdivision, housing, and building codes as well as fire codes, urban renewal plans, health codes, flood control regulations, rehabilitation standards, master plans, conservation areas, historic preservation areas, FHA minimum property standards and lending agency standards, just to name a few. Not only is this an onerous burden on the developer, but it is an obstacle to achievement of community objectives since the concern of the regulations is more with individual standards than with the overall achievement of their joint objectives.

One example will serve to illustrate this point. All codes in the basic "package" deal with fire safety as an objective. Building codes regulate construction and materials, building separations, access and egress; housing codes regulate maintenance requirements for interiors, exitways and heating equip-

ment; zoning ordinances regulate land use locations and relationship, building separations and access; and subdivision regulations regulate access — all with the goal of fire safety. Since these codes are developed independently and are separately administered, inconsistencies among them as to standards are common, and these result in the defeat of overall community goals, cause needless confusion to the developer and add to his costs.

For these reasons, it is likely many municipalities will soon organize all of the ordinances relating to land development and construction in one unified ordinance. For the same reasons, unification of the various administrative agencies pertaining to planning, housing, zoning, etc. is also likely. Consolidation of both ordinances and agency staff has taken place in several large cities, as well as in the small towns and fast-growing communities in the country. Thus, we can expect that the municipalities of Wyoming Valley, too, will soon find it useful to consolidate their municipal development codes.

