



Churchill ■ Monroeville ■ Wilkins

APPENDICES

Implementable Comprehensive Plan for
The Energetic East in Allegheny County

2018

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BOROUGH OF CHURCHILL

RESOLUTION NO. 4440

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF CHURCHILL, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE "CHURCHILL - MONROEVILLE - WILKINS IMPLEMENTABLE COMPREHENSIVE PLAN FOR THE ENERGETIC EAST IN ALLEGHENY COUNTY 2018" AS RECOMMENDED FOR ADOPTION BY THE CHURCHILL BOROUGH PLANNING COMMISSION

WHEREAS, the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, Act 247, as reenacted and amended December 21, 1988, P.L. 1329, Act 170 (53 P.S. Section 10101, et seq.), as amended (hereinafter "MPC") empowers municipalities, individually or jointly, to plan for their development and govern the same by zoning, subdivision and land development ordinances; and

WHEREAS, the Borough of Churchill, Municipality of Monroeville and Township of Wilkins are characterized by similar demographics and share common community development issues and geographic boundaries; and

WHEREAS, the three municipalities have joined together for the purpose of mutual cooperation through multi-municipal planning; and

WHEREAS, a joint steering committee, including representatives from each of the three municipalities, was formed to oversee the development of the Churchill-Monroeville-Wilkins Implementable Comprehensive Plan for the Energetic East in Allegheny County 2018 (hereinafter the "Plan"); and

WHEREAS, the joint steering committee developed a joint implementable comprehensive plan which addresses the following six "Key Issues": strategic communications, shared services, recreation, trails and connectivity, property maintenance and redevelopment; and

WHEREAS, the Borough of Churchill received comments from the Allegheny County Department of Economic Development and has incorporated its suggestions in the final version of the Plan; and

WHEREAS, Allegheny County, contiguous municipalities, Woodland Hills School District and Gateway Public School District have reviewed or been given the opportunity to review the Plan pursuant to the MPC; and

WHEREAS, the Borough of Churchill has made the Plan available for public review in Borough offices; and

WHEREAS, Plan contains all of the basic elements for a Comprehensive Plan, as mandated by the pertinent section of the Pennsylvania Municipalities Planning Code (53 P.S. Section 10301); and

WHEREAS, the Borough of Churchill Planning Commission held a public meeting, pursuant to public notice, on February 13, 2018, to consider the Plan and recommended that the Borough of Churchill adopt the Plan as presented; and

WHEREAS, on March 5, 2018, Council of the Borough of Churchill held a properly advertised public hearing on the Plan and has also considered the public comments made at such public hearing; and

WHEREAS, there have been no substantial revisions to the proposed Plan which would necessitate any further public hearings or public notice prior to its adoption; and

WHEREAS, the Borough has determined that the Plan is an accurate and thorough summary of the Borough of Churchill's community assets and of its vision for future community development; and

WHEREAS, the Council of the Borough of Churchill believes that adoption of the Plan is in the best interests of the Borough of Churchill and its residents and citizens.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Churchill, as follows:

1. The Borough of Churchill does hereby adopt the Churchill-Monroeville-Wilkins Implementable Comprehensive Plan for the Energetic East in Allegheny County 2018 as the official Comprehensive Plan of Record for the Borough of Churchill. The Plan is hereby adopted in its entirety, including all maps, charts and textual matter, pursuant to the Pennsylvania Municipalities Planning Code.
2. Any Resolution or part thereof in conflict herewith is hereby repealed to the extent of such conflict.
3. This Resolution shall be in full force and effect from and after its passage and publication as required by law.

RESOLVED, by the Council of the Borough of Churchill, this 5th day of March, 2018.

ATTEST:

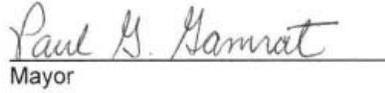

Borough Secretary

BOROUGH OF CHURCHILL


President of Council

EXAMINED AND APPROVED this 5th day of March, 2018

BOROUGH OF CHURCHILL


Mayor

MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA

RESOLUTION NO. 18-16

**A RESOLUTION OF THE MUNICIPALITY OF MONROEVILLE,
ALLEGHENY COUNTY, PENNSYLVANIA, ADOPTING THE
“CHURCHILL-MONROEVILLE-WILKINS IMPLEMENTABLE
COMPREHENSIVE PLAN” AS RECOMMENDED FOR
ADOPTION BY THE MUNICIPALITY OF MONROEVILLE
PLANNING COMMISSION.**

WHEREAS, the Pennsylvania Municipalities Planning Code, hereinafter referred to as the MPC, (Act of 1968 P.L. 805, No. 247 as amended) empowers municipalities, individually or jointly, to plan for their development and govern the same by zoning, subdivision, and land development ordinances; and

WHEREAS, the Municipalities of Churchill, Monroeville and Wilkins, Allegheny County, are each characterized by similar demographics, identities and common issues and share common boundaries; and

WHEREAS, the three (3) Municipalities have joined together for the purpose of mutual cooperation through multi-municipal planning; and

WHEREAS, the joint steering committee comprised of representatives from each of the three (3) Communities was formed to oversee the development of a joint Comprehensive Plan; and

WHEREAS, the joint Comprehensive Plan identified seven (7) key priorities for: Strategic Communications, Shared Services, Recreation, Trails and Connectivity, Property Maintenance and Redevelopment; and

WHEREAS, the Municipality received comments from the Allegheny County Department of Economic Development and has incorporated many of the suggestions in the final version of the Plan; and

WHEREAS, Allegheny County, contiguous municipalities, Woodland Hills School District and Gateway School District have reviewed or been given the opportunity to review the joint Comprehensive Plan per the MPC; and

WHEREAS, the plan has been made available for public review in the Administration Offices; and

WHEREAS, the Monroeville Planning Commission received public comments at their meeting of February 21, 2018 and recommended that the Monroeville Council adopt the Comprehensive Plan as presented; and

WHEREAS, said plan has been the subject of a Public Hearing, held on March 8, 2018 per the MPC; and

WHEREAS, comments were received from the public at the hearing on March 8, 2018 and have been duly noted; and

WHEREAS, the Municipality has determined that the proposed Churchill-Monroeville-Wilkins Implementable Comprehensive Plan is an accurate and thorough summary of the communities' assets, vision and recommendations for the future.

NOW, THEREFORE, be it resolved by the Municipality of Monroeville, Allegheny County, Pennsylvania, as follows:

1. The Municipality of Monroeville does hereby adopt the Churchill-Monroeville-Wilkins Implementable Comprehensive Plan as the official Comprehensive Plan of Record for the Municipality of Monroeville. The Plan is hereby adopted in its entirety, including all maps, charts and textual matter, pursuant to the Municipalities Planning Code.
2. Any Resolution or part thereof in conflict herewith, is hereby repealed to the extent of said conflict.
3. This Resolution shall be in full force and effect from and after its passage and publication as required by law.

ADOPTED this 13th day of March, 2018, by the Council of the Municipality of Monroeville.

ATTEST:

MUNICIPALITY OF MONROEVILLE



Timothy J. Little, Municipal Manager



Dr. Nicholas J. Gresock, Mayor

ENTERED INTO LEGAL BOOK ON: March 23, 2018

TOWNSHIP OF WILKINS

RESOLUTION NO. 8-2018

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE “CHURCHILL - MONROEVILLE - WILKINS IMPLEMENTABLE COMPREHENSIVE PLAN FOR THE ENERGETIC EAST IN ALLEGHENY COUNTY 2018” AS RECOMMENDED FOR ADOPTION BY THE WILKINS TOWNSHIP PLANNING COMMISSION

WHEREAS, the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, Act 247, as reenacted and amended December 21, 1988, P.L. 1329, Act 170 (53 P.S. Section 10101, et seq.), as amended (hereinafter “MPC”) empowers municipalities, individually or jointly, to plan for their development and govern the same by zoning, subdivision and land development ordinances; and

WHEREAS, the Borough of Churchill, Municipality of Monroeville and Township of Wilkins are characterized by similar demographics and share common community development issues and geographic boundaries; and

WHEREAS, the three municipalities have joined together for the purpose of mutual cooperation through multi-municipal planning; and

WHEREAS, a joint steering committee, including representatives from each of the three municipalities, was formed to oversee the development of the Churchill-Monroeville-Wilkins Implementable Comprehensive Plan for the Energetic East in Allegheny County 2018 (hereinafter the “Plan); and

WHEREAS, the joint steering committee developed a joint implementable comprehensive plan which addresses the following six “Key Issues”: strategic communications,

shared services, recreation, trails and connectivity, property maintenance and redevelopment; and

WHEREAS, the Township of Wilkins received comments from the Allegheny County Department of Economic Development and has incorporated its suggestions in the final version of the Plan; and

WHEREAS, Allegheny County, contiguous municipalities, Woodland Hills School District and Gateway Public School District have reviewed or been given the opportunity to review the Plan pursuant to the MPC; and

WHEREAS, the Township of Wilkins has made the Plan available for public review in Township offices; and

WHEREAS, Plan contains all of the basic elements for a Comprehensive Plan, as mandated by the pertinent section of the Pennsylvania Municipalities Planning Code (53 P.S. Section 10301); and

WHEREAS, the Township of Wilkins Planning Commission held a public meeting, pursuant to public notice, on February 21, 2018, to consider the Plan and recommended that the Township of Wilkins adopt the Plan as presented; and

WHEREAS, on March 26, 2018, the Wilkins Township Board of Commissioners held a properly advertised public hearing on the Plan and has also considered the public comments made at such public hearing; and

WHEREAS, there have been no substantial revisions to the proposed Plan which would necessitate any further public hearings or public notice prior to its adoption; and

WHEREAS, the Township has determined that the Plan is an accurate and thorough summary of the Township of Wilkins' community assets and of its vision for future community development; and

WHEREAS, the Board of Commissioners of the Township of Wilkins believes that adoption of the Plan is in the best interests of the Township of Wilkins and its residents and citizens.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Wilkins, as follows:

1. The Township of Wilkins does hereby adopt the Churchill-Monroeville-Wilkins Implementable Comprehensive Plan for the Energetic East in Allegheny County 2018 as the official Comprehensive Plan of Record for the Township of Wilkins. The Plan is hereby adopted in its entirety, including all maps, charts and textual matter, pursuant to the Pennsylvania Municipalities Planning Code.
2. Any Resolution or part thereof in conflict herewith is hereby repealed to the extent of such conflict.
3. This Resolution shall be in full force and effect from and after its passage and publication as required by law.

RESOLVED, by the Board of Commissioners of the Township of Wilkins this 26th day of March, 2018.

ATTEST:

TOWNSHIP OF WILKINS


Township Manager


President of Board of Commissioners

No. _____ Term, _____

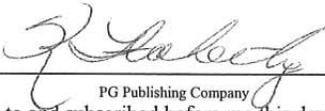
Proof of Publication of Notice in Pittsburgh Post-Gazette

Under Act No 587, Approved May 16, 1929, PL 1784, as last amended by Act No 409 of September 29, 1951

Commonwealth of Pennsylvania, County of Allegheny, ss K. Flaherty, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 by the merging of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1960 and the Pittsburgh Post-Gazette was established in 1927 by the merging of the Pittsburgh Gazette established in 1786 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the _____ Local Xtra editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz:

09, 16 of March, 2018

Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the Pittsburgh Post-Gazette, that, as such agent, affiant is duly authorized to verify the foregoing statement under oath, that affiant is not interested in the subject matter of the afore said notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.



PG Publishing Company

Sworn to and subscribed before me this day of:
March 16, 2018



Elizabeth R. Chmura

Commonwealth of Pennsylvania - Notary Seal
Elizabeth R. Chmura, Notary Public
Allegheny County
My commission expires February 9, 2022
Commission number 1326761
Member, Pennsylvania Association of Notaries

**COPY OF NOTICE
OR PUBLICATION**

NOTICE OF
PUBLIC HEARING
The Board of Commissioners of the Township of Wilkins shall hold a public hearing beginning at 6:00 p.m. on Monday, March 26, 2018 at the Municipal Building, 110 Peffer Road, Turtle Creek, PA 15145 for the purpose of hearing public comments on the proposed Churchill-Monroeville-Wilkins Implementable Comprehensive Plan. Copies of the plan are available on the bulletin board of the Township's website www.wilkinstownship.com.

STATEMENT OF ADVERTISING COSTS

WILKINS TWP-CLASSIFIED
Attn: Rebecca Bradley
110 PEFFER ROAD
TURTLE CREEK PA 15145

To PG Publishing Company

Total ----- \$56.00

Publisher's Receipt for Advertising Costs

PG PUBLISHING COMPANY, publisher of the Pittsburgh Post-Gazette, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid.

Office
2201 Sweeney Drive
CLINTON, PA 15026
Phone 412-263-1338

PG Publishing Company, a Corporation, Publisher of
Pittsburgh Post-Gazette, a Newspaper of General Circulation

By _____

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

Attorney For



Strategic Communications Appendices

1A: Sample job descriptions for Public Information positions in 2017. Page App 1-3.

Appendix 1A

2017 Sample job description for Public Information Coordinator,

Carlisle, PA (population 18,682 in 2010 Census)

Salary range: \$42,000-52,000

The Public Information Coordinator (PIC) shall develop and oversee the Borough's internal and external communications strategy. The position shall work closely with the Borough Manager, Assistant Manager, elected officials, and department heads to ensure the accurate and consistent dissemination of information to the public.

The PIC shall write, review and disseminate borough-related information to the public, reporting accurately and seeking out information of interest to our community; support increased transparency; manage newsworthy content on the Borough's website and social media platforms; monitor social conversation and comments, responding as appropriate; develop messaging and visual media; and, keep the community apprised of borough-related activities.

The PIC shall collaborate with citizens and community stakeholders to provide information to residents on Borough services and to promote community understanding, improve public participation and support of Borough-related projects/initiatives.

The position must take initiative and work independently with minimal direct oversight by the Borough Manager and/or designee. Bachelor's degree in public relations, marketing, communications or a related field. Five years experience, preferably in city government.

2017 Sample job description for Public Information Officer, Stockbridge, Georgia (population 25,637 in 2010 Census)

Public Information Officer

The City of Stockbridge has a job opportunity for a Public Information Officer, a staff position reporting to the City Manager. This position is designed to promote, disseminate public information through various media outlets, and deliver and/or develop the marketing strategy for the City through media relations, internet and other necessary means. This position is responsible for preparing news releases and advisories, public service announcements, statements, brochures, newsletters and reports of both technical and general content; preparing speeches; citizen engagement, maintain relationships with civic organizations the business community; website design, maintaining the city website and social media content; advise management and officials on aspects of public communication and marketing and may act as the spokesperson and advise those who are speaking on behalf of the City of Stockbridge.

Essential Duties and Responsibilities:

- Researches articles, reports, policies and other documents in preparation of articles and speeches including accurate data and information.
- Drafts news articles for publication, press releases, public service announcements, city newsletter, media advisories and speeches to inform the public and for distribution to the news media.
- Develops story ideas and promotional concepts for city activities and organizes internal projects and activities.
- Maintains constant liaison with reporters, editors and the general news media and may attend press functions.
- Responds to questions, complaints and requests for information by telephone, in person or by mail from the news media, public, elected and City Officials, outside agencies, employees, superiors, etc.
- Monitors and peruses newspapers and other publications for articles related to the City and clips, catalogs and maintains files for news articles.
- Proficient in photography to update content on websites and library.
- Plans or directs communication programs to maintain favorable public perceptions of the City's accomplishments, agenda, and other areas of City interest. Ability to create marketing strategies.
- Proficient in developing public relations strategies that will influence public opinion or promote ideas, products or services;
- Confers with upper management to keep them informed on key

issues and progress toward objectives and to gain their support and approval; make recommendation to assist management in making needed improvements.

- Organizes and employs resources to achieve project objectives;

Performs a variety of routine and complex administrative and technical.

- Proficient in developing public relations strategies that will influence public opinion or promote ideas, products or services;

- Confers with upper management to keep them informed on key

issues and progress toward objectives and to gain their support and approval; make recommendation to assist management in making needed improvements.

- Organizes and employs resources to achieve project objectives;
- Performs a variety of routine and complex administrative, technical and professional work related to the development of marketing strategies, graphic design, content management for social media.
- Coordinates special assignments as requested to include researching and preparing reports and projects, developing and implementing programs, and presenting technical data to management, public interest groups, and others.
- Proficient in making presentations to decision-makers and the public;
- Strong public speaking and interviewing skills.
- Performs other duties as related to the job description.

Minimum Requirements:

Bachelor's degree in Communications, Journalism, English, Marketing, Public Affairs, Business or Public Administration and 3 – 5 years of direct experience in public relations, media relations and community relations or related area preferred. Must be proficient in computer applications and social media content. Valid State of Georgia Driver's License. Salary will be commensurate with experience.

How to apply:

Complete a City of Stockbridge online job application at www.cityofstockbridge.com. You can mail an application to the City of Stockbridge – Human Resources Department, 4640 North Henry Blvd., Stockbridge, GA. 30281 or fax to 770-626-4237. Please indicate the position you are applying for on the application. Position will be open until filled. How to apply: To apply online, [click here](#).

STRATEGIC COMMUNICATIONS



SHARED SERVICES

Shared Services Appendices

2A: Sample Memorandum of Understanding for shared services agreement between Rankin Borough and Turtle Creek Council of Governments. Page App 2-3.

Appendix 2A

BOROUGH OF RANKIN AND TURTLE CREEK VALLEY COUNCIL OF
GOVERNMENTS (TCVCOG)
MEMORANDUM OF UNDERSTANDING TO ADMINISTER
MUNICIPALITIES FINANCIAL RECOVERY ACT (ACT 47) GRANT FUNDS -
\$100,000

TURTLE CREEK VALLEY COUNCIL OF GOVERNMENTS (TCVCOG) SHARED
PUBLIC WORKS EQUIPMENT PROGRAM GRANT – BRADDOCK AND RANKIN
BOROUGHES

This Memorandum of Understanding, made and entered into this _____ day of _____, 2013 by and between the Borough of Rankin, County of Allegheny, Commonwealth of Pennsylvania and the Turtle Creek Valley Council of Governments (TCVCOG), a non-profit association of twenty municipalities located in Allegheny County, Commonwealth of Pennsylvania.

WHEREAS, the Borough of Rankin, on behalf of the TCVCOG has made application to the Pennsylvania Department of Community and Economic Development (DCED) under the Municipalities Financial Recovery Act (Act 47) for a grant in the amount of \$100,000 for the purchase of public works equipment for the shared public works program currently comprised of Braddock and Rankin Boroughs, both Act 47 municipalities.

WHEREAS, the Pennsylvania DCED approved such grant request and entered into Contract C000054873 in the amount of \$100,000 to the Borough of Rankin for the TCVCOG to purchase public works equipment for the shared public works program on behalf of Braddock and Rankin Boroughs, two Act 47 municipalities for the provision of services for the contract period of July 1, 2013 through June 30, 2016.

WHEREAS, the Borough of Rankin and the Turtle Creek Valley Council of Governments (TCVCOG) wish to reduce to writing the following terms and conditions in the form of this memorandum of understanding:

- 1) The Borough of Rankin is the applicant and recipient of the Act 47 grant funds of \$100,000 on behalf of the TCVCOG who will serve as a subcontractor and sub-recipient of such funds under this memorandum of understanding;
- 2) The Borough of Rankin shall submit an Act 47 Invoice to the Pennsylvania DCED for the grant funds based upon documentation of actual costs incurred provided to the Borough by the TCVCOG upon execution of this memorandum of understanding by the Council of the Borough of Rankin and the Board of Directors of the TCVCOG. Upon receipt of the Act 47 grant funds the Borough of Rankin will disburse said grant funds to reimburse the TCVCOG for the public works equipment purchase costs on a timely basis.
- 3) The TCVCOG may make one formal request to the Borough of Rankin for reimbursement of Act 47 grant funds of \$100,000 under the current contract

period of July 1, 2013 through June 30, 2016 once the purchase of equipment is made.

The Act 47 grant contract period shall be from July 1, 2013 through June 30, 2016. All grant funds for authorized expenditures must be spent during this time period and all equipment purchase costs incurred within the same time frame.

- 4) The Borough of Rankin agrees to administer the Act 47 grant funds and to serve in a record keeping capacity for accounting, auditing and close-out report purposes as required under the provisions of Contract C000054873.
- 5) The Borough of Rankin is responsible for assuring that a project audit is completed within sixty (60) days of the contract termination date. Project audit costs shall be paid by the TCVCOG.
- 6) As subcontractor to Act 47 grant Contract C000054873, the TCVCOG is receiving said Act 47 grant funds in the form of a reimbursement of program costs and as such is not required to return any interest earnings on said grant funds received from the Pennsylvania DCED through the Borough of Rankin.

NOW THEREFORE IN CONSIDERATION OF THE ABOVE, the Borough of Rankin and the Turtle Creek Valley Council of Governments (TCVCOG) adopt this Memorandum of Understanding as indicated by the following signatures below:

BOROUGH OF RANKIN

TURTLE CREEK VALLEY COUNCIL
OF GOVERNMENTS (TCVCOG)

President of Council

Chair of the Board

ATTEST:

Borough Secretary

Executive Director



RECREATION

Recreation Appendices

3A: DCNR Partnership Grants overview, including Peer and Circuit rider programs. Page App 3-3.

3B: Circuit Rider grant information. Page App 3-6.

3C: Regional recreation amenities. Page App 3-11.

Appendix 3A

PARTNERSHIPS Projects

This section provides more detailed information and guidance on collaborative statewide and regional recreation, conservation and heritage projects. Grants are awarded to assist with building professional capacity and educating the public on the benefit and value of recreation, conservation and heritage in Pennsylvania.

Ready-To-Go Checklist

This Checklist is to be used by the applicant to determine if their Partnerships Project is “Ready-To-Go”. It will be used by DCNR in the grant application evaluation process. Only projects that are Ready-To-Go will be given consideration for grant awards. If you have questions regarding this Checklist, please contact your DCNR Regional Adviser.

| Yes | |
|--------------------------|--|
| <input type="checkbox"/> | Contacted Appropriate Regional Staff, Partnerships Division Staff, or CLI Lead |
| <input type="checkbox"/> | Eligible Applicant |
| <input type="checkbox"/> | Eligible project |
| <input type="checkbox"/> | Partnership Supplemental Form is complete and provides concise prioritized scope items, outputs, and outcomes with associated timeframes |
| <input type="checkbox"/> | Billable Rate Form completed and provided |
| <input type="checkbox"/> | Proposed Scope of Work included |
| <input type="checkbox"/> | Match secured; if match from sources other than applicant, commitment letters provided from those providing cash and non-cash match |
| <input type="checkbox"/> | Realistic and accurate detailed budget form included |
| <input type="checkbox"/> | Accurate cash and non-cash supplemental budget forms included |
| <input type="checkbox"/> | Properly completed Resolution Page (uploaded) |
| <input type="checkbox"/> | Properly completed Grant Agreement Signature Page (original signatures required and <i>mailed</i> to the Grants Customer Service Center) |

Complete these additional items if project includes site **planning**.

| | |
|--------------------------|--|
| <input type="checkbox"/> | Accurate project site location map(s) provided (if applicable) |
| <input type="checkbox"/> | For Master Site Development Plan and facility rehabilitation Feasibility Study - applicant owns project site or controls through a 25 year lease |
| <input type="checkbox"/> | For Master Site Development Plans, new facility Feasibility Studies and specific site Trail Plans - PNDI review completed, receipt signed and provided |

Complete these additional items if project includes site **development**.

| | |
|--------------------------|--|
| <input type="checkbox"/> | Accurate project site location map(s) provided |
| <input type="checkbox"/> | Site/Trail Development Drawing(s) by a licensed design professional (consistent with Site/Trail Development Drawing(s) Checklist) provided |
| <input type="checkbox"/> | Applicant owns project site or controls through a 25 year lease |
| <input type="checkbox"/> | Project site is open to the public |
| <input type="checkbox"/> | Property has no known environmental hazards |
| <input type="checkbox"/> | PNDI review completed, receipt signed and provided |
| <input type="checkbox"/> | If land donation is part of the match - provided a full self-contained appraisal report by state certified General Real Estate Appraiser, including normal Addenda Items and Exhibits for the donated property |
| <input type="checkbox"/> | If land donation is part of the match - provided a completed Public Value & Use Form, to include mapping, details of the public access and value, and signature(s) by the land owner(s) agreeing to the terms |

PARTNERSHIPS Program

This section provides more detailed information and guidance on collaborative statewide and regional recreation, conservation and heritage projects. These projects assist with building professional capacity and educating the public on the benefit and value of recreation, conservation and heritage in Pennsylvania.

They help build local, county, regional and statewide capacity to better develop and manage recreation and park facilities and to promote the conservation of natural and heritage resources through plan implementation, education and training.

A. Statewide and Regional Projects

Statewide and regional partners may apply for grant funding to assist in advancing:

- Pennsylvania's Statewide Outdoor Recreation Plan
 - <http://www.paoutdoorrecplan.com/>
- DCNR's Strategic Plan
 - <http://www.dcnr.state.pa.us/newsandinformation/strategicplan/index.htm>
- Pennsylvania Greenways Plan
 - http://www.dcnr.state.pa.us/cs/groups/public/documents/document/d_001162.pdf
- PA Heritage Areas Program
 - <http://www.dcnr.state.pa.us/brc/heritageareas/index.htm>
- Conservation Landscapes
 - <http://www.dcnr.state.pa.us/cli/index.htm>

Eligible applicants are statewide and regional non-profit recreation, conservation and greenways organizations and Pennsylvania's 12 designated heritage areas.

Project Categories:

1. Education and Training Projects

Projects that develop, promote, and/or conduct training or education programs; prepare and distribute technical assistance or educational materials, brochures or videos and/or otherwise provide for the training and education of professionals and/or the general public on a local, county, regional or statewide basis. These projects address issues related to plan implementation, capacity building, training or education programs related to natural resource and community conservation, land and open space preservation, greenways, trails and recreation and parks.

Example of these types of projects include: Advancing awareness of rivers, greenways, trails, recreation and/or conservation issues through educational conferences, workshops, materials, publications, sojourns and websites.

2. Special Purpose Planning and Studies Projects

Special Purpose Planning is a comprehensive planning process that will define a long-range (5-10 year) plan of action to organize, implement, manage and market natural resource and community conservation, heritage resources, land and open space preservation, greenways, trails, recreation and parks, or cultural preservation.

Special Purpose Study is a more concentrated study or plan necessary to implement one or more of the recommendations of a previously completed planning study. These projects will be negotiated on a case-by-case basis.

The Bureau requires that project consultants are selected using a competitive request for proposal (RFP) process.

Examples of special purpose studies would be management action plans, economic assessments, marketing plans, specialized inventories, preservation and interpretive plans, as well as, special feasibility studies.

3. Implementation Projects

Implementation Projects are non-planning projects that implement recommendations of previously completed special purpose plans or studies. Examples of implementation projects include the construction of interpretive/educational exhibits, programs, signage and materials, as well as, promotional/marketing products.

The Bureau requires an open and competitive process for the award of all sub-contracts.

4. Mini-Grants Projects

Statewide and regional partners may request mini-grant funding to develop small grant programs that will implement multiple projects through their local partners. These projects should advance priorities identified through previous completed plans. The request can include a combination of project types eligible for funding under the Statewide and Regional category.

A 50/50 match requirement applies to all projects funded. Any other proposed match amount will require written justification for review and consideration by DCNR.

Special Requirements and Conditions:

- Match requirements for statewide and regional projects is based upon the funding source and level of available funding. Applicants are encouraged to leverage other sources of funding to support their projects.
- Grant applications are required to contain a completed Partnership Supplemental Form that provides concise, prioritized scope items, outputs, and outcomes with associated timeframes.
- Grant applications are required to include billable rates for in-house professional services.

B. Local Capacity Building Projects

Partners may apply for grant funding to help build municipal, multi-municipal and/or county capacity to better develop, manage and promote recreation and park facilities and the conservation of our natural resources.

Eligible applicants are primarily Counties and Municipalities, except where noted in special requirements and conditions.

1. Peer-to-Peer

These projects help municipalities improve their park, recreation and conservation services through a collaborative process. Projects are accomplished through contracts with experienced park, recreation or conservation professionals working closely with community leaders.

Examples of eligible projects include the forming of a new intergovernmental recreation and park agency (which is a high priority for DCNR); improving management of recreation and park facilities; conducting a review of a community's recreation facilities for acceptable green principals and practices, and/or park and recreation board training and development.

Special Requirements and Conditions:

- Peer applications are accepted at any time.
- The maximum grant award is \$10,000. The applicant must provide at least a ten percent (10%) local cash match.
- In special circumstances non-profit entities will be considered for peer funding on a case by case basis.

2. Circuit Rider

These projects provide grant funds for county or regional organizations to hire a professional, full-time staff person. The circuit rider's purpose is to initiate new programs and services for a county and/or municipalities that individually do not have the financial resources to hire a professional staff person. The intended result of such a hiring is to increase the ability of county and local officials to more efficiently and effectively meet their recreation, park, greenways, open space and/or natural resource and community conservation needs. Examples of eligible Circuit Rider projects include:

- The first full-time professional recreation director to expand recreation program offerings for a multi-municipal agency or county.
- An established recreation and park department serving one municipality hires a recreation program coordinator to provide contracted recreation services to two or more neighboring municipalities.
- A county greenways and open space coordinator is hired to help implement a county greenways and open space network plan.

Special Requirements and Conditions:

- Circuit rider applications are accepted at any time. The application must come from a county, one municipality, a council of governments, an authority or an official agency created under the Intergovernmental Cooperation Law. In most situations, the Bureau will require a peer review under our Peer-to-Peer grants before approving an application for circuit rider funding.
- To be eligible for circuit rider funding, two or more municipalities must cooperate in a new intergovernmental effort by adopting an intergovernmental agreement. A single county can be eligible without an intergovernmental agreement providing the county is undertaking or has completed the appropriate recreation and/or greenways planning and will be providing services countywide to their residents and municipalities.
- This is a four year commitment of funding.
- Eligible project costs include the circuit rider's salary only, as well as, Bureau-approved technical assistance and training expenses as follows:
 - First year** up to one hundred percent (100%) of gross salary.
 - Second year** up to seventy-five percent (75%) of gross salary.
 - Third year** up to fifty percent (50%) of gross salary.
 - Fourth year** up to twenty-five percent (25%) of gross salary.
- **Training Expenses** up to \$2,000 available for Bureau-approved training expenses over the four years of funding.
- **Mentoring Expenses** up to \$1,500 for a Bureau-approved mentor to assist a new circuit rider.
- Participating parties must provide local funds to cover the circuit rider's employee benefits for all four years, the balance of the salary in years two, three and four, and normal support services, such as office space and furnishings, training and travel expenses, clerical support, equipment, etc.
- In year five and beyond, the Bureau expects the local effort to continue on its own.

Refer to the following web-links for documents which should be helpful in developing your Grant Application:

Technical Assistance Document Links:

- [Circuit Rider Projects – General Information and Guidelines](#)
- [Development Project Guidance](#)
- [Peer-to-Peer Technical Assistance Projects – General Information and Guidelines](#)
- [Planning Project Guidance](#)

Bureau Policy Links:

- [Eligible and Ineligible Grant Project Activities/Costs Policy](#)
- [Waiver for Retroactivity Policy](#)

2300-FM-RC0080 5/2008

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES (DCNR)
BUREAU OF RECREATION AND CONSERVATION

COMMUNITY CONSERVATION PARTNERSHIPS PROGRAM



Planning and Technical Assistance Grants

CIRCUIT RIDER PROJECTS

General Information and Guidelines

PURPOSE: This document further explains DCNR's Circuit Rider projects outlined in the Manual for Planning and Technical Assistance Grants. After reviewing this information but before completing the grant application, please contact the Bureau's Regional Recreation Advisor to discuss your project (a directory of regional representatives can be found in the Application Manual). Assistance will be provided through the Regional Advisor and/or Bureau Circuit Rider Program Manager to help further develop your project and submit an appropriate grant application. DCNR prefers to meet with a community before a Circuit Rider grant application is submitted to confirm that a Circuit Rider project is the best course of action.

1. Circuit Rider Project Objectives

The Bureau of Recreation and Conservation provides financial assistance for county or regional organizations to hire a professional full-time staff person. The circuit rider's purpose must be to initiate new programs and services either countywide or across multiple municipalities that individually do not have the financial resources to hire a professional staff person. The intended result of such a hiring is the increased ability of county and/or local officials to more efficiently and effectively meet their recreation, park, greenway, open space and/or natural resource conservation needs.

The project encourages intergovernmental cooperation through a written agreement that enables small communities and organizations to pool their financial resources in order to support a full-time, professional staff person.

A circuit rider is hired to coordinate the recreation, park or conservation efforts of the participating municipalities, school districts, a county, and/or non-profit organizations not to suppress their individuality and autonomy. These cooperative efforts result in a greater availability of facilities and programs than could be achieved by the participants on their own.

2. Eligible Applicants and Projects

To be eligible for Circuit Rider grant funding, two or more municipalities must cooperate in an intergovernmental or regional effort and provide the required local cash match for the project. The application must come from one municipality, a council of government, an authority, or an official agency created under the Intergovernmental Cooperation Law (Chapter 23 of Act 1966-177, formerly Act 180). A single county can be eligible without an intergovernmental agreement providing the county is undertaking or has completed the appropriate recreation and/or greenway planning and will be providing services countywide to residents and municipalities.

Examples of eligible circuit rider projects

- The first full-time professional recreation director to expand recreation program offerings for a multi-municipal agency or county.
- An executive recreation and parks director is hired to manage an existing agency that expands beyond a single municipality's services and boundaries to integrate the efforts of an adjacent municipality and foster additional cooperation within a regional school district.

- An established recreation and park department serving one municipality hires a recreation program coordinator to provide contracted recreation services to two or more municipalities.
- A county greenway and open space coordinator is hired to help implement a county greenway and open space network plan.

4. Special Requirements and Conditions

- **Grant Application:** Circuit Rider applications are accepted at any time. The application can come from a single county, one municipality on behalf of at least two, a council of governments, an authority or an official agency created under the Intergovernmental Cooperation Law.
- **Peer Review:** In most situations, the Bureau will require a peer review under our Peer-to-Peer grants before approving an application for circuit rider funding. (See Grant Application Manual for Peer grants).
- **Eligible project costs:** These include only the circuit rider's salary and Bureau approved technical assistance and training expenses as follows:
 - ◊ First year---one hundred percent (100%) of gross salary.
 - ◊ Second year---seventy-five percent (75%) of gross salary.
 - ◊ Third year---fifty percent (50%) of gross salary.
 - ◊ Fourth year---twenty-five percent (25%) of gross salary.
 - ◊ **Training Expenses** – Up to \$2,000 is available for Bureau approved training expenses over the four years of funding.
 - ◊ **Mentoring Expenses** – Up to \$1,500 is available per year for mentoring of the circuit rider by a Bureau approved mentor.
- **Local Match:** Participating parties must provide local funds to cover the circuit rider's employee benefits for all four years, the balance of the salary in years two, three and four and normal support services. Examples of typical project costs not covered by the grant include:
 - the up-front, ineligible costs for developing the intergovernmental written agreement (legal fees), job description and advertisement, conducting interviews, sunshine law meeting advertisements, etc.;
 - the fringe benefits for the circuit rider (fringe benefits generally include life and health insurance, worker's compensation, unemployment compensation pension plan);
 - office arrangements, equipment and supplies, clerical assistance and the initial start-up costs such as a phone and separate phone line, stationary, mileage, travel expenses, training, the establishment and upkeep of separate bank accounts for the grant as well as an account for the contributions from participating municipalities and revenues generated from programs as part of the cooperative effort; and,
 - liability insurance for board, director and possibility program participants (check on insurance policies with each municipality to evaluate coverage options); and program expenses.

In year five and beyond, the Bureau expects the local effort to continue on its own.

- **Approval Process:** To request a Circuit Rider grant, an applicant is required to submit a Community Conservation Partnerships grant application. Following receipt of this application, the Bureau will request the submission of a first year budget, draft job description , and when applicable an intergovernmental agreement. If determined an eligible and viable initiative, the Bureau will approve the grant request, provide a grant contract and work with the grantee to begin the hiring process.
- **Continued Funding:** Grant funding in the second, third and fourth years is contingent on the applicant's performance in the previous year(s) of the project, and submission of acceptable requests for additional funding, and the Bureau receiving an appropriation of grant funds.

5. Other Project Information

- **Budget Considerations:** Grantees must consider and budget for the programs that this Circuit Rider will provide and determine whether local funds are needed to cover expenses. Some programs like adult classes generate sufficient revenue to cover their costs while others, however, do not. For example, a summer playground program traditionally receives local tax support in many communities. These costs should be budgeted. It is not realistic to expect to offer only programs that cover all of their costs. There are residents in every municipality who cannot afford to pay to participate in the programs yet these individuals should not be excluded from participation.
- **In-kind Services:** Providing office space, clerical support, etc. is not considered as an eligible match for the salary. These in-kind services are opportunities, however, to decrease the overall circuit rider expenses.
- **Project Budgeting:** Communities must consider the projected operating costs for the following year in their annual budgeting process. We have found, however, that the circuit rider budget process rarely follows the calendar year (local government's budget cycle). For the first year, project costs will not be incurred immediately. It takes six (6) to nine (9) months from the time a Circuit Rider grant is received to the actual start of the circuit rider. Below is a typical cycle:
 - 2006** - Receive grant award in March, director hired October 1st and Year 1 starts.
 - 2007** - Year 1 ends October 1, 2007 and Year 2 begins with increased local share.
 - 2008** - Year 2 ends October 1, 2008 and Year 3 begins with increased local share.
 - 2009** - Year 3 In the fall of 2009 municipalities should evaluate continued participation in the intergovernmental effort without Bureau funds after 2009.
 - 2010** - Year 4 and DCNR funding ends October 1, 2010. Agency may need increase in local funding to continue without Bureau funds.
- **Circuit Rider Salary:** We have found that such positions require considerable maturity and experience. Circuit riders are expected to organize a new department, develop new programs, and often oversee the acquisition of land and development of new facilities. In addition, they are expected to foster cooperation between several municipalities where there may have been little or none before this effort on any issue. The skills needed to assume such a position far exceed those of a recent college graduate. We recommend that you hire a professional with not only a degree in recreation and parks but also several years of experience working in the field. Therefore, please budget for an adequate salary. While there are geographical differences and varying local salary scales, our experience indicates that to attract a qualified professional, an annual starting salary range of \$30,000 - \$40,000 is required.

6. DCNR Role

The Bureau will provide technical assistance in the following areas:

- Developing a local cooperative agreement and related arrangements
- Developing a local project program and budget
- Developing the local job description
- Personnel recruitment and selection
- Employee and program/project performance evaluation
- Ongoing technical assistance

The Bureau will assist with the recruitment and selection of a Circuit Rider professional. We will provide a general job description along with the minimum education and experience requirements; however, participating municipalities may set more stringent standards. Municipalities will then advertise the position and develop an interview process, with the Bureau's assistance (the Bureau may request to participate in the applicant interviews), and the participating municipalities will then select a Circuit Rider professional. Prior to the appointment of the Circuit Rider, the Department will review the individual's background and credentials. The Department reserves the right to deny funding for any candidate who does not meet the professional standards for the position as determined by the Department.

Appendix 3C

Churchill-Monroeville-Wilkins Area Recreation Providers

To understand the feasibility of successful construction of a community center or destination recreation facility, it is important to know and analyze other facilities that may compete with the center. The following provides a listing of recreation facilities, their locations, what is available at each facility and a projected level of competition. These include public providers, such as schools and municipal facilities, quasi- public facilities such as YMCA's and private facilities:

Monroeville Senior Citizen Center: Fitness center and bus service is free to Monroeville and Pitcairn residents (same school district but perhaps Churchill and Wilkins should receive the same benefits,) offers social clubs, book clubs, card groups, Silver Sneakers, Personal Training, Computer Lab (partnership with the Library) Bingo, luncheons and trips.

Sampson Family YMCA: indoor and outdoor pool, public and private swim lessons, group fitness, deck hockey, camps, renovated two years ago, summer camps, before and after school care, teaching kitchen, group water fitness, 15 minutes from the senior center, outdoor basketball courts, full size gymnasium, pavilion and playground, 1/3 mile walking trail, group exercise classes, Sampson Foundation

Oxford – The Club Sport and Health (“largest east of the Mississippi”) and outdoor pool, 70 + Group Fitness Classes, 200 state of the art fitness equipment pieces, indoor walking/running track, seven indoor/ four outdoor tennis courts, full court gymnasium, indoor turf field, indoor golf facility, full service spa, hair salon, restaurant, outdoor bar and grill, deck hockey team, fitness center. Although the facility has many amenities to offer, it is 40 years old and in need of updates and maintenance, including a new roof.

Boyce Park - Encompassing 1,096 acres in Monroeville and Plum, Boyce Park features the only downhill skiing and snow tubing hills available in Allegheny County. Other amenities include ballfields, a wave pool, trails, a skate park, archery range, shelters and a nature center.

Monroeville Community Pool - Regulation swimming pool, baby pool, concession stand, picnic groves, basketball court, two lit sand volleyball courts, full bath house

Henry Kaufman Family Park (JCC) - Pool, basketball, tennis, volleyball, trails, aquatic classes, summer camps (Private - must be a member of the Jewish Community Center)

Holiday Health and Racquet Club - Fitness room and classes, racquet ball and karate

Murrysville Swim Club - Heated pool with diving well, baby pool, parties, lessons and competitions

Olympic Swim and Health Club –Gateway School District- Indoor pool, mountain biking program (2017), robotics club, musical department

Woodland Hills School District – pool public use permitted, typical sports

Pro + Sports - Open gym time, programs are primarily geared toward basketball and volleyball

RECREATION

| | Street | City | State | Zip | |
|---|---------------------------|--------------|-------|-------|-----------------------------------|
| | 6000 Gateway Campus Blvd | Monroeville | PA | 15146 | Monroeville Senior Citizen Center |
| | 2200 Golden Mile Highway | Pittsburgh | PA | 15239 | Sampson Family YMCA |
| | 1 Racquet Lane | Monroeville | PA | 15146 | The Club Sport and Health |
| | 675 Old Frankstown Road | Pittsburgh | PA | 15239 | Boyce Park |
| | 1100 Abers Creek Road | Monroeville | PA | 15146 | Monroeville Community Pool |
| | 261 Rosecrest Drive | Monroeville | PA | 15146 | Henry Kaufman Family Park |
| | | | | | Holiday Health and Raquet Club |
| | 3518 Northhills Road | Murrysville | PA | 15668 | Murrysville Swim Club |
| | 517 Twin Oaks Drive | Penn Hills | PA | 15235 | Olympic Swim and Health Club |
| | 2550 Greensburg Pike | Pittsburgh | PA | 15218 | Woodland Hills School Dist |
| | 855 Macbeth Drive | Monroeville | PA | 15146 | Pro + Sports |
| | 2300 William Penn Highway | Pittsburgh | PA | 15235 | Churchill Borough Building |
| | 101 Peffer Road | Turtle Creek | PA | 15145 | Wilkins Twp Community Center |
| | 517 Twin Oak Drive | Penn Hills | PA | 15235 | Greater Pitt Dek Hockey Center |
| Ballfield, Baseball | | | | | |
| Ballfield, Softball | | | | | |
| Basketball, Indoor | | | | | |
| Basketball, outdoor | | | | | |
| Climbing Wall | | | | | |
| Community Room | | | | | |
| Computer Lab | | | | | |
| Fitness Center | | | | | |
| Futsal (indoor hard court soccer) | | | | | |
| Gymnasium | | | | | |
| Hockey Rink, Dek | | | | | |
| Hockey Rink, Ice | | | | | |
| Ice Rink, Indoor | | | | | |
| Ice Rink, Outdoor | | | | | |
| Kitchen, Community | | | | | |
| Kitchen, Teaching | | | | | |
| Mini Golf | | | | | |
| Nature Center | | | | | |
| Pavillion/s | | | | | |
| Playground | | | | | |
| Pool, Indoor | | | | | |
| Pool, Outdoor (Swimming, Wave, Splash...) | | | | | |
| Racquet Sports, Racquetball | | | | | |
| Racquet Sports, Squash | | | | | |
| Skiing | | | | | |
| Sports Field, Football | | | | | |
| Sports Field, Lacrosse | | | | | |
| Sports Field, Soccer | | | | | |
| Tennis, Indoor | | | | | |
| Tennis, Outdoor | | | | | |
| Track, Indoor | | | | | |
| Track, Outdoor | | | | | |
| Trails | | | | | |
| Turf Field, Indoor | | | | | |
| Turf Field, Outdoor | | | | | |
| Volleyball, Indoor | | | | | |
| Volleyball, Outdoor Court | | | | | |
| Volleyball, Outdoor Sand | | | | | |



CONNECTIVITY & TRAILS

Connectivity and Trails Appendices

4A: PA Recreation Use of Land and Water Act. Page App 4-3.

4B: Model Trail Easement Agreement from the Pennsylvania Land Trust Association.
Page App 4-5.

4C: Biking 101 Guide. Page App 4-14.

4D: Complete Streets handout From Allegheny County “Active Allegheny” Plan. Page App. 4-46.

4E: Model “Complete the Street” ordinance from Allegheny County. Page App. 4-54.

Pennsylvania's Recreational Use of Land and Water Act



INTRODUCTION

Pennsylvania has a law that limits the legal liability of landowners who make their land available to the public for free recreation. The purpose of the law is to supplement the availability of publicly owned parks and forests by encouraging landowners to allow hikers, fishermen and other recreational users onto their properties. The Recreational Use of Land and Water Act (“RULWA”), found in Purdon’s Pennsylvania Statutes, title 68, sections 477-1 et seq., creates that incentive by limiting the traditional duty of care that landowners owe to entrants upon their land. **So long as no entrance or use fee is charged, the Act provides that landowners owe no duty of care to keep their land safe for recreational users and have no duty to warn of dangerous conditions.** Excepted out of this liability limitation are instances where landowners willfully or maliciously fail to guard or warn of dangerous conditions. That is, the law immunizes landowners only from claims of negligence. Every other state in the nation has similar legislation.

PEOPLE COVERED BY THE ACT

The “owners” of land protected by the Act include public and private fee title holders as well as lessees (hunt clubs, e.g.) and other persons or organizations “in control of the premises.” Holders of conservation easements and trail easements are protected under RULWA if they exercise sufficient control over the land to be subject to liability as a “possessor.” (See *Stanton v. Lackawanna Energy Ltd.* (Pa. Supreme Ct. 2005)(RULWA immunizes power company from negligence claim where bike rider collided with gate that company had erected within the 70-foot wide easement over mostly undeveloped land it held for power transmission)).

LAND COVERED BY THE ACT

Although on its face RULWA applies to all recreational “land”—improved and unimproved, large and small, rural and urban—in the last 15 years or so, Pennsylvania courts have tended to read the Act narrowly, claiming that the legislature intended it to apply only to large land holdings for outdoor recreational use.

Courts weigh several factors to decide whether the land where the injury occurred has been so altered from its natural state that it is no longer “land” within the meaning of the Act. In order of importance:

(1) Extent of Improvements – The more developed the property the less likely it is to receive protection under RULWA, because

recreational users may more reasonably expect it to be adequately monitored and maintained;

(2) Size of the Land – Larger properties are harder to maintain and so are more likely to receive recreational immunity;

(3) Location of the Land – The more rural the property the more likely it will receive protection under the Act, because it is more difficult and expensive for the owner to monitor and maintain;

(4) Openness – Open property is more likely to receive protection than enclosed property; and

(5) Use of the Land – Property is more likely to receive protection if the owner uses it exclusively for recreational, rather than business, purposes.

SITE IMPROVEMENTS

The following cases focus on the nature and extent of site improvements that might negate RULWA immunity:

- The state Supreme Court ruled that the Act was not intended to apply to swimming pools, whether indoor (*Rivera v. Philadelphia Theological Seminary* (Pa. Supreme Ct. 1986)) or outdoor (*City of Philadelphia v. Duda* (Pa. Supreme Ct. 1991)).

- RULWA immunity does not cover injuries sustained on basketball courts, which are “completely improved” recreational facilities (*Walsh v. City of Philadelphia* (Pa. Supreme Ct. 1991)).

- Playgrounds are too “developed” to qualify for immunity (*DiMino v. Borough of Pottstown* (Pa. Commonwealth Ct. 1991)).

- Playing fields generally are held not to be “land” within the protection of the Act (*Brown v. Tunkhannock Twp.* (Pa. Commonwealth Ct. 1995) (baseball field); *Seifert v. Downingtown Area School District* (Pa. Commonwealth Ct. 1992)(lacrosse field); *Lewis v. Drexel University* (Pa. Superior Ct. 2001, unreported)(football field); but see *Wilkinson v. Conoy Twp.* (Pa. Commonwealth Ct. 1996)(softball field is “land” under RULWA)).

- An unimproved grassy area at Penns Landing in Philadelphia was deemed outside the Act's scope, given that the site as a whole was highly developed (*Mills v. Commonwealth* (Pa. Supreme Ct. 1993); compare *Lory v. City of Philadelphia* (Pa. Supreme Ct. 1996) (swimming hole in "remote" wooded area of Philadelphia is covered by RULWA)).

RULWA immunity has been found in several cases where people were injured at outdoor sites containing limited improvements:

- An earthen hiking trail in a state park is not an improvement vitiating the Act's immunity (*Pomeren v. Commonwealth* (Pa. Commonwealth Ct. 1988)).
- The owner of property containing a footpath created by continuous usage, which led down to the Swatara Creek, has no duty to erect a warning sign or fence between his property and the adjacent municipal park (*Rightnour v. Borough of Middletown* (Lancaster Cty. Ct. of Common Pleas 2001)).
- A landscaped park containing a picnic shelter is still "unimproved" land for RULWA purposes (*Brezinski v. County of Allegheny* (Pa. Commonwealth Ct. 1996)).
- An artificial lake is just as subject to RULWA protection as a natural lake, although the dam structure itself is not covered (*Stone v. York Haven Power Co.* (Pa. Supreme Ct. 2000)).
- An abandoned rail line in a wooded area is covered by RULWA, even where the plaintiff fell from a braced railroad trestle (*Yanno v. Consolidated Rail Corp.* (Pa. Superior Ct. 1999)(but may no longer be good law after *Stone*)).

Uncertainty about what constitutes an improvement under the Act reportedly has had a dampening effect on efforts to improve public access to outdoor recreation sites. Public and private landowners are concerned that installation of fishing piers, boat docks, parking facilities, or paths and ramps for wheelchair use will strip much-needed RULWA immunity from otherwise protected land. A bill introduced in the state Senate in the late 1990s attempted to clarify that public access improvements would not affect immunity under the Act, but the legislation was not successful.

FAILURE TO WARN

As noted above, although negligence liability is negated by the Act, a landowner remains liable to recreational users for "willful or malicious failure to guard or warn" against a dangerous condition. To determine whether an owner's behavior was willful, courts will look at two things: whether the owner had actual knowledge of the threat (e.g., was there a prior accident in that same spot); and whether the danger would be obvious to an entrant upon the land. If the threat is obvious, recreational users are considered to be put on notice, which precludes liability on the part of the landowner. In a recent drowning case, for example, landowner Pennsylvania Power & Light Company

claimed immunity under RULWA. The judge, however, sent to the jury the question of whether PP&L was willful in not posting warning signs. A previous tubing accident had occurred in the same location, and there was testimony that the dangerous rapid where the drowning occurred was not visible to people tubing upstream (*Rivera v. Pennsylvania Power & Light Co.* (Pa. Superior Ct. 2003)).

GOVERNMENTAL IMMUNITY

Interestingly, Pennsylvania's governmental immunity statutes, the Tort Claims and Sovereign Immunity Acts, shield municipalities and Commonwealth agencies from claims of willful misconduct. Liability only may be imposed upon these entities for their negligent acts. But, as noted above, where an injury occurs on "land" within the meaning of RULWA, the law shields landowners from negligence suits. In essence, public agencies are granted complete immunity for many recreational injuries. (See *Lory v. City of Philadelphia* (Pa. Supreme Ct. 1996)(city immune for both its negligent maintenance of recreational lands and its willful failure to guard or warn of hazards on that property)).

RECREATIONAL PURPOSE; PUBLIC ACCESS

Though not all recreational land is covered by the Act, the law's definition of "recreational purpose" is broad enough to include almost any reason for entering onto undeveloped land, from hiking to water sports to motorbiking. (See *Commonwealth of Pa. v. Aureso* (Pa. Supreme Ct. 1986)(RULWA covers snowmobile injury)). This is true even if the landowner has not expressly invited or permitted the public to enter the property. However, where the land is open only to selected people rather than to the public in general, this will weigh against RULWA immunity. (See *Burke v. Brace* (Monroe Cty. Ct. of Common Pleas 2000)(lake located in a subdivision and open only to homeowner association members and guests is not covered by RULWA)).

NO USER FEE

Finally, charging recreational users a fee (which is different than accepting payment for an easement) takes the property out from under the Act's protection.

Copies of this fact sheet may be obtained from:

PA Department of Conservation and Natural Resources
Bureau of Recreation and Conservation
Rachel Carson State Office Building
P.O. Box 8475
Harrisburg, PA 17105-8475
Telephone: (717) 787-7672
Fax: (717) 772-4363
www.dcnr.state.pa.us



Prepared by Debra Wolf Goldstein, Esq., of counsel to Penna. Land Trust Association, with financing in part from the Commonwealth of PA, Department of Conservation & Natural Resources, May 2006. This fact sheet is for purposes of general information only and is not intended as legal advice. The accuracy of the information could be affected by court rulings or statutory changes made after publication.

Reducing Liability Associated with Public Access



Public access to property for recreational uses—such as hiking, bird watching, fishing and hunting—raises concern about the possibility of liability on account of injury to a recreational user. Pennsylvania law provides some protection from liability associated with public use of property for recreational purposes. Also there are practical steps that can be taken to minimize risk of liability.

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Statutory Protection from Liability 1

- Recreational Use of Land and Water Act 1
- Rails-to-Trails Act 2
- Equine Immunity Act 2
- Immunity Available to the Commonwealth and Local Government 2

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- Additional Protection from Liability for Public Entity 6
- Impact of Judgment on Public Versus Nonprofit Entity 6

Preserving Charitable Assets 7

- Limit Liability by Contract 7
- Separate Entity for Public Access Assets 7

Conservation Easements 8

Related Resources at ConservationTools.org 8

Introduction

Pennsylvania's Recreational Use of Land and Water Act (referred to as "RULWA") provides that landowners who invite or permit and other statutes provide substantial protection from liability to landowners who permit the public to come onto their

land for outdoor recreation. These protections also apply to holders of trail and other easements. The best defense for landowners and easement holders, however, is preparedness: posting signs, obtaining releases, requiring indemnity, securing insurance coverage and taking steps to warn users of potentially dangerous conditions. This guidance discusses a variety of legal and other means to avoid or minimize liability.

Statutory Protection from Liability

Recreational Use of Land and Water Act

Defense of immunity

RULWA provides that landowners who invite or permit people to come onto their land for recreational uses do not, by doing so, assume responsibility for or incur liability for bodily injury or property damage suffered by any recreational user. If the landowners are sued, RULWA gives them the defense of immunity. Pennsylvania courts interpreting RULWA have found that an easement holder is entitled to the same scope of protection as a landowner.

Statutory exceptions

If an admission fee is charged in connection with the recreational use, the protection of RULWA will be lost. In addition, a landowner who willfully or maliciously fails to guard or warn of dangerous conditions is not protected by RULWA.

Last updated on 1/14/14 11:41 AM



Judicial exceptions

Even though a landowner may assert the defense of immunity under RULWA, there is no guarantee that RULWA immunity will apply in any given situation. Since the enactment of RULWA in 1966, exceptions to the protection afforded by this immunity statute have been carved out by Pennsylvania courts in a body of continually evolving case law. Examples of such exceptions are where the injury occurred on land in close proximity to developed land or where the land has certain types of improvements, such as swimming pools, playgrounds or basketball courts.

The guide [Pennsylvania's Recreational Use of Land and Water Act](#), published by the Pennsylvania Land Trust Association and available at [ConservationTools.org](#), provides a fuller review of the types of lands and improvements that are covered by or exempted from RULWA.

Rails-to-Trails Act

Pennsylvania's Rails-to-Trails Act provides for rail-trails acquired under the Act a limitation of liability similar to that found in RULWA. Like RULWA, an owner may be open to liability if there is any charge made or usually made for entering or using the trail. Unlike RULWA, there is no exception for willful or malicious failure to warn or guard against dangerous conditions.

The guide [Liability and Rail-Trails in Pennsylvania](#), published by the Rails-to-Trails Conservancy and available at [ConservationTools.org](#), includes rail-trail case studies.

Equine Immunity Act

Landowners and easement holders who permit horseback riding should consider availing themselves of the protections afforded by Pennsylvania's [Equine Immunity Act](#) (Act 93 of 2005). The act applies "to an individual, group, club or business entity that... provides the facilities for an equine activity..." The act lists eight equine activities including "recreational rides." Signs must be posted to take advantage of the protections:

This act shall provide immunity only where signing is conspicuously posted on the premises on a sign at least three feet by two feet, in two or more locations, which states the following: "You assume the risk of equine activities pursuant to Pennsylvania law."

Immunity Available to the Commonwealth and Local Government

Both public and private entities can assert immunity under all of the statutory schemes identified above, but only the Commonwealth of Pennsylvania and its instrumentalities (for example, state-controlled agencies and authorities) can assert immunity under the [Sovereign Immunity Act](#). The Sovereign Immunity Act enacts by statute the ancient principle of case law that the sovereign (in this case the Commonwealth of Pennsylvania) cannot be sued. There are some exceptions to that general rule, among which are claims for bodily injury (or death) resulting from defective conditions derived or originating from Commonwealth real estate. (Exceptions do not include claims for injuries arising from negligent maintenance of real property. In *Nardella v. SEPTA* (Pa. Cmwlth. 2011), the court found that ice and snow are not defective conditions. Thus, the Commonwealth and its instrumentalities are immune from suit for slips and falls on ice or snow at locations they own, manage, possess or control.)

Only counties, townships and other municipal entities and instrumentalities can assert immunity under the [Political Subdivision Tort Claims Act](#). The Political Subdivision Tort Claims Act provides coverage similar to the Sovereign Immunity Act.

Both Acts provide monetary caps on damages and limit the kinds of claims that can be brought.

Steps to Minimize Risk

Besides asserting the defense of statutory immunity, there are steps that landowners (the "Owners") and, where a recreational access easement over a designated area (the "Easement Area") is in place, the easement holder (the "Holder") can take to lessen the

risk of liability for injuries arising from public access to private property for recreational uses.

Warnings and Temporary Closings

The most important step Owners and Holder can take to eliminate risk is to warn recreational users whenever they become aware of a potentially dangerous condition—especially one that a recreational user might not notice—and take reasonable steps to guard against injury even if that means closing the Easement Area temporarily. Avoiding potential liability is always better than defending claims—even if immunity may be available under RULWA.

Well-Drafted Easement Document

Prudently crafted trail and other recreational use easements can decrease the potential risk of liability and costs to Owners and Holder.

No duty imposed by easement documents

Given the strong recommendation to take reasonable steps to guard against injury, some may find it surprising that the model documents provided by the Pennsylvania Land Trust Association to afford recreational opportunities do not allocate responsibility to inspect for, or warn against, potentially dangerous conditions or to perform whatever maintenance or repair may be necessary or advisable to correct dangerous or defective conditions. Responsibility is either not mentioned at all ([Model Grant of Trail Easement](#)) or, as in §5.04 of the [Model Trail Easement Agreement](#), any duty to inspect, warn against or correct defective or dangerous conditions is expressly disclaimed.

Rationale

There is a tactical reason for the approach taken by the model easement documents. Information in a recorded document is available to everyone, including the attorney for the person allegedly injured using the Easement Area. The model easement documents purposely omit provisions that may incentivize a lawsuit or provide a path to get around the statutory defense of immunity. A covenant that imposes an affirmative duty to inspect, or warn against, or repair

defective conditions within the Easement Area may provide an avenue for a plaintiff's attorney to claim that the injured recreational user had a reasonable expectation, based upon the terms of the easement document, that safe conditions would be maintained. Whether or not ultimately successful, the issues of fact and law become more complicated and, instead of being quickly dismissed, the claim may require litigation or a substantial cash outlay to settle.

Off-record agreement

If Owners and Holder want to allocate, as between themselves, rights and responsibilities pertaining to the safety of the Easement Area, they can do so but they are well advised to keep the content of that agreement off-record so as not to give rise to a claim that a recreational user relied upon that promise. A mention of the off-record document in the recorded easement document should be sufficient to put a successor to Owners or Holder on notice to inquire as to the contents of that document.

Indemnity

[The guide [Indemnity Agreements and Liability Insurance](#), published by the Pennsylvania Land Trust Association and available at [ConservationTools.org](#), looks at the use of indemnity for a range of conservation transactions.]

Shifting risk

An indemnity is a legal device to shift the risk of loss or liability from one person to another. For example, Owners may want to shift the risk of liability associated with an organized race to be held on the trail to the event sponsor. An indemnity is often coupled with an agreement to defend -- a phrase typically used is "indemnify, defend and hold harmless". The agreement to defend is important because, while statutory immunity may ultimately result in a finding of no liability, thousands of dollars may be spent in court costs and legal fees to achieve that result. Why would a recreational user commence a claim that is probably covered by RULWA? Attorneys representing injured persons know that an insurance company may be willing to pay to settle a case rather than incurring the cost of defense.

Reducing Liability Associated with Public Access

Allocating risk in recreational use easements

In the case of trail and other public access easements, Owners may want to shift to Holder the risk of liability arising out of an injury to a recreational user. The [Model Trail Easement Agreement](#) takes the approach that, as to the Easement Area, Owners should take responsibility for the acts and omissions of Owners and anyone else who is on the property at the express or implied invitation of Owners. These are referred to as “Owner Responsibility Claims”. The safety of family, friends and people providing services or making deliveries to Owners remains the responsibility of Owners just as it would if no access easement had been granted. Liability for bodily injury or property damage occurring within the Easement Area (other than Owner Responsibility Claims) is allocated to Holder including the cost of defending the claim on behalf of both Owners and Holder.

Indemnity from recreational user groups

Landowners may require indemnity agreements from schools, clubs or other groups using a trail on a regular basis, or from an event sponsor who desires use of the trail for a “run” or competitive event. For example, Owners may be able to shift the risk of a student athlete being injured to the local school district by requiring an indemnity as a condition to allowing the cross-country team to use the trail system for daily practice. These indemnities are important because, as discussed in the next section, they provide access to the indemnifying party’s insurance coverage. The [Model Trail Easement Agreement](#), by requiring Owners’ written consent for certain uses, provides Owners the opportunity to require indemnity agreements for races and other organized activities.

Insurance

[The guide [Indemnity Agreements and Liability Insurance](#) looks at the use of liability insurance in conjunction with indemnification agreements.]

Defense of claims

The availability of the statutory defenses described above may insulate Owners from liability for claims arising from recreational use; nevertheless, a claim asserted in court needs to be defended and, until

dismissed or settled, attorneys’ fees and other costs will be incurred. Insurance coverage can mitigate the cost of defending the claim as well as any liability that may ensue.

Liability insurance

Owners typically carry policies of homeowners’ insurance, which include coverage for bodily injury (including death) and property damage occurring on or about the property owned by the persons named in the policy, called the “named insureds”. Similar coverage for injury and damage is furnished to organizations, whether for profit or nonprofit, under commercial general liability policies. Submitting a claim promptly to the liability insurer will ordinarily result in an attorney being engaged to defend the named insureds. The following subsections explain how liability coverage can be extended to persons other than the named insured on the policy -- for example, by extending Holder’s liability coverage to protect Owners as well -- and how to bolster the protections offered by an indemnity backed by insurance coverage

Contractual liability endorsement

If a recreational user asserts a claim against Owners, and if Holder has indemnified Owners for liability arising from such claims in the easement document, then the Owners (and their insurance company) may be able to call on Holder’s insurance company to defend both Owners and Holder. Holder’s insurer will be bound to do so only if Holder’s liability policy covers contractual liability (liability to others under an indemnity) as well as coverage of the claim asserted by the recreational user. The same applies if responsibility for that claim was allocated to Owners in the easement document. In that case, the Holder (and its insurance company) would be able to call on Owner’s insurance company to defend the claim on behalf of both if contractual liability coverage is included in Owners’ liability coverage. Liability policies generally exclude contractual liability from basic coverage but it can be added back in by endorsement.

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Additional insured endorsement

Another way to furnish liability coverage to persons not originally named in the policy is to have the insurance company amend the policy by endorsement to name them as additional insureds. The endorsement is supposed to provide the additional insureds with the same coverage as the insured has with respect to a particular site or occurrence; however, endorsements vary widely and each must be carefully reviewed to see that the anticipated coverage is actually provided.

Waiver of subrogation

Once a claim is paid to an injured person, the insurance company has the legal right, called subrogation, to sue others who may share responsibility for the accident. For the unwary, this may have surprising consequences.

Using our earlier example, a school district indemnifies the owner of a trail for injuries that might occur to its cross-country team athletes who use the trail for daily practice. The school district has its insurer add contractual liability coverage to back this indemnity. If an injury then occurs, the school district’s insurer might end up paying a claim. The school district’s indemnification of the trail owner will protect the owner from the athlete’s claim or an attempt by the school district to shift liability. However, the trail owner is not protected from the school district’s insurer. Subrogation allows the school district’s insurer to try to recover some of the money paid to the athlete from the trail owner.

In other words, even if a group indemnifies an Owner and agrees to pay any claim against an Owner via the group’s contractual liability endorsement, the group’s insurer may still sue the Owners to recover some of its costs. To bar that suit, and complete the protection intended by the indemnity, a waiver of subrogation should be requested as part of the indemnity package.

Certificates of insurance

A certificate of insurance is issued by an insurance company to the requesting party (called a certificate holder) to evidence the types and limits of coverage carried under policies issued by that company to the

named insured. Owners and Holder can require delivery of certificates of insurance before commencement of the easement and periodically, or on request, thereafter. Certificates of insurance will list endorsements to the CGL policy such as contractual liability, additional insured status and waiver of subrogation.

Off-record agreements

So as not to incentivize claims against Owners or Holder, none of the model trail easement documents provided by the Pennsylvania Land Trust Association reference insurance responsibilities. If Owners will not enter into an easement document without a written commitment from Holder to carry certain kinds of insurance with certain minimum requirements, this can be done outside the recorded document, perhaps with the stipulation that Holder is not permitted to transfer the easement to another entity without obtaining an assumption of that agreement. The commentaries to the models call for the insertion of a brief reference to the off-record document to be sure that the off-record agreement is not superseded by the easement document and to be sure that a successor or assignee of Holder is bound to the agreement.

Releases

Releases effective with adults

Another method to control risk is to obtain from recreational users a signed statement (called a “release”) that absolves Owners and others (for example, activity sponsors) from any responsibility for personal injury suffered by that individual arising from the recreational use. A release signed by a legally competent adult is *highly effective* in Pennsylvania. Young people under the age of 18 are, however, not legally competent to waive their rights to seek compensation for injury. Releases signed by their parents or legal guardians are not effective to waive the constitutional rights of young people to a jury trial and due process of law.

The guide [Release of Liability](#), published by the Pennsylvania Land Trust Association and available at [ConservationTools.org](#), discusses at length releases,



Reducing Liability Associated with Public Access

assumption of risk agreements and covenants not to sue. PALTA developed the accompanying [Model Release Agreement](#) to help nonprofits minimize the risk of being held responsible for injuries or property damage associated with organizing volunteer, educational, recreational and other events and activities (or opening up property for the same).

Releases and trail easements

The commentary to the [Model Trail Easement Agreement](#) notes the opportunity to require delivery of signed releases as a condition to use of the Trail under certain circumstances. For example, runs and other competitive events fall into the *license* rather than *easement* category; they are not permitted without Owners' consent. This is to allow Owners the opportunity to require releases and, perhaps, an indemnity from the event sponsor, as a condition to use of the Easement Area. Another way to obtain releases is to allow certain activities that may impose greater risk to be limited to members of a user club; for example, an equestrian or snowmobiling association. Club members must carry a membership card when using the Easement Area and the release can be printed on that membership card.

The Indemnity Wish List

In seeking to establish sufficient liability protection, a person or organization might pursue a wish list of tools described above:

- Indemnity agreement,
- Contractual liability endorsement,
- Additional insured endorsement,
- Waiver of subrogation,
- Releases.

However, these tools are complex in their details and in how they interact and overlap with one another. Depending on the situation, one or more of these tools may not be available; also, each tool may not be needed to achieve sufficient protection. The person or organization seeking to protect itself must review the particular facts and circumstances to determine whether its needs are being met.

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Different Risks for Public and Private Entities

Greater statutory liability protections and the power of taxation make it less risky for public entities to own land or hold easements for recreational public use than private entities.

Regarding public access easements, the private landowner has the same statutory protections from liability available to them whether a nonprofit organization or government is identified as the Holder of the easement. However, in regards to liability risks to Holder, there are compelling reasons to favor governmental entities, rather than nonprofit organizations, as Holder.

Additional Protection from Liability for Public Entity

In addition to RULWA and other statutory defenses available to Owners and land trusts discussed in the opening section of this guide, other layers of protection are available only to state and local governments. The Commonwealth can assert immunity or limited liability under the Sovereign Immunity Act and counties, townships and other municipalities can similarly assert immunity or limited liability under the Political Subdivision Tort Claims Act. The availability of strong defenses can be expected to result in the quick dismissal of claims that are not well grounded. See "Immunity Available to Commonwealth and its Agencies" above.

Impact of Judgment on Public Versus Nonprofit Entity

In the case of a municipality owning the trail or holding a trail easement, if a court or jury finds liability, the burden of that liability can be borne by the public generally. However, in the case of a nonprofit, the assets of the nonprofit, including charitable contributions and funds set aside for recreation and conservation, will be exposed to collection of a judgment. Even if proceeds of insurance policies are available to pay the claim, the nonprofit will undoubtedly bear the burden of increased premiums (if it is able to obtain insurance at all) for a

long time to come. The public uses streets and sidewalks owned or maintained by government all the time. The costs of defending or insuring against claims arising from public use are not likely to change very much regardless of whether the injury occurred on a trail or on a sidewalk. Thus, the incremental cost of assuming responsibility for trails in addition to other public rights of way is, probably, not very significant. On the other hand, the cost of defending or insuring claims arising from public use could have a paralyzing and ruinous impact on a nonprofit and the nonprofit's mission.

Preserving Charitable Assets

Charitable organizations must be careful to preserve their endowment and other funds dedicated to furthering their mission over the long term. If a claim for serious injury or death is for some reason not barred by immunity, insurance proceeds may not be sufficient to satisfy the verdict or settlement reached. While this may be unlikely, it nevertheless could happen and, if it does, the funds that nonprofit organization needs to continue its programs and operations, will also be exposed to payments required by court order.

Limit Liability by Contract

In the case of easements for public access, one possibility that could be considered is to add to the easement document a provision limiting Holder's liability on its agreement to indemnify Owners from claims to the insurance proceeds available to defend the claim. But, even if that was acceptable to Owners, it only limits Owners' recovery from Holder for a judgment rendered against Owners. It does nothing to limit Holder's potential exposure for claims asserted directly against Holder by the recreational user.

Separate Entity for Public Access Assets

If a conservation organization is not satisfied with the protections from liability discussed above and wants to isolate its charitable assets from exposure to public access claims, another strategy to consider is the creation of a separate, but controlled, entity to hold the land and easements available for public use.

Single purpose entity

The first step to implement the strategy is for the primary organization (the "parent") to create an entity (the term used in commercial transactions is a single purpose entity or SPE) to own the assets involved in higher risk activities. In this case, the parent would transfer to the SPE some or all of its public access land and easements. The SPE is named as an insured on the policies of liability insurance carried by the parent so as to provide coverage for claims against the parent, the SPE and any indemnified parties. The SPE can be set up as a single-member non-profit organization, thus vesting in parent, as sole member, total control over the SPE.

Separate entity for liability purposes

So long as the formalities of separate existence are observed (for example, separate annual meetings, election of officers, bank accounts) the parent, and its assets, will be shielded from claims against the SPE. But if the directors and officers of the parent treat the two entities as if they were one, a court can "pierce the corporate veil" and allow recovery against the parent.

Single entity for tax purposes?

The SPE can take any form available under state law that provides protection for the parent. A non-profit corporation controlled by the parent as single member is an obvious choice for these purposes but there is a federal tax reason to consider forming the SPE as a single member limited liability company. Single member LLCs, unlike single member corporations, are "disregarded" for federal tax purposes; in other words, they are *not* recognized as an entity separate from the parent. The result is that contributions of land or easements to the SPE (if it has been formed as a single member limited liability company) are treated, for federal tax purposes, as if the donations had been made to the parent. The parent's status for purposes of determining tax deductibility under the Code (for example, recognition as a public charity under §501(c)(3)) automatically extends to the limited liability company it controls.

Does an SPE strategy make sense for a particular organization?

The issues surrounding the development and implementation of an effective strategy for isolating risk are complex. If an organization wants to further investigate or pursue such a strategy, it should hire competent legal assistance to help it navigate the complexities in the context of the organization's particular circumstances.

Conservation Easements

In the [Model Trail Easement Agreement](#), liability for bodily injury or property damage occurring within the Trail Easement Area (other than Owner Responsibility Claims) is allocated to Holder. In contrast, the indemnity provision in the [Model Grant of Conservation Easement](#) runs only from the Owners to the Holder. Because with a conservation easement the Holder generally has no care, custody or control of the Property, this is entirely sensible and appropriate.

When an easement for public access is granted as part of a conservation easement, the Holder gains some control over the portion of the Property available for public recreational use. This merits a review of who should indemnify whom for what. Some users may resolve matters by adjusting the conservation easement indemnity provision to simply make the indemnification mutual. But this does not take into account that Holder's indemnity ought to be limited only to specific public use claims within a specific area. A better alternative is to add to the conservation easement a provision, applicable to the public access area only, similar to the indemnity included in the [Model Trail Easement Agreement](#), which limits Holder's responsibility to the Easement Area only and carves out from that overall responsibility Owner Responsibility Claims. Users should consider this when deciding whether to establish a trail easement as part of a broader conservation easement document or via a separate trail easement document.

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[Liability Associated with Recreational Use](#)

Featured Library Items

[Model Release Agreement](#)

[Davis v. City of Philadelphia 1/13/2010 Decision](#)

[Liability and Rail-Trails in Pennsylvania](#)

[Equine Immunity Act](#)

[Sovereign Immunity Act](#)

[Political Subdivision Tort Claims Act](#)

[Rails to Trails Act](#)

[Easement Holder Enjoys Same RULWA Immunity as Land Owner](#)

[Model Grant of Conservation Easement and Commentary, 6th Edition](#)

[Model Grant of Trail Easement and Commentary: A Short Form Alternative to the Model Trail Easement Agreement](#)

[Model Trail Easement Agreement and Commentary \(3rd edition\)](#)

Related Guides

[Indemnity Agreements and Liability Insurance: Protection from Claims Brought by Third Parties](#)

[Pennsylvania's Recreational Use of Land and Water Act](#)

[Reducing Liability Associated With Public Access](#)

[Release of Liability: A Tool for Managing the Risk of a Volunteer or Participant in an Activity Suing the Activity's Organizer or Host](#)

[Trail Easement](#)

[Conservation Easement](#)

[Model Conservation Easement](#)

Experts

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Pregmon authored this guide. Pregmon offers more than 25 years experience in real estate law and has helped scores of clients achieve their goals.

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Submit Comments and Suggestions

The Pennsylvania Land Trust Association would like to know your thoughts about this guide: Do any subjects need clarification or expansion? Other concerns? Please contact Andy Loza at 717-230-8560 or aloza@conserveland.org with your thoughts. Thank you.

Acknowledgements

[Patricia L. Pregmon](#), attorney at law, is the primary author, and [Andrew M. Loza](#), the contributing author and editor.

The Pennsylvania Land Trust Association published this guide with support from the William Penn Foundation and the Growing Greener Program of the Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation.



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Biking 101 combines the experiences of hundreds of people to help instill the knowledge you need to be a confident rider whether you're new to urban bicycling or have done it for years.

In these pages you'll learn about choosing a bike, how it should fit, riding safely, useful accessories, how to combine bike and transit trips, and general tips and information to help make your commute a wonderful, fun experience.

When you choose to bike - to work, run errands, or for recreation - it just might be the moderate exercise you've been looking for to improve your lifestyle. The key is making your bike ride as **SAFE**, **CONVENIENT**, and **COMFORTABLE** as possible.

BIKING 101 GUIDE KEY

Yellow box is for more emphasis and Red box is for the most emphasis



When you see the keystone symbol it's a reference to Pennsylvania's state law.

Biking 101 Guide is a BikePGH publication.

Bike Pittsburgh is transforming our streets and communities into vibrant, healthy places by making them safe and accessible for everyone to bike and walk. Learn more at BikePGH.org or flip to page 28.

The following people were instrumental in the creation of this guide: Lou Fineberg, Lucinda Beattie, Tim Cimino, Eric Davis, Mary Franzen, Mac Howison, Stephen Patchan, Jan Sciuilli, Stuart Strickland, and Brad Quartuccio.

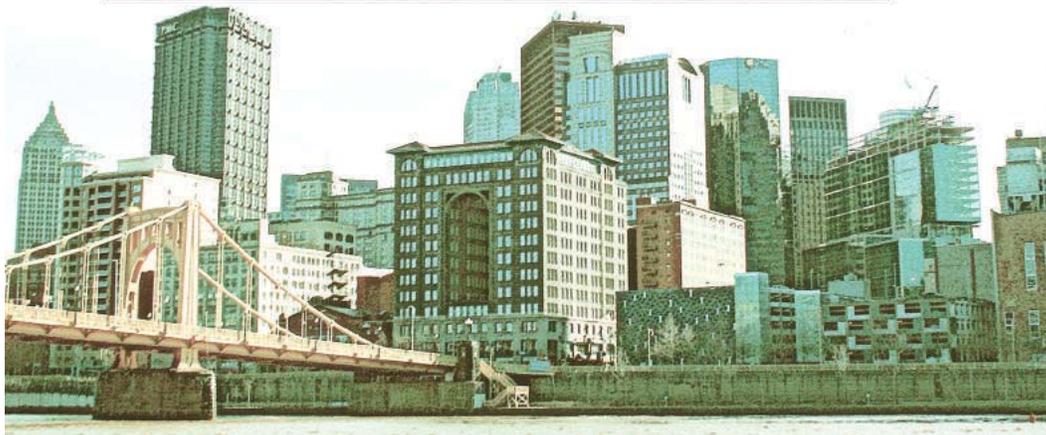
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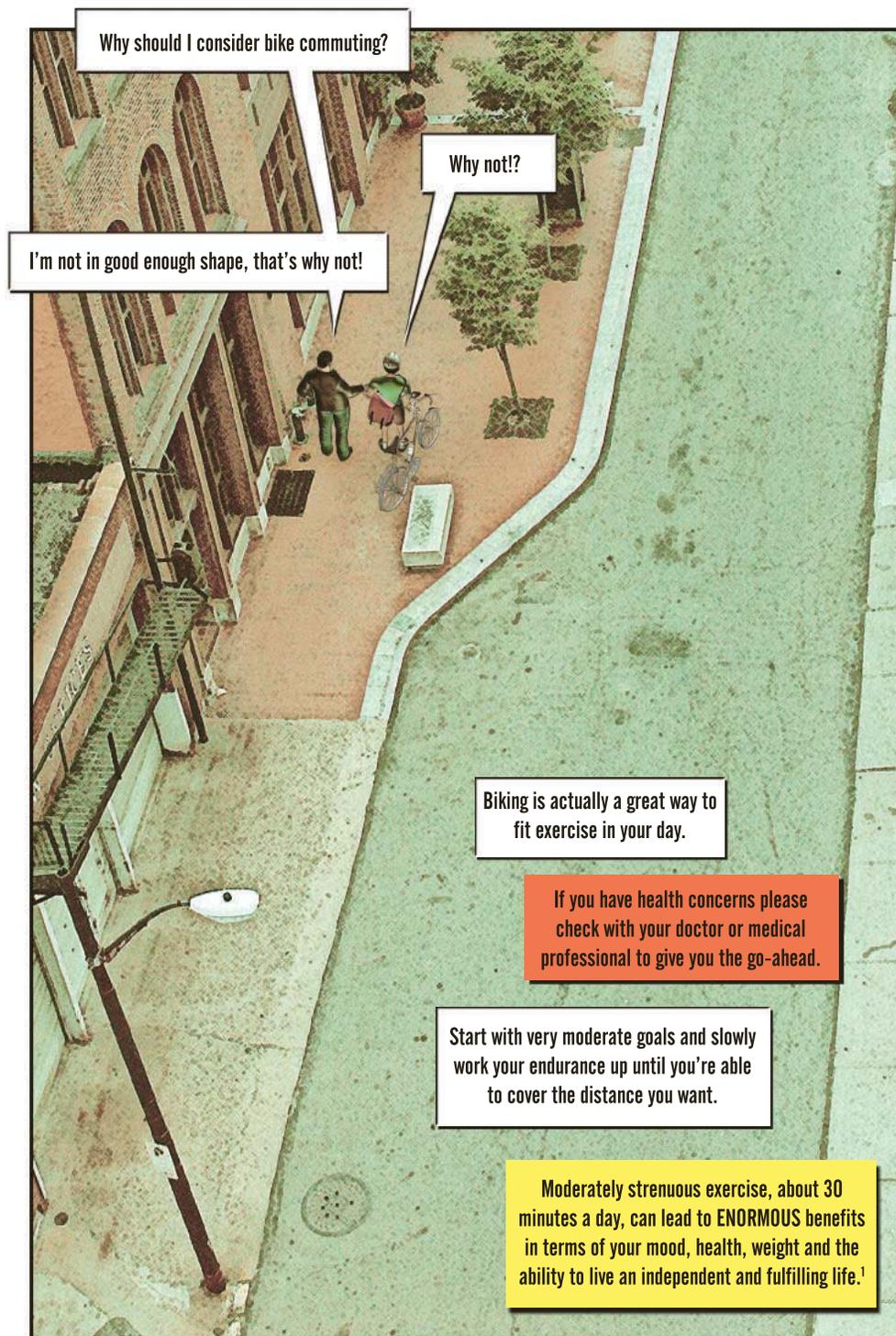
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Why should I consider bike commuting?

I'm not in good enough shape, that's why not!

Why not!?

Biking is actually a great way to fit exercise in your day.

If you have health concerns please check with your doctor or medical professional to give you the go-ahead.

Start with very moderate goals and slowly work your endurance up until you're able to cover the distance you want.

Moderately strenuous exercise, about 30 minutes a day, can lead to ENORMOUS benefits in terms of your mood, health, weight and the ability to live an independent and fulfilling life.¹

¹Mayo Clinic (2008, January 4). Moderate Exercise Yields Big Benefits. ScienceDaily.

WHICH BIKE?

Make your commute as **COMFORTABLE**, **CONVENIENT** and **SAFE** as possible. Your bike should be a pleasure to ride.

Just about any bike will do, **BUT** if you really want to enjoy the ride and have fun, it's worth giving it some thought.

You can buy a brand new bike, or fix up an old one.

Start by finding a bike shop that you **LIKE** and a salesperson you **TRUST**. Look around and ask questions.

Note if the person you're talking to is **PATIENT**, **KNOWLEDGEABLE**, and if they provide you with a range of **OPTIONS**.



ELECTRIC ASSIST BIKES provide support on hills, or longer commutes, that might be the difference between choosing to bike commute or not.

Bicycles have three contact points with your body — the **HANDLEBARS**, the **SEAT**, and the **PEDALS**.



ROAD BIKES are best if speed is a priority.



FOLDING BIKES might be a good option if you use several transportation modes for your commute.



CYCLOCROSS

Allows for wider tires than traditional road bikes.



HYBRIDS are a good option if comfort is your top concern.



MOUNTAIN BIKES are fine too. Adjust components with suspension to rigid and use slick tires instead of knobby

You don't have to take what comes with a new bike or accept what's on an old one. for a smoother ride.

Whatever bike you choose can be customized over time to your liking.



COMFORT

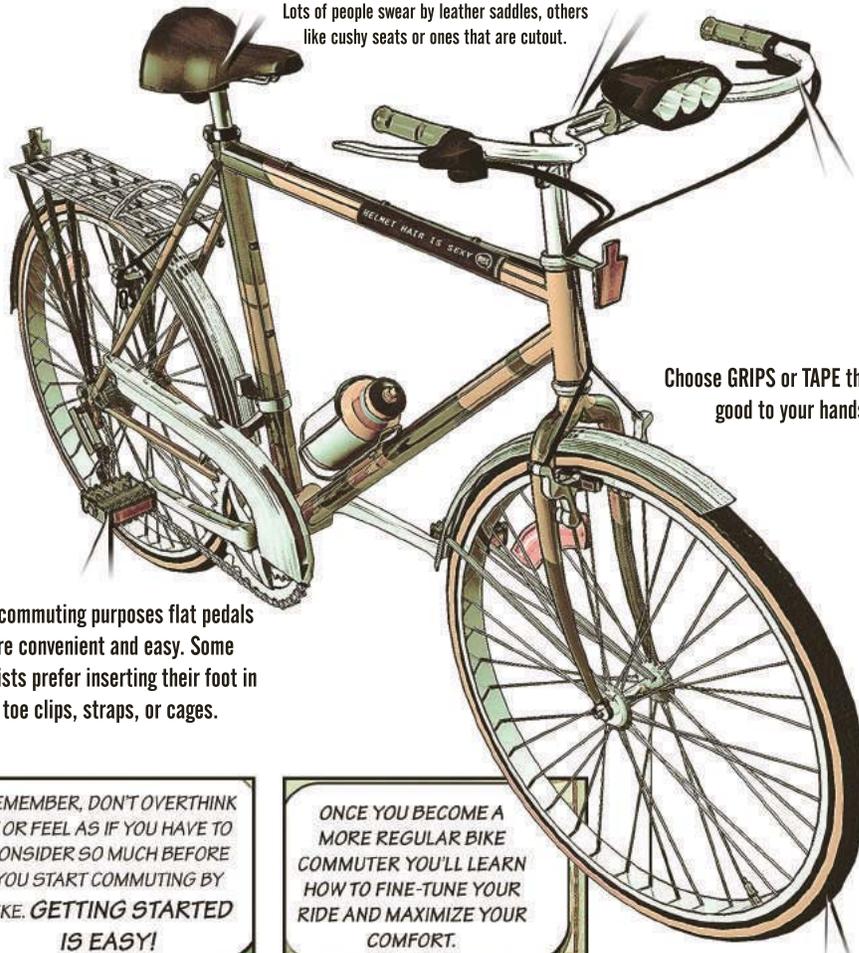
For many people who have short commutes, **SITTING UPRIGHT** tends to provide the most comfort. For longer rides people often prefer a range of **HAND POSITIONS**.

Choose a comfortable **SADDLE!**

Lots of people swear by leather saddles, others like cushy seats or ones that are cutout.

The handlebars play a big part in your riding position.

Riser or swept-back **BARS** will bring you more upright, while drop bars provide more positions for your hands.



Choose **GRIPS** or **TAPE** that feels good to your hands.

For commuting purposes flat pedals are convenient and easy. Some cyclists prefer inserting their foot in toe clips, straps, or cages.



If you're riding mainly on the road or light terrain, use road tires.

Use **PUNCTURE RESISTANT** tires with a **TREAD** that meets your needs.

THE BIKE FIT

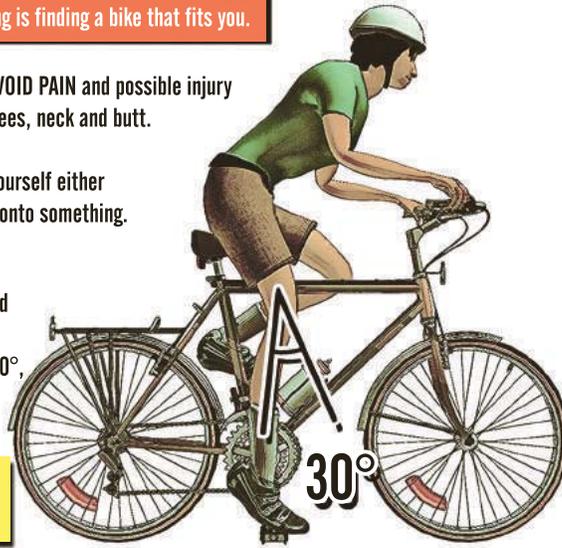
The key to **COMFORT** and smooth riding is finding a bike that fits you.

A good bike fit will also help you **AVOID PAIN** and possible injury in places like your back, hands, knees, neck and butt.

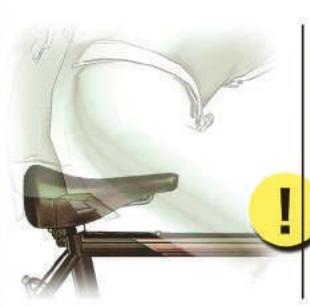
Start by sitting on your bike. Steady yourself either with the help of a friend or by holding onto something.

With the balls of your feet on the pedals, extend one of your legs completely. The extended leg should have a slight bend at your knee, about 30°, when the pedal is at its lowest point.

PAIN or **DISCOMFORT** is an indication that something about your bike fit needs to change.



Pain in the front of your knees usually means that your seat is too low.



Pain in the back of your knees or in your hips usually means your seat is too high.



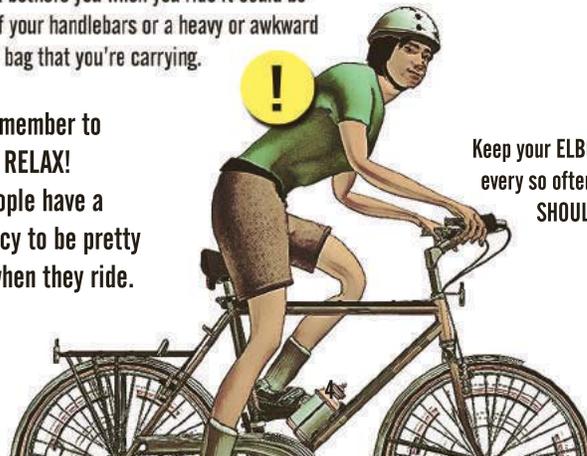
When you find the right seat height mark the post with a marker for an easy reminder.



The saddle should be flat or just slightly tilted for maximum comfort.

If your **BACK** bothers you when you ride it could be the position of your handlebars or a heavy or awkward bag that you're carrying.

Remember to **RELAX!**
People have a tendency to be pretty stiff when they ride.



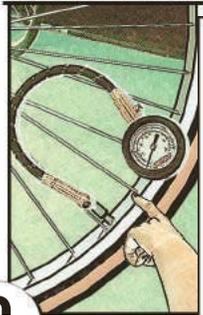
Keep your **ELBOWS BENT** and every so often **SHRUG** your **SHOULDERS**.

**THE ABC QUICK
SAFETY CHECK**

ONCE YOU HAVE A BIKE AND IT FITS YOU, IT'S TIME TO MAKE SURE IT'S RELIABLE.



A FIRST check the **TIRES** to make sure they have the right **AIR** pressure. Look too see that there are no cuts or signs of dry rot.



The proper air pressure known as PSI (pounds per square inch) is found on the side of the tire. Be sure to look for it in good light. It's often in small print.

B NEXT squeeze the **BRAKE** levers and push forward on the bike to make sure the brake pads firmly grip the rims.

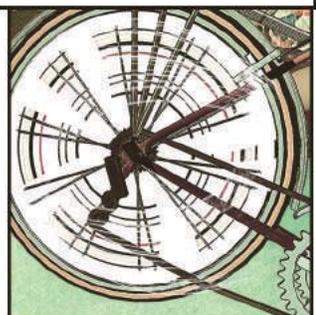


If your brake levers come close to or touch the handlebar when braking they need to be adjusted.

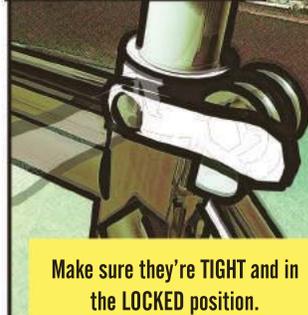


Look at the condition of the brake pads. Make sure they're not worn out.

C THIRD make sure the **CHAIN** moves smoothly up and down the chain ring and that it's sufficiently lubricated and not rusty.



AFTER the ABC's, look too see if you have **QUICK RELEASE** parts in places like your wheels and seat post.

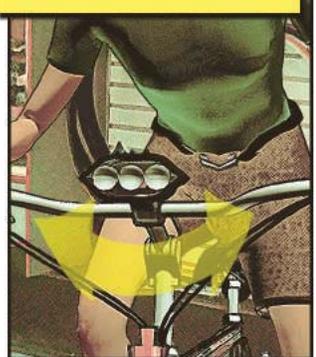


Make sure they're **TIGHT** and in the **LOCKED** position.

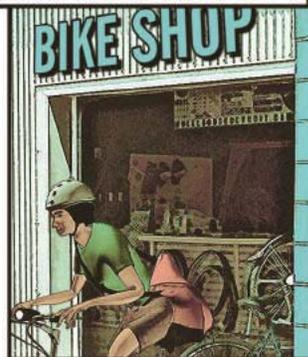
Give the **WHEELS** a spin to make sure the rims don't rub against the brake pads.



Check the **HANDLEBARS** to see that they're tight and move in sync with the wheel and not independently.



Bike shops offer a variety of **TUNE UPS** to make sure your bike is roadworthy.



THE HELMET

It's the **LAW** in PA for kids under twelve to wear a helmet, but if you're going to ride a bike it's smart to protect your head at any age.



Don't rush fitting a helmet. Make sure the fit is right for your head.

Every bicycle helmet sold in the U.S. must meet the national standard known as CPSC (Consumer Product Safety Commission). Look for a sticker inside your helmet to confirm it meets the standard.

How the helmet fits your head even before you buckle the strap is important. Rock your head back and forth to see if it feels stable.



Use pads and fitting rings to make it feel **SNUG**. If you're working too hard maybe it's time to look for another size or style.

Now lock the straps. Use the **EYES, EARS, MOUTH** test to check the fit.

Make adjustments as needed.

Keep your head steady and **LOOK** up, you should **SEE** the front **RIM** of the helmet.

The **SIDE STRAPS** should come to a **V** just below each **EAR**.

Now open your **MOUTH** wide... you should feel the helmet push down on your head. Close your mouth. The helmet should be **SNUG**.

No more than one or two fingers should fit under the strap.

The more **VENT** space your helmet has the **COOLER** your head will stay.

The helmet **FIT** is so important! If it doesn't fit you right it might not do you any good!!!

If you're not able to get a good helmet fit, have a bike shop help you out. A decent shop will be patient and help you get it right.

BIKE ACCESSORIES

How you ACCESSORIZE your bike plays an important role in the safety, comfort and convenience of your ride.

A BELL is a handy way to greet people and let them know that you're approaching.

Find a bell with a pleasant ring, avoid one that startles.



FRONT LIGHT

BLINKY LIGHT

A rear RACK/BASKET or front basket.

REAR REFLECTORS

REAR RACK

WATER BOTTLE CAGE makes it convenient to grab a drink.

FENDERS

CHAIN GUARDS help you avoid grease stains on your clothes and legs.

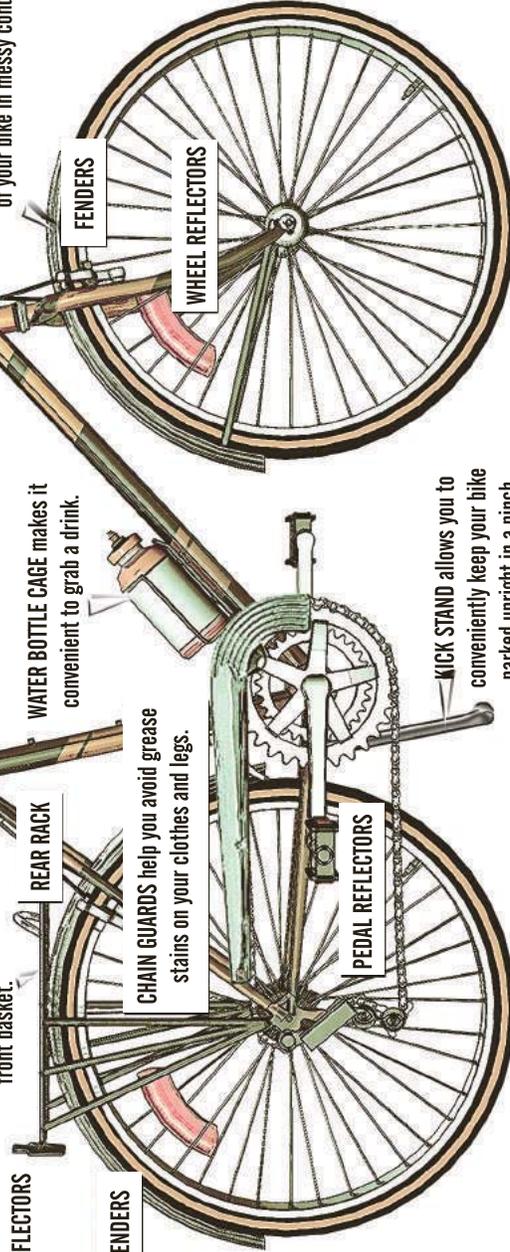
PEDAL REFLECTORS

KICK STAND allows you to conveniently keep your bike parked upright in a pinch.

Front and rear FENDERS help keep you dry and keeps grime off of your bike in messy conditions.

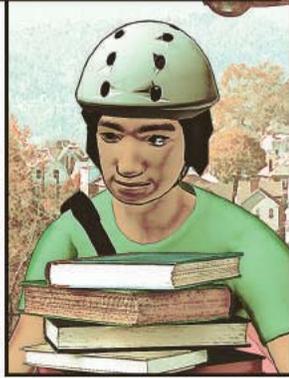
FENDERS

WHEEL REFLECTORS



CARRYING STUFF

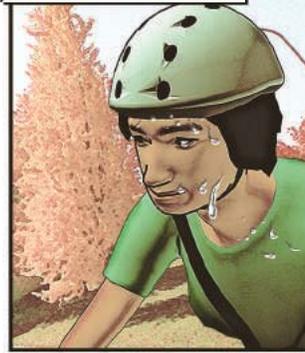
You have plenty of **CHOICES** when it comes to carrying your things.



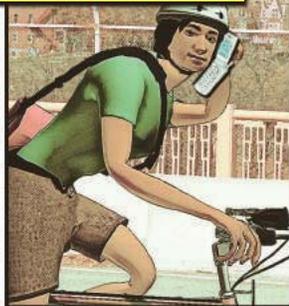
Carrying things on your back can be **ROUGH** on your neck and shoulders, especially if you're carrying some weight.



Even in mild temperatures, your back can get soaked with sweat.



Don't hold things in your hand when riding. It seriously compromises your ability to ride safely.



Adding a pannier or a trunk bag to your rack is a good option.



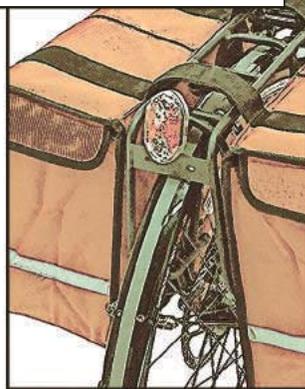
Baskets and crates work well too.



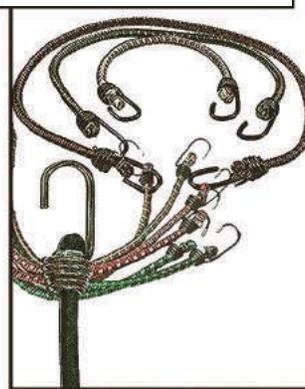
A front basket can be a convenient and easy way to carry items for delivery.



WATERPROOF bags really help keep your things dry.



BUNGEE CORDS are good to have on hand to strap things down.



BIKE SECURITY

Lock your bike with a high quality U-LOCK. They're a proven theft deterrent.



I can't ride to work; there's nowhere to park my bike.

See if bringing your bike inside your workplace is an option.



When locking your bike for longer periods of time lock the frame and both wheels to the rack.

Lock through the frame and one wheel if possible. U-lock + cable allows you to easily lock wheels and frame.

Any bike is more VULNERABLE to theft or vandalism the longer it remains at the same location.

Most bikes that are stolen have cheap cable locks or no lock at all.

Make sure whatever you lock to is FIRMLY in the ground. Do not lock to trees!



Use meters and street signs when there's no bike parking. Avoid parking near corners when possible.

Many bike THEFTS occur from driveways or from porches.

Lock your bike CLOSE to where you'll be, in a highly VISIBLE area with lots of pedestrians. Lock near building entrances in WELL-LIT, SECURE areas.



Would this be a good place to lock your bike?

Be able to give a good description of your bike. Know the model and year.



Take pictures of it with identifying features.



Record the serial number of your bike. Be on the lookout for BikePGH's I HEART MY BIKE photo booth!

PLAN YOUR ROUTE

Figure out A GOOD ROUTE to your destination before you're on your way.

The BikePGH online MESSAGE BOARD is an excellent way to learn from local cyclists about route recommendations.

Sometimes the route you're used to by bus or a car isn't always the best for cycling.

The PITTSBURGH BIKE MAP is a great resource to help you figure out a bike route that meets your needs.

Plan the night before for the day ahead.

Have your clothes picked out ahead of time.

Consider parallel side streets that have less car traffic, as well as one of the city's many car free trails.

Check the WEATHER

Wear comfortable clothing that is somewhat tapered to your body.

SHOES with firm soles are easier on the feet. Keep your laces out of the chain rings.

For women who would like to wear a skirt, mid-length works best with bike shorts. Tuck in the sides and sit on them.

Sport bras are helpful too.

Secure loose pant bottoms with ankle straps or roll your pants up to avoid a snag.

I'd bike, but there's nowhere to shower.

For many bike commuters a shower isn't necessary.

If you feel a shower is a must, check with nearby health clubs about a shower membership.

A handy towel or baby wipes and a change of clothes might be all you need.

Know of a good place to PARK and LOCK your bike once you get to work.

If your employer is relocating, suggest they find a building with showers.

Take a few moments to cool down once you arrive at work.

Look for someone who takes a similar route to work as you or encourage someone to join you.

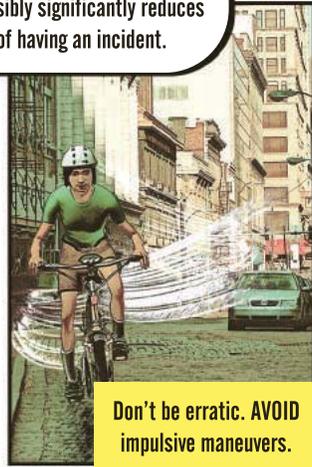
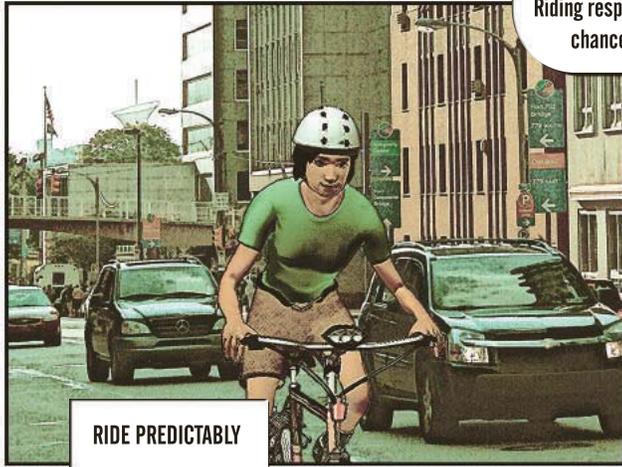
There's safety in numbers. More riders gives you a greater ROAD PRESENCE.

Visit WWW.BIKEPGH.ORG to get connected to the local cycling community. It's a one stop shop for news, blogs, events, message boards, and more . . .

Find fellow bike commuters with a similar ride to work on the BikePGH MESSAGE BOARD.

ROAD SAFETY

You have to know your comfort level. Riding responsibly significantly reduces chances of having an incident.



OBEY TRAFFIC LAWS. Stop at red lights and stop signs.



Call 311 or tweet @PGH311 or 412-255-2621, the mayor's response line to REPORT HAZARDS.



SCAN AHEAD.

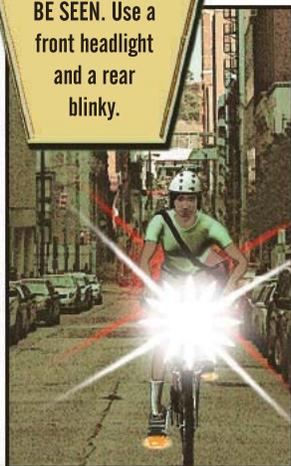


Look out for pedestrians, cars, car doors, pot holes, sewer grates, broken glass, etc.

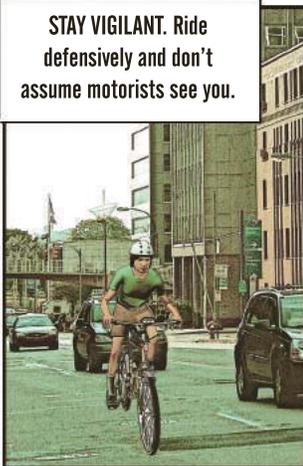


PA LAW

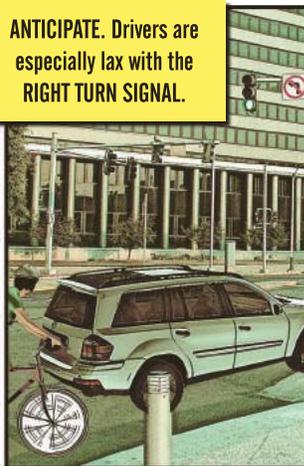
BE SEEN. Use a front headlight and a rear blinky.



STAY VIGILANT. Ride defensively and don't assume motorists see you.



ANTICIPATE. Drivers are especially lax with the RIGHT TURN SIGNAL.



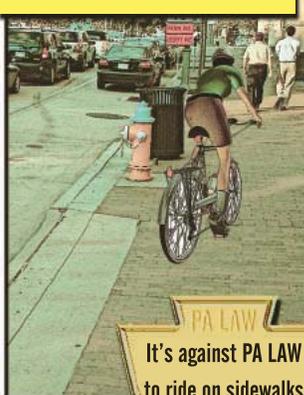
The direction of a car's tires is helpful in figuring out which way you can expect a car to go.



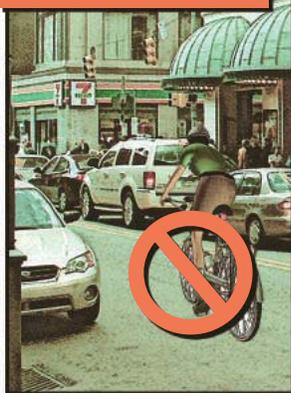
Ride WITH the flow of TRAFFIC.



AVOID riding on SIDEWALKS.



Riding against traffic is considered to be **UNLAWFUL**.



PA LAW
Always **YIELD** to pedestrians. It's the law.

Alert pedestrians you are approaching.

PA LAW
It's against PA LAW to ride on sidewalks in business districts.

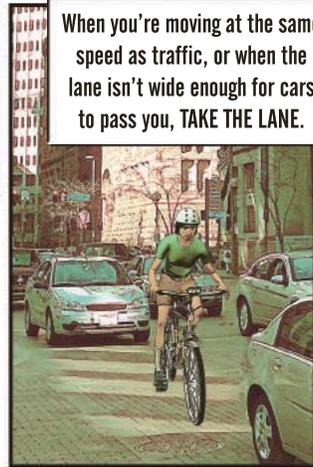


BE COURTEOUS. Have a good attitude and be respectful to other road users. You're on a bike. **HAVE FUN!**

SHARING THE ROAD



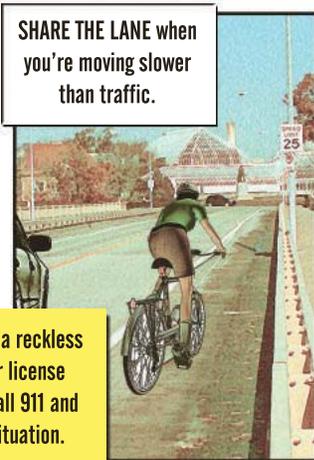
When you're using the same road as motorists, you need to make a conscious decision to either TAKE THE LANE or SHARE THE LANE.



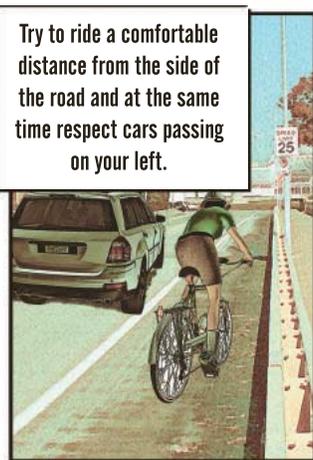
When you're moving at the same speed as traffic, or when the lane isn't wide enough for cars to pass you, TAKE THE LANE.



If you find yourself near a motorist that makes you UNCOMFORTABLE, pull aside if it's safe and let them pass.

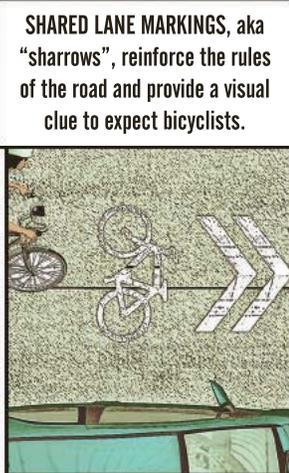


SHARE THE LANE when you're moving slower than traffic.

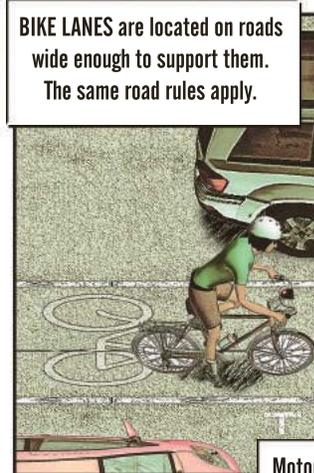


Try to ride a comfortable distance from the side of the road and at the same time respect cars passing on your left.

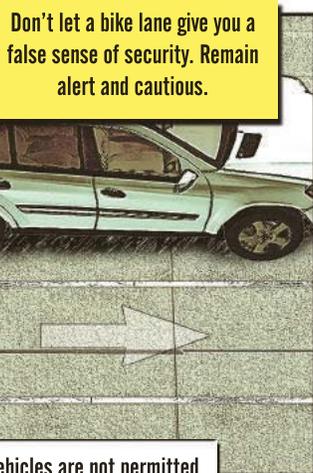
If you encounter a reckless driver get their license plate number. Call 911 and describe the situation.



SHARED LANE MARKINGS, aka "sharrows", reinforce the rules of the road and provide a visual clue to expect bicyclists.



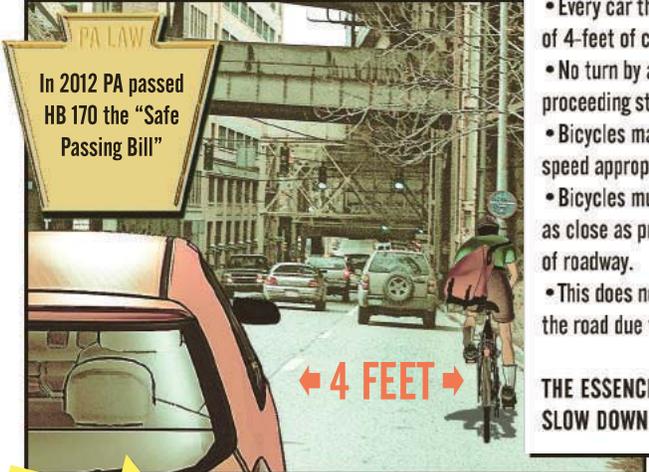
BIKE LANES are located on roads wide enough to support them. The same road rules apply.



Don't let a bike lane give you a false sense of security. Remain alert and cautious.

Motor vehicles are not permitted to drive or park in bike lanes.

4' SAFE PASSING LAW

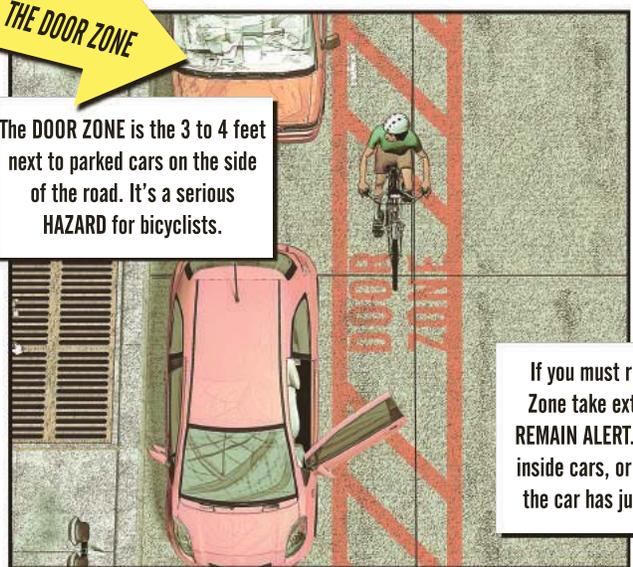


- Every car that passes a bike must give a minimum of 4-feet of clearance at a "prudent reduced speed"
- No turn by a motorist may interfere with a bicycle proceeding straight (the classic right hook)
- Bicycles may be operated at a safe and reasonable speed appropriate for bicycles
- Bicycles must be operated in the right hand lane, or as close as practicable to the right-hand curb or edge of roadway.
- This does not apply to a bicycle using any portion of the road due to unsafe surface conditions.

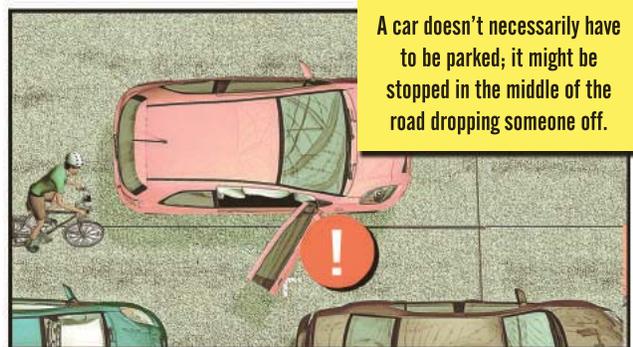
THE ESSENCE OF THE LAW IS A REMINDER TO SLOW DOWN UNTIL IT'S SAFE TO PASS.

THE DOOR ZONE

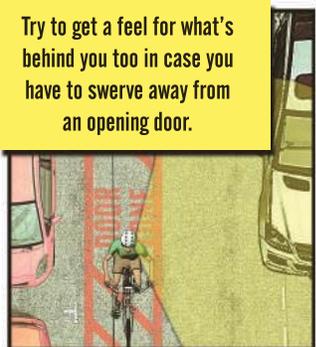
The DOOR ZONE is the 3 to 4 feet next to parked cars on the side of the road. It's a serious HAZARD for bicyclists.



If you must ride in the Door Zone take extra caution and REMAIN ALERT. Scan for people inside cars, or indications that the car has just been parked.



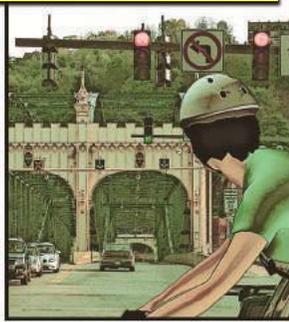
A car doesn't necessarily have to be parked; it might be stopped in the middle of the road dropping someone off.



Try to get a feel for what's behind you too in case you have to swerve away from an opening door.

INTERSECTIONS

INTERSECTIONS pose a higher risk for incidents and collisions for all road users, so be aware as you approach them.



Have a **COMMANDING PRESENCE**. Be deliberate and clear about your intentions.

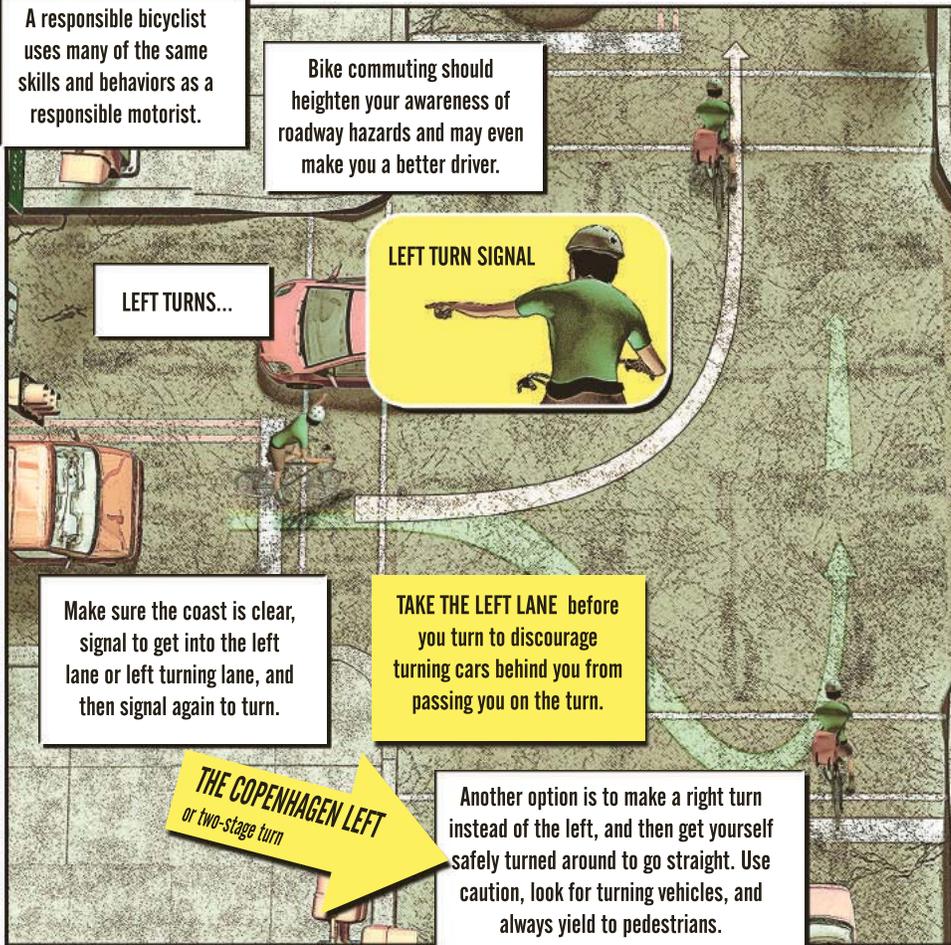


Predictability is key to your safety! Use **HAND SIGNALS** and **EYE CONTACT** to communicate with drivers.

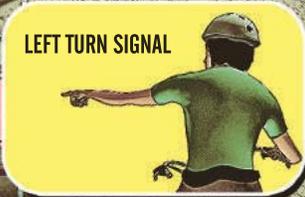


A responsible bicyclist uses many of the same skills and behaviors as a responsible motorist.

Bike commuting should heighten your awareness of roadway hazards and may even make you a better driver.



LEFT TURNS...



Make sure the coast is clear, signal to get into the left lane or left turning lane, and then signal again to turn.

TAKE THE LEFT LANE before you turn to discourage turning cars behind you from passing you on the turn.

THE COPENHAGEN LEFT
or two-stage turn

Another option is to make a right turn instead of the left, and then get yourself safely turned around to go straight. Use caution, look for turning vehicles, and always yield to pedestrians.

Use your hands to communicate.

Ride in a straight line when riding through an intersection. You can even point straight ahead to let people know what you're doing.



THE PGH LEFT

Watch out for the PITTSBURGH LEFT! This is when the lead driver stopped at a red light makes the left turn in front of opposing traffic when the light turns green.

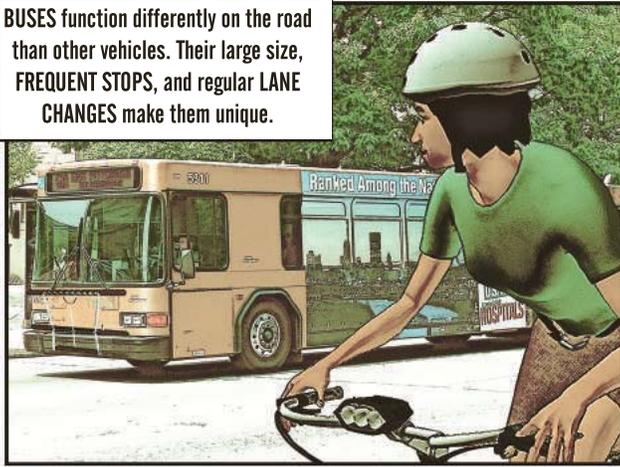


Sometimes it's permitted as a courtesy; other times it's a more aggressive action where a driver darts in front of you to make the turn.

For a RIGHT TURN don't cut the corner tight. Signal ahead, take the lane, and make the turn. This can help prevent motorists from speeding past you.

RIDING ALONGSIDE BUSES

BUSES function differently on the road than other vehicles. Their large size, FREQUENT STOPS, and regular LANE CHANGES make them unique.



Bicyclists and buses often share the same space on the road.



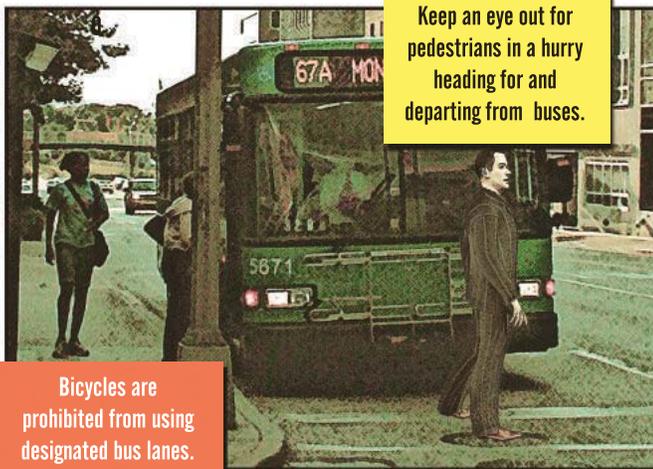
When you're sharing the road with buses remember that the driver has to deal with larger than usual BLIND SPOTS on the left and right.



Most of the time it is safest to pass buses on the left, especially near bus stops.



Avoid passing buses on the right.



Keep an eye out for pedestrians in a hurry heading for and departing from buses.

Bicycles are prohibited from using designated bus lanes.



BRIDGES AND RAMPS

If you commute by bike eventually you may find yourself having to cross one of Pittsburgh's many BRIDGES.

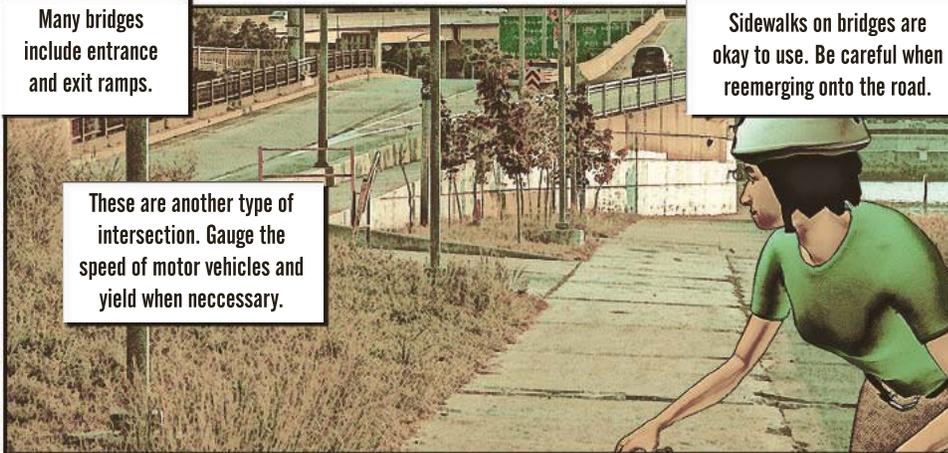
Intersections often occur at bridges. They should be approached and exited cautiously.

Unlike the bottlenecks that are common at tunnels, cars tend to pick up speed on bridges.



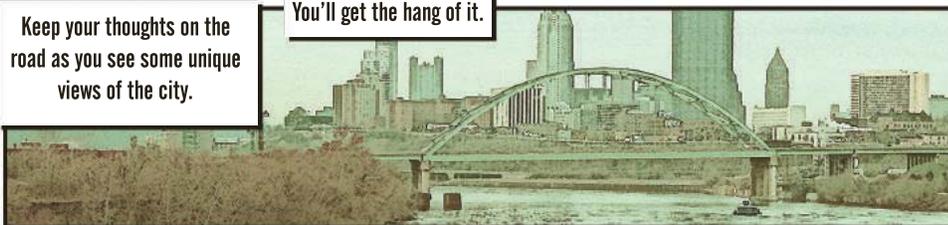
Many bridges include entrance and exit ramps.

Sidewalks on bridges are okay to use. Be careful when reemerging onto the road.



Keep your thoughts on the road as you see some unique views of the city.

You'll get the hang of it.



HILLS

Pittsburgh's too hilly to ride my bike.

Learn how to properly use the gears. Pedal assist electric bikes are another option.

Shift to the harder gears going downhill so you'll have some power when you start pedaling.

Apply BRAKES sooner and SCAN ahead farther when riding downhill.

To slow down gradually apply even pressure on both brakes.

If you need to walk your bike, enjoy the exercise.

Anticipate hills. Proper shifting is key to a smooth climb.

When you first start going DOWNHILL stay to the right. Motorists coming from behind may not SEE you at first.

CAR FREE PATHS and TRAILS

Time traffic lights to help keep you moving.

Keep your momentum.

Consider including them as part of your route - even if you have to go a little bit out of your way.

YIELD to pedestrians.

Ride to the right and let people know that you're approaching. PASS on the LEFT.



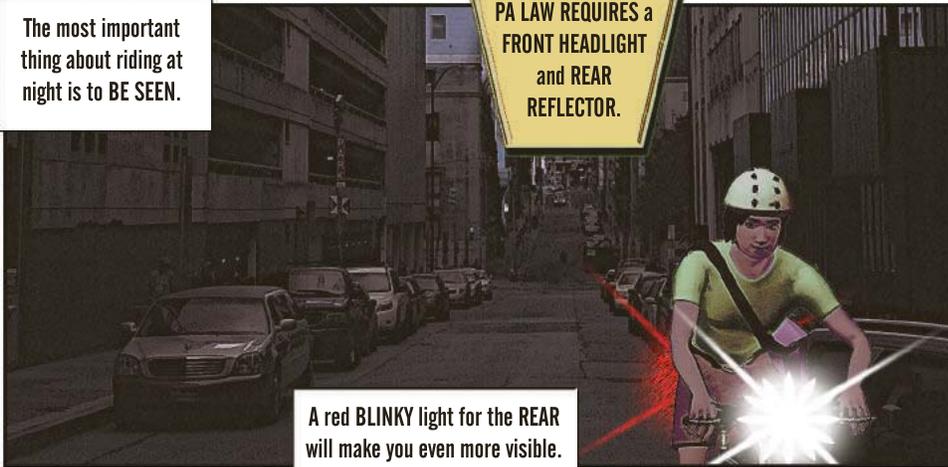
Stay on the designated path.

Trails are often located near train tracks.

Cross Train Tracks at 90 degrees.

RIDING AT NIGHT

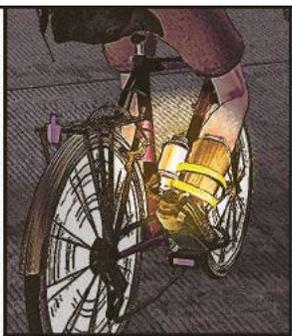
The most important thing about riding at night is to **BE SEEN**.



PA LAW
PA LAW REQUIRES a FRONT HEADLIGHT and REAR REFLECTOR.

A red **BLINKY** light for the REAR will make you even more visible.

REFLECTIVE ANKLE STRAPS not only secure pants, but they're an excellent way to get noticed.

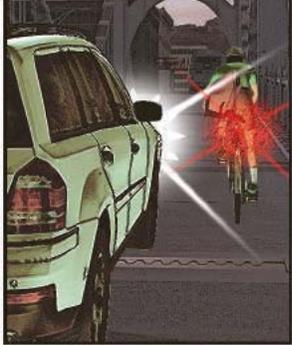


Test out your visibility with friends, to see just how visible you are at 500 feet.

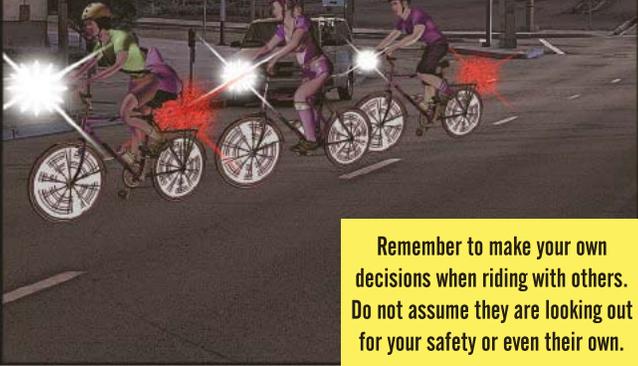
With fewer cars on the road at night don't be fooled when the streets seem quiet. Remain cautious and alert.



DRIVERS may be tired or drunk. Last call is at 2:00. Ride as if they don't see you.



Ride in a **GROUP** if possible to increase your visibility.



Remember to make your own decisions when riding with others. Do not assume they are looking out for your safety or even their own.

RIDING IN THE RAIN

Don't let the RAIN get you down. Just BE PREPARED. CHECK the WEATHER.

Keep a WATER-RESISTANT WIND BREAKER with you in case the weather takes a turn for the worst.

For heavier rains choose a shell and pants that are WATER-PROOF and BREATHABLE.

Invest in some gear to help keep you warm and dry.

On warm days with light rain try wearing shorts, shirt, and shoes made of fabrics that don't absorb water. When you get to work change into something dry.

Fenders are essential for keeping water from spraying on you.

RIDING TIPS

Roads are MOST SLIPPERY at the start of a rain. Mud and oil mix with water to create a slick surface.

Slow down

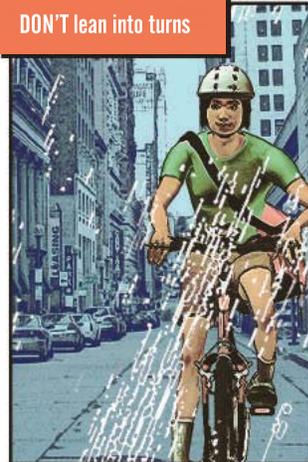
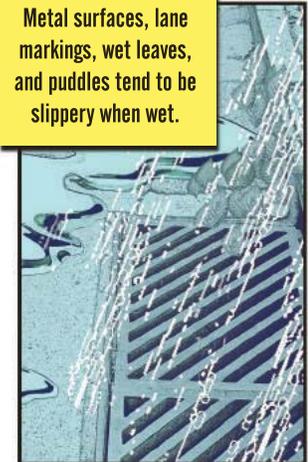
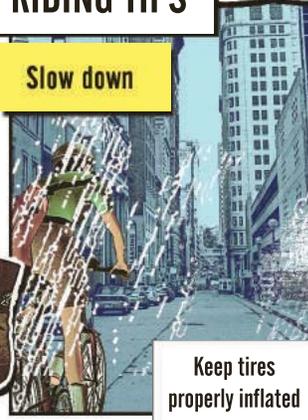
SHOE COVERS and GAITERS will really help keep the water out.

Keep tires properly inflated

Metal surfaces, lane markings, wet leaves, and puddles tend to be slippery when wet.

DON'T lean into turns

If the rain is too much load your bike on transit to get you on your way.



COLD WEATHER COMMUTING

When it gets **COLD**, **LAYERING** is the key to staying warm.

When you're dressed for the cold your body warms up pretty fast.

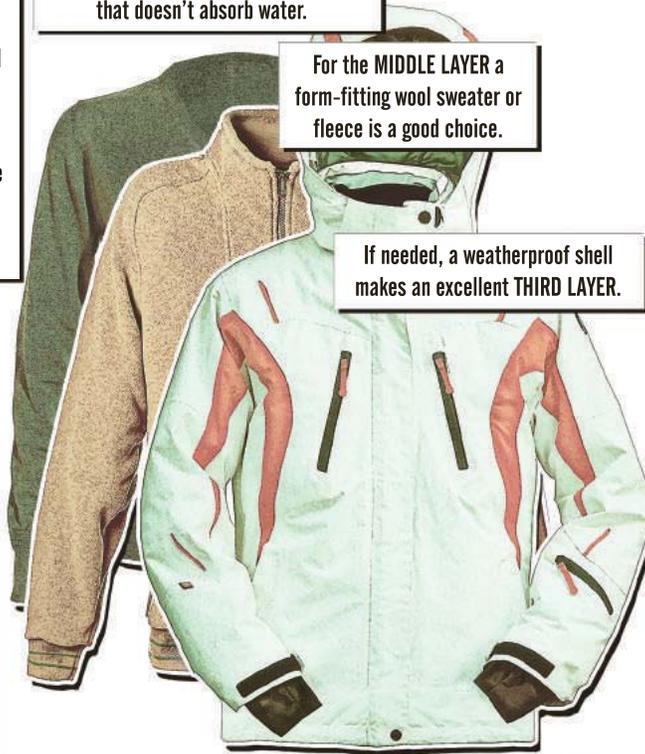
It's better to start your ride feeling a little cold, otherwise you may arrive to your destination overheated.



Start with a **BASE LAYER** against your skin like soft thin wool or active wear that doesn't absorb water.

For the **MIDDLE LAYER** a form-fitting wool sweater or fleece is a good choice.

If needed, a weatherproof shell makes an excellent **THIRD LAYER**.



EXTREMITIES like your head, ears, hands, and feet are most **VULNERABLE** in the cold.

OVERLAP CLOTHES at points where they meet, like the neck, wrists, waist, and ankles. Pull cinches tight on clothes that have them.



Some helmets now come with detachable ear flaps.



To keep your head and face warm a **BALACLAVA** or hat and scarf around the face will help keep you warm.

BE CAREFUL that whatever you use to cover your head doesn't compromise the fit of your helmet.

GLOVES are also key to staying warm.

Find a warm pair of gloves that are right for you.

Buy clothes for your bike commute that are not only functional but that you **LOVE**.

It adds to the FUN!



IN A CRASH?

Whether you're a victim, at fault, or a good samaritan **STAY CALM.**

1. Make sure that the crash victim is out of harm's way.

2. The victim should remain still. Do not move the head, neck, or spine if they were at all impacted.

3. Have someone call 911.

4. Obtain a BikePGH CRASH CARD to document the most important information following a crash. See bikepgh.org/crash for more details.

5. Get contact information of any witnesses.

6. Get a police report to officially document the crash. Police are **REQUIRED** to create a crash report if someone in the incident is injured. If the responding officer resists filing a report, it may be necessary to emphasize any injury, no matter how small to assure a report is generated.

11. If a road hazard was involved call 311 to report it.

10. Contact a lawyer to discuss your legal rights.

If you have car insurance the **FULL TORT** option allows you to pursue compensation for pain and suffering.

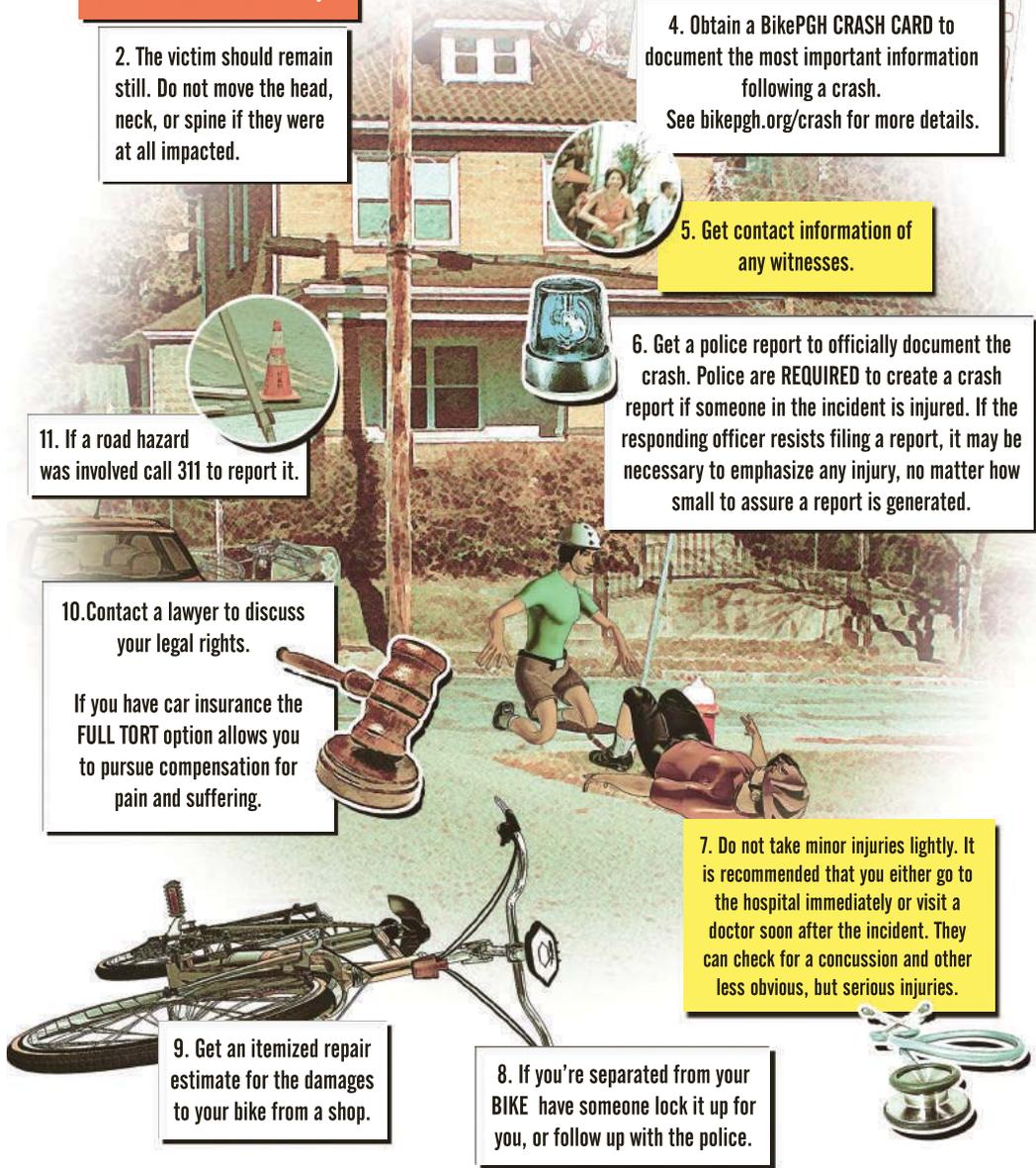
9. Get an itemized repair estimate for the damages to your bike from a shop.

8. If you're separated from your **BIKE** have someone lock it up for you, or follow up with the police.

7. Do not take minor injuries lightly. It is recommended that you either go to the hospital immediately or visit a doctor soon after the incident. They can check for a concussion and other less obvious, but serious injuries.



| BICYCLE CRASH REPORT | |
|---|-----------------------------------|
| <i>(Please print or use a computer to type)</i> | |
| INFO FROM THE POLICE OFFICER | INCIDENT SPECIFICS |
| NAME _____ | TIME _____ AM / PM |
| BADGE # _____ | LOCATION _____ |
| CONTACT _____ | DESCRIPTION OF VEHICLE _____ |
| POLICE REPORT # (ALL INCLUSIONS) | LICENSE PLATE # _____ STATE _____ |
| INFO FROM THE WITNESSES | INFO FROM THE DRIVER |
| NAME _____ | NAME _____ |



BASIC BIKE MAINTENANCE



BICYCLES ARE PRETTY EASY TO MAINTAIN AND DO NOT COST AS MUCH.

ESPECIALLY WHEN COMPARED TO A CAR.



IF YOU RIDE A BIKE YOU SHOULD BE FAMILIAR WITH SOME BASIC BICYCLE MAINTENANCE — LIKE HOW TO FIX A FLAT AND CLEAN YOUR CHAIN.

When you're on the road keep a BASIC TOOL KIT handy.



Travel pump

Travel pump is essential to get you on your way after a flat.

A BASIC TOOL KIT INCLUDES



Tire levers

Tire levers help with tire removal. Use cautiously if used to re-seat a tire to avoid repuncturing the tube.

Multitool

Multitool is great in a pinch when you need to make an adjustment to your bike during a ride.

Handy rag

Patch kit

Patch kit

Extra tube

Extra tube

Keep items at home that will conveniently help you keep your bike in good riding condition.



Use DEGREASER to help keep your chain clean, which makes for a much smoother ride.

FLOOR PUMP is much easier to use than the travel pump for regular maintenance. Obtain one that is well made. Your tires steadily lose air pressure whether you ride or not.

Have a bike specific CHAIN LUBRICANT ready to reapply back on your chain.

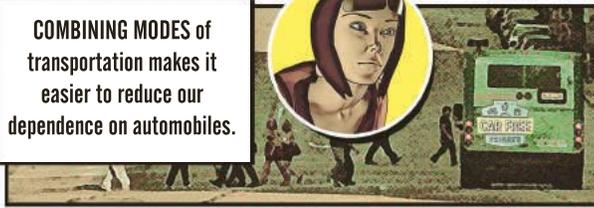


BIKES ON TRANSIT

I live too far from work to bike.

Combine modes!

COMBINING MODES of transportation makes it easier to reduce our dependence on automobiles.



This helps decrease traffic congestion, decrease carbon emissions, relieve the parking crunch, and allows for safer use of bicycles all over Pittsburgh.



You can place your bicycle for free aboard ALL Port Authority bus routes, the light rail transit system (the T), and the Monongahela and Duquesne Inclines.

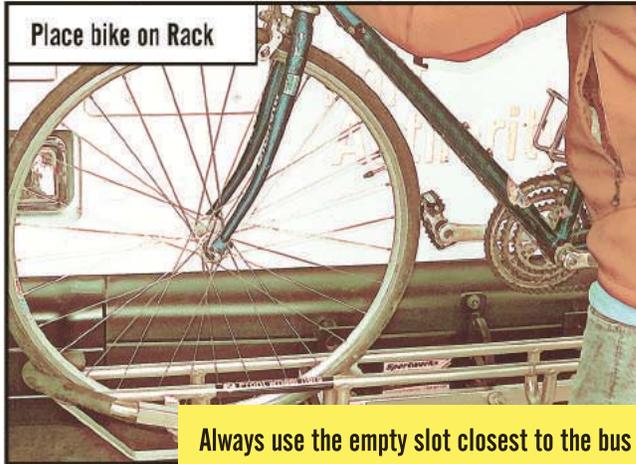


LOADING BIKES ON BUSES

Pull Rack Down

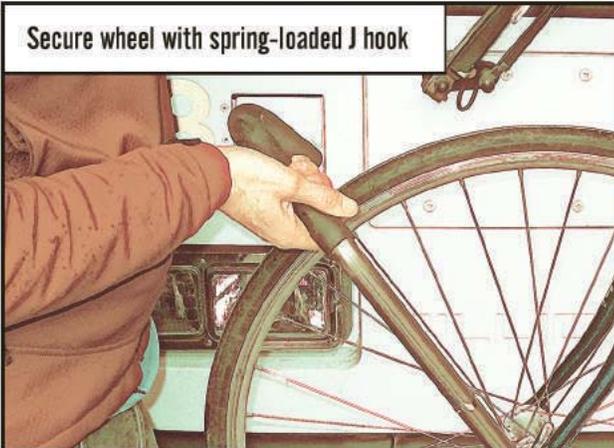


Place bike on Rack



Always use the empty slot closest to the bus

Secure wheel with spring-loaded J hook



To get the most up-to-date information about bikes on transit visit the Port Authority's website.

www.portauthority.org

You can reach the Port Authority by phone too at **412.442.2000**.



USE **HEALTHY RIDE,**
a public bike rental system by Pittsburgh Bike Share

Healthy
e-bike Ride

REGISTER

4 ways to join: Visit HealthyRidePGH.com or any Healthy Ride Station Kiosk, Download the [nextbike](#) app for IOS or Android, Call Customer Service 412-535-5189. Pay As You Go and Membership Options are available.



TRY IT OUT

Bikes come equipped with cable locks, fenders, bells + lights all built in, so you just need to rent, ride and return them.

Try out a bike rental during one of our City Cycling classes. Sign up at bikepgh.org/citycycling.

Get multimodal! You could rent a bike to ride downhill, return it and then use a bus to return uphill.



LOCATIONS

Stations are located across the city and expanding.

The first 50 stations are featured in our 6th Edition Bike Map, so you can plan your route





ABOUT BikePGH

Bike Pittsburgh is a bicycle and pedestrian advocacy organization. Since 2002 BikePGH has been transforming Pittsburgh's streets and communities into vibrant, healthy places by making them safe and accessible for everyone to bike and walk. For more information visit bikepgh.org

GET INVOLVED **BECOME A MEMBER TODAY!** bikepgh.org/membership

You can help transform Pittsburgh into a truly bikeable and walkable city. Become a member today at bikepgh.org/membership

PROJECTS

ADVOCACY: We work for policy change and transformation of our urban core by inspiring and advocating within communities to achieve bikeable/walkable streets.

COMMUNITY: We will increase community engagement by focusing on membership, diversity, fun events, and outreach.

EDUCATION: We will educate and train people of all ages and incomes on riding in the city and make drivers more considerate of bicycle riders and pedestrians.

RESOURCES

Visit www.bikepgh.org to get connected to the local cycling community and access to the most comprehensive cycling information in Pittsburgh. It's a one-stop shop for bicycle and pedestrian news, local events, tips on safety and getting around town, bike parking, message boards and much much more.

Useful Phone Numbers

Call 311 to report non-emergency City of Pittsburgh road hazards.

Call 911 if the road situation is an **EMERGENCY**

University of Pittsburgh Department of Parking & Transportation Services 412.624.4034

Carnegie Mellon Parking & Transportation Services 412.268.2052

BikePGH
412.325.4334

REFERENCES

Bike to Work Guide: Steps to Encourage Bicycle Commuting at Your Workplace, Chicagoland Bicycle Federation c. 2002

Student Cycling Guide in Chicago, Chicago Department of Transportation c. 2003

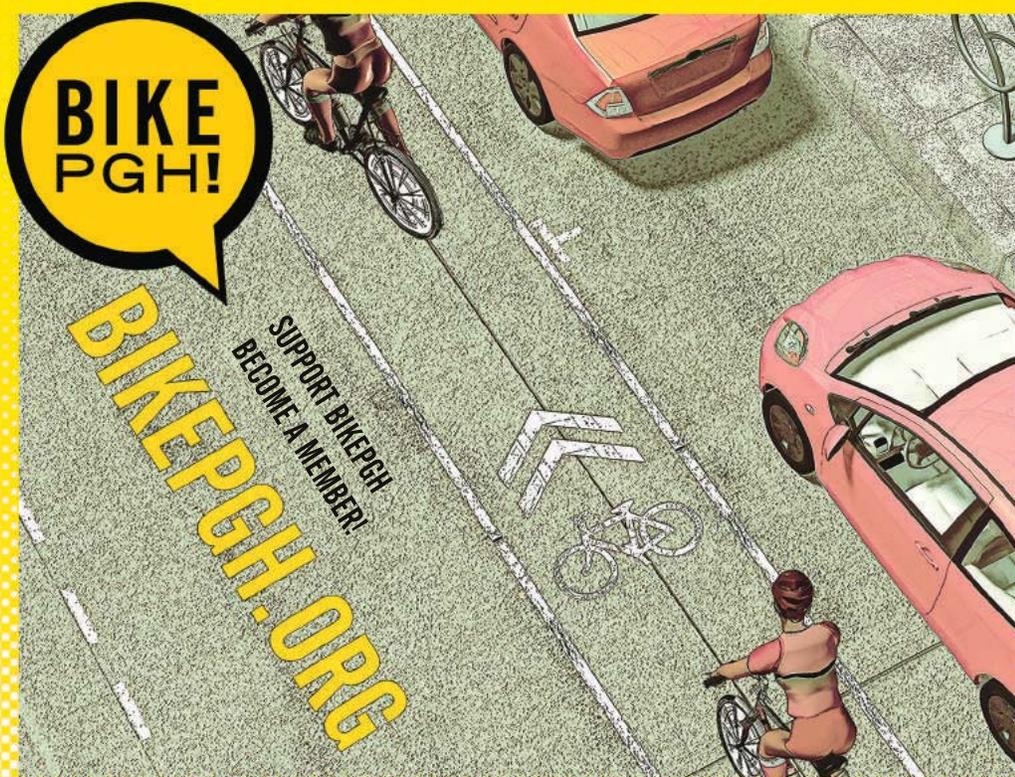
Urban Bikers' Tricks and Tips by Dave Glowacz, Wordspace Press c. 1998

bikesafe, Pennsylvania Department of Transportation c. 2002

ACKNOWLEDGEMENTS

Bike Pittsburgh gratefully acknowledges the following partners for their generous support of this project and ongoing commitment to improving bicycling conditions in the City of Pittsburgh: the Sprout Fund, the Pittsburgh Downtown Partnership, and the City of Pittsburgh, and all of our sponsors, EQT, Chatham, OTMA, and Healthy Ride.





EQT, an energy leader, is committed to safety from our Downtown office to the communities where we operate... and all roads in between.

That's why we're partners with BikePGH! Be safe wherever the road takes you.



CHAPTER 5. Complete the Street

5.1 WHAT IS A COMPLETE STREET?

The term “complete streets” is relatively new; it was coined in 2003 by the advocacy group “America Bikes” as it worked to include pedestrians, bicyclists, and transit users in SAFETEA-LU, the federal transportation funding bill. The term was defined as follows: “A complete streets policy ensures that the entire right-of-way is routinely designed and operated to enable safe access for all users. Pedestrians, bicyclists, motorists, and transit riders of all ages and abilities must be able to safely move along and across a complete street.”²

This policy was not included in SAFETEA-LU when the bill passed in 2005, but the effort sparked the formation of the National Complete Streets Coalition (www.completestreets.org/) and a nationwide movement to enact complete streets policy at the municipal and state level. Early members of the Complete Streets Coalition included the Institute of Transportation Engineers, AARP (formerly known as the American Association of Retired Persons), the American Society of Landscape Architects, the American Planning Association, Smart Growth America, Paralyzed Veterans of America, and the American Public Transportation Association.



Sidewalk with adequate clear width and buffer

The impetus for complete streets grew partly out of the recognition that the previous approach for accommodating pedestrians and bicyclists on federally funded studies – arguing for the inclusion of pedestrian and bicycle facilities on a project-by-project basis – had limited potential for changing infrastructure. Under the complete streets approach, all projects begin with the assumption that pedestrians, bicyclists, and transit users of all ages and abilities should be accommodated.

In this chapter, complete streets practice is defined, along with a discussion of complete streets policy elements. This is followed by a discussion of the potential for re-visioning three example projects that are serving as prototypes for ACTIVE ALLEGHENY using complete streets principles.

There is no standard design or template for a complete street, and the National Complete Streets Coalition has actively discouraged attempts to prescribe specific roadway components. The emphasis of the complete streets movement has been primarily on policy, and less on design practices. As noted in *Complete Streets: Best Policy and Implementation Practices* (APA 2010), “changing the overall approach to design is of greatest importance.” Practitioners thus have great flexibility in working toward the goal of creating roadways that provide safe mobility for all modes. The Coalition has indicated that examples of features that might be included in a Complete Street are sidewalks, bike lanes (or wide paved shoulders), special bus



Separated bike lane in NYC

² Information on the history of complete streets, and complete streets practices discussed in this chapter, is found in the text *Complete Streets: Best Policy and Implementation Practices*, Planning Advisory Service Report 559, American Planning Association, March 2010. <http://www.planning.org/apastore/search/Default.aspx?p=4060>.



lanes, comfortable, and accessible transit stops, frequent crossing opportunities, median islands, accessible pedestrian signals, and curb extensions.

In short, the tools to be used in designing complete streets are not unique to roadways designated as complete streets. They include planning and design techniques that are regularly used to develop pedestrian and bicycle facilities; those discussed elsewhere in the ACTIVE ALLEGHENY Plan. In complete streets, there is also a strong emphasis on accommodating the more vulnerable groups in our population: children and older adults and persons with disabilities.

Along with facilities regularly incorporated into roadway projects (curb ramps), consideration should be given to facilities such as audible traffic signals, preferably with vibrating arrows, as intersection improvements. A sidewalk may exist on a corridor, but if the clear width is impeded by utilities and street furniture or if sidewalk panels are uneven, travel by persons in wheelchairs is difficult. As part of the public involvement process on projects, input should be gathered on the presence of disabled persons in the vicinity and facility needs.

5.2 THE SMART TRANSPORTATION CONNECTION

A complete streets approach is consistent with PennDOT's Smart Transportation Initiative. That initiative is built around 10 Smart Transportation themes, including the theme "accommodate all modes." The *Smart Transportation Guidebook* (<ftp.dot.state.pa.us/public/Bureaus/design/SMART%20TRANSPORTATION%20.pdf>) was jointly developed by PennDOT and NJDOT to guide the planning and design of all land service roadways. The Guidebook is essentially a complete streets practice in its emphasis on flexibility in creating transportation facilities that work well for all users, and in balancing trade-offs between vehicular, pedestrian, bicycle, and transit mobility.

For example, the Guidebook does not specify the type of bike facility that should be provided on roadways to accommodate bicyclists; rather, the planner or designer must evaluate all pertinent factors in selecting an outside travel lane width, bike lane width, or shoulder width that would be compatible with bicycle travel.

Similar flexibility is offered in the Guidebook for pedestrian facilities. Sidewalks are the cornerstone of any pedestrian network, but their width, and their setback from the roadway, will vary depending upon roadway type and land use context). Although critical on urban and most suburban roadways, sidewalks are not vital to many roadways in rural areas. Further, there will be choices

for how pedestrian travel throughout the community: signalized or unsignalized crossings, the frequency of designated pedestrian crossings, the provision of medians for multilane roadways, accessible pedestrian signals, and curb extensions are examples of how pedestrian movement can be accommodated.



Bicyclist, pedestrian, and motor vehicles in Pittsburgh
Photo: Lynn Heckman

Accommodation of transit service is another component of a complete street. This can be viewed from two perspectives:

- Accommodation of transit riders traveling to and from bus stops
- Accommodation of the transit vehicle

The ability of transit riders to safely access bus stops and rail stations depends in large measure on the provision of adequate pedestrian and bicycle facilities proximate to the stops and stations. As discussed in the *Smart Transportation Guidebook*, there are unique issues associated with bus boarding that must be taken into account. Bus stops are

typically better positioned at intersections than mid-block locations, since they offer the best pedestrian access from both sides of the street as well as cross-street locations, and will reduce the tendency for jaywalking. However, at some locations, major land use generators will suggest the need for midblock bus stops; in these cases, the accommodation of safe midblock crossings must be evaluated.

The need for balancing modes in complete streets is illustrated by the issue of transit. Pedestrians find it easier to cross roadways with narrow travel lanes, and modest curb radii at intersections (smaller curb radii result in reduced pedestrian crossing length, and also slow vehicular speeds through intersections). However, buses have different needs than passenger vehicles. The roadway width needed to accommodate buses depends in part on the frequency of service. As discussed in the Guidebook, on arterial roadways with regular bus service, a travel lane width of 12' is recommended. On collector roadways, travel lane width of 11' is recommended. At intersections where buses make regular turning movements, a curb radius of at least 25' may be needed.



Suburban roadway with high visibility crosswalks, median and bike lanes

5.3 POLICY

Complete Streets Policy

The most fundamental step that Allegheny County and its constituent local municipalities can take to advance complete streets practice is to adopt and implement a complete streets policy. ALLEGHENYPLACES, the County's comprehensive plan, advocates for complete streets. The National Complete Streets Coalition recommends consideration of 10 elements in a comprehensive complete streets policy document. Following is a summary of these 10 elements, along with a discussion of each element.

- *A vision for how and why the community wants to complete its streets.* The primary purpose of the complete streets policy should be identified.
- *Specifies that "all users" includes pedestrians, bicyclists, and transit passengers of all ages and abilities, as well as automobile drivers and transit vehicle operators.* This provision is particularly important given the significant concentrations of disabled persons living in some Allegheny County municipalities. As noted on the Complete Streets website (www.completestreets.org), narrow sidewalks or sidewalks with obstacles and uneven surfaces can discourage wheelchair travel, and signalized intersections without audible signals can increase the danger for blind pedestrians.
- *Encourages street connectivity and aims to create a comprehensive, integrated connected network for all modes.* A well-connected network greatly enhances the ability of pedestrians and bicyclists to move around a community, and is a vital complement to complete streets.
- *Is adoptable by relevant agencies to cover all roads.* Local officials should work with state officials to ensure that complete streets principles are applied to state roadways within their jurisdiction.
- *Applies to both new and retrofit projects, including design, planning, maintenance, and operations, for the entire right-of-way.* Even a relatively simple resurfacing project should involve an evaluation as to whether the roadway can better accommodate bicyclists; for example, can travel lanes be narrowed to provide wider shoulders or bike lanes?
- *Makes any exceptions specific and sets a clear procedure that requires high-level approval of exceptions.* Many jurisdictions with complete streets policies recognize the need for exceptions on some projects; this policy should be clearly stated in advance to avoid confusion.



Intersections developed under a Complete Streets Policy accommodate all users
Photo: FHWA

- *Directs the use of the latest and best design standards while recognizing the need for flexibility in balancing user needs.* Detailed design standards should not be included in an ordinance or resolution, but there should be a commitment to revisit existing standards in municipal subdivision and land development ordinances or design manuals.
- *Directs that complete streets solutions will complement the context of the community.* Roadway design that is tailored to fit the context of the surrounding community is at the heart of Pennsylvania’s Smart Transportation initiative, and the key guiding principle to the *Smart Transportation Guidebook*.
- *Establishes performance standards with measurable outcomes.* Goals should be set on improving pedestrian and bicycle facilities, and existing standards for vehicular service may need to be revised. For example, vehicular levels of service may need to be lowered if these promote major roadway improvements at the expense of pedestrian or bicycle facilities.
- *Includes specific next steps for implementing the policy.* The policy should state other steps, such as revision of manuals or procedures that will be necessary to better implement policy.

There are a variety of measures by which local municipalities can adopt a complete streets policy, and not all of the above 10 elements are vital to every measure. For example, the establishment of performance measures would be appropriate for a complete streets plan, but detailed performance measures should be left out of an ordinance.

Before Complete Streets Application



After Complete Streets Application



Photos: CompleteStreets.org

Complete streets practice can be adopted in a wide variety of ways:

- Ordinance or Legislation
- Resolution
- Executive Order
- Internal Policy
- Plan

Ordinances and resolutions are the preferred means for adopting complete streets policies, since they provide a concise, direct declaration of municipal intent by the municipality’s governing body. Resolutions have been chosen by the largest plurality of municipalities, representing 47% of municipalities with complete streets policies. An ordinance is second in popularity, being adopted by 22% of municipalities.³ Plans and internal policies can be useful in providing guidelines for implementing ordinances, resolutions, or executive orders.

³ Percentages were calculated based on summary of adopted policies, www.completestreets.org.

Below is a model ordinance recommended for adoption by Allegheny County's local municipalities. The text is based on model policy language recommended by the National Policy and Legal Analysis Network to Prevent Childhood Obesity (NPLAN), and also incorporates language from adopted policies for Rochester, Minnesota and Seattle, Washington. The model ordinance is concise by intent, focusing on the simple principle that roadway projects should accommodate all users. The language can be modified for use on resolutions and executive orders.

Complete Streets Model Ordinance

AN ORDINANCE relating to complete streets policy for the ___ of ___, stating guiding principles and practices so that transportation improvements are planned, designed and constructed to encourage walking, bicycling and transit use while promoting safe operations for all users.

WHEREAS, implementing transportation improvements that are planned, designed and constructed to safely accommodate walking, bicycling, and transit use increase the general safety, health and overall welfare of the citizens of and visitors to the ___ of ___; and,

WHEREAS, the ___ of ___ will seek to enhance the safety, access, convenience and comfort of all users, including pedestrians, bicyclists, transit users and drivers, motorists and freight drivers, and people of all ages and abilities, including children, older adults, and persons with disabilities, through the design, operation and maintenance of the transportation network so as to create a connected network of facilities accommodating each mode of travel; and,

WHEREAS, transportation improvements are to be planned and designed in a manner consistent with, and supportive of, the surrounding community, recognizing that all streets are different and that the needs of various users will need to be balanced in a flexible manner;

NOW, THEREFORE, BE IT ORDAINED BY THE _____ OF _____ AS FOLLOWS:

Section 1. All roadway projects, including construction, re-construction, re-paving and rehabilitation, will provide appropriate accommodation for pedestrians, bicyclists, transit riders and drivers, motorists and freight drivers, and people of all ages and abilities, including children, older adults and persons with disabilities, except under one or more of the following conditions:

- The roadway project is comprised of ordinary maintenance activities designed to keep assets in serviceable condition (e.g., mowing, cleaning, sweeping, spot repair and surface treatments such as chip seal);
- Where use by nonmotorized users is prohibited by law;
- The cost would be excessively disproportionate to the need or probable future use over the long term;
- There is an absence of current and future need.

Section 2. Appropriate accommodations include facilities and amenities that are recognized as contributing to complete streets, which may include sidewalks and pedestrian safety improvements such as median refuges, pedestrian signals, bulbouts and crosswalks; street and sidewalk lighting; improvements that provide ADA (Americans with Disabilities Act) compliant accessibility; transit accommodations including improved pedestrian access to transit stops and bus shelters; bicycle accommodations including shared-use lanes, wide travel lanes or bike lanes as appropriate; paved shoulders; bicycle parking; street trees, landscaping, street furniture and adequate drainage facilities; and other facilities.

Section 3. Complete streets principles will be incorporated into the comprehensive plan, subdivision and land development ordinance, and other plans, manuals, regulations and programs as appropriate.

The first paragraph of the model ordinance summarizes the ordinance, and indicates the purpose. The preamble ("Whereas" clauses) indicate the reasons why the municipality is adopting a complete streets ordinance; it is recommended that officials of local municipalities in Allegheny County add reasons specific to their community, if possible.

Section 1 indicates that complete streets policies will be followed on roadway projects in the municipality, with the exception of simple maintenance projects, and projects where there is no need or where implementation of the policy will result in disproportionate costs. These exceptions are common provisions in adopted complete streets policies nationwide. They help address concerns on the part of some that implementation of a complete streets policy will significantly increase costs.

Section 2 provides examples of complete streets facilities. The examples are similar to those found in the NPLAN model ordinance, and in adopted policies. However, not every local municipality has listed typical examples of complete streets facilities in their adopted policies.

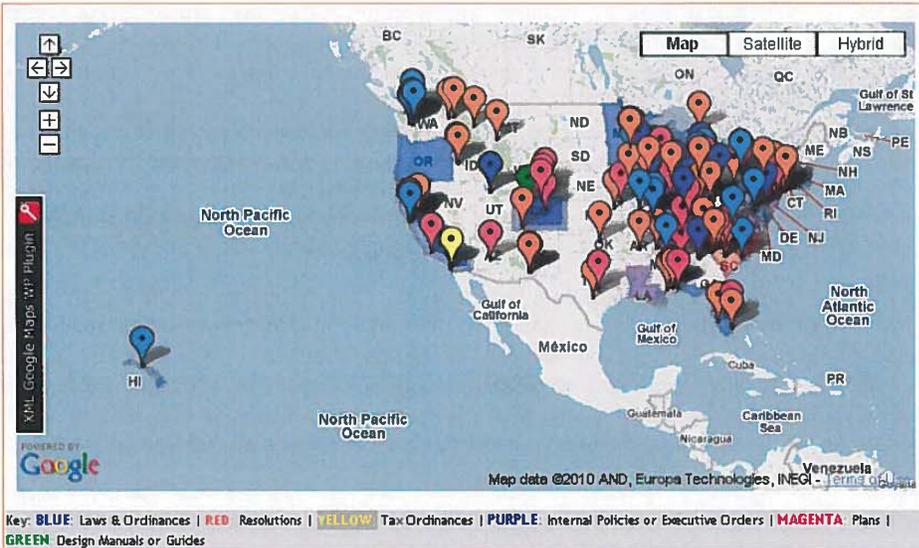
Section 3 indicates that the local municipality will incorporate complete streets principles into other municipal ordinances, plans, and standards as appropriate. Although, as discussed earlier, there is not a prescribed complete streets treatment, the municipal standards should be reviewed to determine whether there are basic standards for sidewalks and bike facilities. Further, there should not be one set standard for travel lanes; flexibility for this feature is desirable.

In addition to local municipalities, developers should consider Complete Streets approaches when planning, designing and building large scale projects (e.g., The Waterfront at Homestead and South Side Works).

Where Have Complete Streets Policies Been Adopted?

According to the National Complete Streets Coalition, over 150 jurisdictions across the country – state, county, and local governments – have adopted complete streets policies, or committed to doing so. PennDOT does not have a formal complete streets policy, but it has increasingly followed a complete streets approach to roadway projects in policy and implementation. This approach is exemplified in its Bicycle and Pedestrian Checklist. When issuing the Checklist, PennDOT stated:

“Department policy requires the evaluation of the access and mobility needs of pedestrians and bicycle users in highway and bridge transportation corridors. This revised policy mandates that highway and bridge projects must evaluate the existing, latent, and projected needs of pedestrians and bicycle users. It requires the integration of the identified needs into project planning and design processes.”



Google Map showing where Complete Streets Policies have been enacted
Source: CompleteStreets.org

At the local level in Pennsylvania, interest in complete streets is also growing. The City of Philadelphia was the first municipality in the state to adopt a complete streets policy, issuing an Executive Order in 2009. The City directed all city departments and agencies to:

- Give full consideration to the safety and convenience of all users of the transportation system, be they pedestrians, bicyclists, public transit users, or motor vehicle drivers;
- Place a high priority on the safety of those traveling in the public right-of-way, and in particular the safety of children, the elderly, and persons with disabilities.

Philadelphia is also currently preparing a complete streets handbook. The City of Franklin in Venango County recently became the second municipality in Pennsylvania to adopt a complete streets policy, in its case doing so through a resolution (<http://www.completestreets.org/webdocs/policy/cs-pa-franklin-resolution.pdf>). The City of Allentown has been preparing a complete streets policy to incorporate into *Connecting our Community*, which is the city's bicycle and pedestrian trail plan.

5.4 IMPLEMENTATION

Following approval of a complete streets policy, a local municipality can move immediately to implementation. Depending upon the level of detail of the adoption instrument, the municipality may wish to consider preparation of a plan or policy at this point. As discussed above, a plan or policy is not recommended as the primary adoption instrument.

Transportation Plan

A municipality's transportation plan or transportation element of a comprehensive and/or master plan should express support for complete streets goals and establish a framework for improving pedestrian, bicycle, and transit facilities. It should also identify areas of the municipality where transit service is needed, or where greater frequency/extended service periods are needed. Safe and accessible routes to transit stops or stations are needed, with consideration of relocating transit stops, if safe routes to transit stops are not feasible at the current location. Although the transportation plan is the most common plan used to express municipal goals for roadways, some municipalities have adopted a complete streets implementation plan.



Transportation elements play a vital role in Complete Streets Policy making.
 Photo: CompleteStreets.org

Programs complementary to pedestrian and bicycle facility improvements, such as travel demand management and parking management programs, should be included in a complete streets plan where appropriate.

Performance measures may also be included. For example, the plan could state that by 2020, 20% of trips will occur by bicycling or walking; the number of injuries to pedestrians and bicyclists will be reduced by 20%, and the number of miles of roadways with 5' sidewalk will increase by 20%.

SALDO and Design Standards

An important step will be to revise every local municipality's Subdivision and Land Development Ordinance (SALDO) or their public and private improvements codes to provide standards for pedestrian and bicycle facilities. Equally important, the standards should be revised to approve roadway design supportive of pedestrian and bicycle movement, ranging from a well-connected street network, to discouraging excessively wide roadways, large curb radii, and other features that promote vehicular speeding. One of the most important components of a complete streets approach is

moving away from a “one size fits all” idea that permeates the SALDO standards in many municipalities, in which existing standards for roadway design are narrowly prescriptive. For example, it is not unusual to encounter travel lane widths of 12’ as a minimum standard for arterial roadways, regardless of whether the roadway is along a fast-moving commercial corridor or in a busy downtown, and whether the travel lanes are accompanied by bike lanes. In complete streets, the entire context of the roadway is taken into consideration, and the travel lane width should change depending upon the need to complement the surrounding land use context, manage vehicular speeds, provide room for bike lanes, and other factors.

An important resource for local municipalities that wish to revise their roadway design standards is the *Smart Transportation Guidebook* (<ftp.dot.state.pa.us/public/Bureaus/design/SMART%20TRANSPORTATION%20.pdf>). Table 5-1 shows suggested design values for arterial and collector roadways, based on the Guidebook:

Table 5-1. Smart Transportation Guidebook Design Values

| Feature | Land Use Context | | |
|-----------------------------|---|--|--|
| | Urban | Suburban | Rural |
| Travel Lanes | Evaluate 10’ to 11’ lanes for roadways of 35 mph or below; 12’ for roadways of 35 mph or above and high traffic volumes and heavy vehicles. 14’ shared lane recommended for bike compatible treatment on roads without shoulders. | 11’ to 12’, with 14’ shared lane recommended for bike compatible treatment, on roads without shoulders. | Evaluate 10’ for lightly trafficked roadways; 11’ to 12’ for roadways with regularly trafficked roadways, or with speeds above 35 mph. |
| Shoulders | 4’ to 6’ on roadways where sidewalks are not provided. | 8’ to 10’ for suburban corridors; 4’ to 8’ for suburban neighborhoods. | 8’ to 10’ for arterials; 4’ to 8’ for collector roadways. |
| Medians | Provide depending upon access control, left turn and “pedestrian refuge” needs. Left turn medians are 12’ to 18’; pedestrian refuges 4’ to 8’. | Provide depending upon access control, left turn and “pedestrian refuge” needs. Left turn medians are 12’ to 18’; pedestrian refuges 4’ to 8’. | Design depending upon access control, left turn needs. |
| On-Street Parking | 7’ to 8’ parallel parking. | Provide on-street parking as needed. | NA |
| Grass buffer | 4’ to 6’ along neighborhood streets; typically absent in urban/town centers. | 4’ to 8’. | NA |
| Clear Sidewalk Width | 6’ to 14’ in urban/town centers, 5’ to 8’ in urban/town neighborhoods. | Min. 5’. | NA |

Checklist

As part of the normal review process of projects advanced by private developers, a checklist should be used to ensure that developers have considered the needs of pedestrians, bicyclists, and transit users. Further, the municipal capital improvements program should be reviewed to determine whether all projects are consistent with complete streets principles. The implementation of complete streets goals should be coordinated with the planned resurfacing or reconstruction of streets, utility projects, or other public improvement projects.

Appendix 4E

AN ORDINANCE relating to the complete streets policy for the _____ of _____, stating guiding principles and practices so that transportation improvements are planned, designed and constructed to encourage walking, bicycling and transit use while promoting safe operations for all users.

WHEREAS, implementing transportation improvements that are planned, designed and constructed to safely accommodate walking, bicycling, and transit use increase the general safety, health and overall welfare of the citizens of and visitors to the of ; and,

WHEREAS, the _____ of _____ will seek to enhance the safety, access, convenience and comfort of all users, including pedestrians, bicyclists, transit users and drivers, motorists and freight drivers, and people of all ages and abilities, including children, older adults, and persons with disabilities, through the design, operation and maintenance of the transportation network so as to create a connected network of facilities accommodating each mode of travel; and,

WHEREAS, transportation improvements are to be planned and designed in a manner consistent with, and supportive of, the surrounding community, recognizing that all streets are different and that the needs of various users will need to be balanced in a flexible manner;

NOW, THEREFORE, BE IT ORDAINED BY THE _____ OF _____ AS FOLLOWS:

Section 1. All roadway projects, including construction, re-construction, re-paving and rehabilitation, will provide appropriate accommodation for pedestrians, bicyclists, transit riders and drivers, motorists and freight drivers, and people of all ages and abilities, including children, older adults and persons with disabilities, except under one or more of the following conditions:

- The roadway project is comprised of ordinary maintenance activities designed to keep assets in serviceable condition (e.g., mowing, cleaning, sweeping, spot repair and surface treatments such as chip seal);
- Where use by nonmotorized users is prohibited by law;
- The cost would be excessively disproportionate to the need or probable future use over the long term;
- There is an absence of current and future need.

Section 2. Appropriate accommodations include facilities and amenities that are recognized as contributing to complete streets, which may include sidewalks and pedestrian safety improvements such as median refuges, pedestrian signals, bulbouts and crosswalks; street and sidewalk lighting; improvements that provide ADA (Americans with Disabilities Act) compliant accessibility; transit accommodations including improved pedestrian access to transit stops and bus shelters;

bicycle accommodations including shared-use lanes, wide travel lanes or bike lanes as appropriate; paved shoulders; bicycle parking; street trees, landscaping, street furniture and adequate drainage facilities; and other facilities.

Section 3. Complete streets principles will be incorporated into the comprehensive plan, subdivision and land development ordinance, and other plans, manuals, regulations and programs as appropriate.

CONNECTIVITY & TRAILS



PROPERTY MAINTENANCE

Property Maintenance Appendices

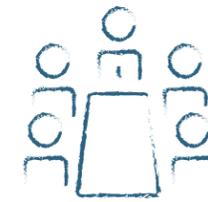
5A: “Five Step, Fast-Track Blight Plan” from Housing Alliance of Pennsylvania. Page App 5-3.

5B: Example Quality of Life Maintenance of Property ordinance from Pottsville, PA .
Page App 5-18.

5C: Example Property Maintenance ordinance from Green Tree, PA. Page App 5-28.

5D: Vacant Property Recovery Program guidelines and application. Page App 5-31.

5E: Sample community brochure about fighting deterioration of property. Page App 5-40.



**we can
DO this!**

**A Five-Step,
Fast-Track
Blight Plan**

by **Chris Gulotta** for the



**Housing Alliance
of Pennsylvania**



Housing Alliance
of Pennsylvania

We Can DO This! A Five-Step, Fast-Track Blight Plan

March 2016

by Christopher Gulotta
for the Housing Alliance of Pennsylvania
Liz Hersh, Executive Director

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ABOUT THE AUTHOR



Christopher Gulotta is the former executive director of the Redevelopment and Housing Authorities of Cumberland County. In 2010, Chris left the authorities after 30 years to form The Gulotta Group, LLC, which provides technical assistance to community development professionals on a variety of issues, including organizational strategic planning and development, neighborhood revitalization, and community economic development. Chris has worked with a number of communities across the Commonwealth of Pennsylvania in addressing blighted-property concerns in general and forming land banks in particular.

ABOUT THE HOUSING ALLIANCE OF PENNSYLVANIA



Housing Alliance of Pennsylvania

Founded in 1985, the Housing Alliance of Pennsylvania is a statewide membership and advocacy coalition that provides leadership and a common voice for policies, practices, and resources to ensure that all Pennsylvanians, especially those living with low incomes, have access to safe, decent, accessible, and affordable homes.

Today seen as a leading expert on blight policy, the Housing Alliance published its first research report in 2003. *Reclaiming Abandoned Pennsylvania* became an agenda for the new blight tools that have now become law including Blighted and Abandoned Property Conservatorship, Land Banks, and Property Donation.

INTRODUCTION

We Can Do This! A Five-Step, Fast-Track Blight Plan describes a systematic, proven, and inexpensive way for municipalities and counties to develop a comprehensive strategy to address blight. It is your “411,” a how-to guide for a local, customized, stakeholder-driven method.

TARGET AUDIENCE

Local leaders have long sought guidance in wrapping their arms around the blight problem so that the effort of preventing, remediating, and repurposing blighted properties can move forward.

Depending on the jurisdiction, these local leaders may come from the public, nonprofit, or private sector. They may be—

- **Elected officials** at the county and municipal levels
- **Appointed public officials** from a variety of public agencies, such as community development, housing, and planning
- **Nonprofit organizations** that seek to improve the quality of life in a community, including those engaged in economic development, neighborhood revitalization, and affordable housing
- **Business and civic leaders** concerned about their community’s future and health

WHERE DO WE BEGIN?

One frustration expressed by people who recognize the need to address blight in their communities is, “Where do we begin?” Attacking the challenge can be overwhelming, which frequently results in postponing efforts to deal with blighted properties.

Three counties in Pennsylvania—Clearfield, McKean, and Northumberland—have used the “Fast-Track Method” described in this publication to reach consensus on the most effective strategies to address their local blight. More about their experiences appears in brief case studies provided throughout the document as well as in the *Results to Date* section following Step 5.

Fast-Track Your Blight Plan

The perceived amount of time it takes to craft a comprehensive strategy to counter blight can cause communities to delay. The perception is that the process will be lengthy, costly, and burdensome to staff, who are already stretched thin. The process described in this guide, however, can be achieved in four months, and with minimal cost. It is proven, straightforward, streamlined, and effective.

HOW THE FIVE-STEP, FAST-TRACK METHOD WORKS

The process begins with a quick assessment of the local blight problem. A blight task force is established, meets to discuss the nature and extent of local blight, and identifies possible strategies to address it. Participants engage in a consensus-building exercise designed to help them select the strategies most appropriate for their community. A comprehensive blight strategy report documents what they have decided and is released at a joint meeting of the task force with local, county, and/or municipal officials. The meeting launches the implementation process.



Step 1: Gain Consensus for Developing a Blight Plan



Step 2: Assess the Nature and Extent of the Blight



Step 3: Convene a Blight Task Force



Step 4: Engage Municipal Officials



Step 5: Identify Priority Action Steps and Implement Them

This Five-Step, Fast-Track Method has paid significant dividends for the counties that have embraced it. They have attracted new money to address blight, because funders increasingly want to see a comprehensive plan with clearly identified steps to carry it out, strong local buy-in, and consensus on how to move forward. A blight strategy builds confidence among funders and investors that the money will be well used and make an impact.



Keys to Success

The following are essential ingredients in developing a successful comprehensive blighted-property strategy:

- 🔑 Engagement of Political Leadership
- 🔑 Commitment of Staff Resources
- 🔑 Engagement of Stakeholders
- 🔑 Assessment of the Nature and Extent of the Blight
- 🔑 Engagement of Municipalities
- 🔑 Commitment to Implementation

The keys are discussed in more detail under the various steps for completing the blight strategy plan.

STEP-BY-STEP EXPLANATION OF THE FAST-TRACK METHOD



Step 1: Gain Consensus for Developing a Comprehensive Blighted-Property Strategy

🔑 Engagement of Political Leadership

The decision to undertake a comprehensive blighted-property strategy should be made by the elected political leadership in the jurisdiction, whether that jurisdiction covers a county, a region within the county, or a single municipality. Although some political leaders will see the need for the strategy without any urging, a typical situation involves staff or local leaders' approaching the political leadership about the strategy's importance.

Gaining the support of political leaders is essential for several reasons. First, the political leadership is needed to appoint the members of the blight task force, which will develop the comprehensive blight strategy. This will add legitimacy to the task force's work, so that its recommendations can hold weight. Second, costs may be incurred in completing the comprehensive blight strategy, particularly if an external facilitator is retained to help identify the most appropriate strategies for dealing with blight. The political leadership makes the final decision on the source of funds needed to complete the task force's work.

🔑 Commitment of Staff Resources

As mentioned above, one or more staff members in key organizations that see the importance of aggressively

tackling blight will need to take the lead. That involves sitting down with the appropriate elected officials to talk about the need for a comprehensive blighted-property strategy. Assuming that staff members get the green light from political leaders, the work is just beginning.

Responsibilities of the Staff

The responsibilities of the staff include (a) engaging a facilitator to lead the process, (b) conducting the blighted-property assessment, and (c) handling task force administrative duties. These are described on *the following page*.

Representatives of local organizations—such as economic development, redevelopment, community development, housing, planning commission, and local nonprofit staff—can encourage political leaders to see the value in this endeavor by connecting the dots between elected officials' favorite policies or projects and preventing and remediating blight. As examples, policies may include economic development (specifically, creating jobs and expanding business activity), neighborhood revitalization, and reducing crime. Effective staff members or local leaders will be able to show how dealing with blighted properties translates into successful outcomes.

a. Engage the Services of an Internal or External Facilitator to Lead the Process

Because staff members from the lead agency may be unintentionally biased in favor or against certain strategies, and about the causes of blight, they should probably not facilitate the meetings. A consultant or external facilitator is an option, but funds will be needed to cover the expense. Another option is an experienced facilitator who lives in the community—possibly someone who works for a local company, college or university, or nonprofit agency. The role of the facilitator is described more fully in *Step 3*.

b. Conduct the Blighted-Property Assessment

Completing the blighted-property assessment is essential. Before the task force's first meeting, staff members from the lead agency will need to draft and implement a survey instrument targeting municipalities.

c. Handle Administrative Duties When the Blighted-Property Task Force Convenes

Staff from the lead agency should be prepared to send meeting notices to task force members, keep notes of task force meetings, and assist in drafting the comprehensive blight strategy report. Even after the report is published, the work of the lead agency staff is not complete. They will need to convene an "action team" to focus on implementing the report's recommendations.

Engagement of Key Stakeholders 

To succeed, the jurisdiction will need to bring together key stakeholders who are directly or indirectly affected by blight.

Communities that have used this approach have included stakeholders in a task force charged with formulating a comprehensive strategy.

Criteria for selecting stakeholders to serve on such a task force might include those with particular insight, capacity, or resources to address the challenges of blighted properties. Representatives from county planning commissions, local government, economic development agencies, the county tax claim bureau, local chambers of commerce, nonprofit community development and housing organizations, councils of government, and redevelopment and housing authorities are typical organizations represented on the task force. To give the undertaking some legitimacy (as mentioned above), it is a good idea for a county or municipal government body to appoint the task force.

Key stakeholders typically include residents, businesses, organizations tasked with addressing blight, and organizations such as colleges and hospitals located in neighborhoods that have a significant number of blighted properties.

Case Study: McKean County

In McKean County, the redevelopment authority took a lead role in advocating for the formation of a blighted property task force. The authority's executive director approached the county commissioners, offering to provide the staff services needed to support the task force's work, including sending meeting notices and agendas, arranging for a meeting room, and reaching out to municipal officials to share the report's recommendations.

Dusti Dennis, the redevelopment authority's executive director, reports: "The work of the task force and the completion of the comprehensive blight strategy have given us a blueprint for effectively addressing blight in McKean County."



Step 2: Assess the Nature and Extent of the Blight 

A comprehensive strategy to address blight must be based on data, not anecdotes. Municipalities are often in the best position to supply information on the nature and extent of blighted properties, but they must be given a definition of blight. One complication encountered in crafting a comprehensive strategy is the variety of thoughts about what constitutes a blighted property. We recommend using the definition of blight from Pennsylvania's Urban Redevelopment Law, because many legislative tools deployed to address blight require that targeted properties meet the law's definition.

Survey Questions about Municipal Effort

Has the municipality enacted—

- A nuisance ordinance or property maintenance code?
- A landlord registration ordinance?
- A rental housing inspection program?
- A ticketing ordinance to address blight?
- An ordinance allowing the municipality to escrow fire insurance proceeds, as provided by state law?

Definition of Blighted Property in Urban Redevelopment Law

35 P.S. § 1712.1

(c) Blighted property shall include:

- (1) Any premises which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.
- (2) Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
- (3) Any dwelling which because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing code of the municipality, has been designated by the department responsible for enforcement of the code as unfit for human habitation.
- (4) Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property.
- (5) Any structure from which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.

- (6) Any vacant or unimproved lot or parcel of ground in a predominantly built-up neighborhood, which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.
- (7) Any unoccupied property which has been tax delinquent for a period of two years prior to the effective date of this act, and those in the future having a two-year tax delinquency.
- (8) Any property which is vacant but not tax delinquent, which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.
- (9) Any abandoned property. A property shall be considered abandoned if: (i) it is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure located on the property remains unpaid for a period of six months; (ii) it is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipal liens on the property for tax or any other type of claim of the municipality are in excess of 150% of the fair market value of the property as established by the Board of Revisions of Taxes or other body with legal authority to determine the taxable value of the property; or (iii) the property has been declared abandoned by the owner, including an estate that is in possession of the property.

A good starting point is to ask municipalities to complete a survey about blight. The survey has three main elements: (a) identify problem properties in detail, (b) identify relevant locational information, and (c) identify what tools, if any, are already in place to address the problems.

Identify Each Problem Property

- What is the address of the blighted property?
- Who owns the property? For how long? Is the owner an absentee?
- Does the property have structures, or is it vacant?
- If the property is vacant, for how long?
- If the property is occupied, is it owner or renter occupied?
- Is the property tax delinquent? If so, at what stage (such as judicial sale or county repository)?
- Is the property subject to a foreclosure action or owned by an estate?
- (OPTIONAL) Provide photos of each property (can be taken with smart phones by volunteers or students).

Identify Relevant Locational Information

It is helpful to know whether the property is located on a gateway street, in a neighborhood revitalization area, in a central business district, or in a floodplain. The information will be useful in determining funding that might be available to address the problem. It may also help in prioritizing which problems to tackle first,

because the community will probably be unable to take on all problem properties at once.

Identify Existing Tools to Address Blight

The last portion of the survey should document what the municipality is already doing to address blight. A municipality may indicate that it has a problem with blighted properties but has no effective nuisance ordinance or property maintenance code. If the municipality does have ordinances to address blighted properties, it is important to determine the extent to which the ordinances cover issues such as abandoned vehicles, uncut vegetation, dangerous structures, and the improper disposal of trash.

A sample municipal survey of blighted properties is provided on the following two pages.

The lead organization—such as the redevelopment authority, community development agency, or planning commission—can take responsibility for mailing or emailing the survey and compiling the results. Consideration should be given to using an online survey product, such as Survey Monkey, to save time and money. To increase the response rate, follow-up calls will be needed to municipalities that don't return the survey on time.

When the survey results are compiled, a picture of the nature and extent of blight will emerge, as will a sense of the effectiveness of municipal efforts to address the blight. If possible, the data should be mapped. Local universities and colleges are often a useful resource for mapping or GIS services. The information will lay the foundation for the task force's work in crafting the comprehensive blighted-property strategy.

Rental properties led the list of types of properties that were blighted, but only three municipalities had a rental registration ordinance.

"This information was extremely helpful to the task force in looking at the cause of blighted properties and crafting solutions," said Brennan, the planning commission's executive director.

Case Study: Clearfield County

Jodi Brennan and Lisa Kovalick of the Clearfield County Planning Commission took the lead in the blight assessment process by drafting the survey document and sending it to municipalities. Thirty-three of 51 municipalities responded. Twenty-four of the 33 responded that they had a blighted- or abandoned-property problem. Sixteen of the 33 reported that they had no property maintenance code and that 70% of the 323 blighted properties were located in communities that had no property maintenance code.

Blighted Properties Survey

Name of Municipality: _____
 Person Completing this Survey: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____ Email: _____

Please use the following definition when completing this survey:

A property is considered blighted when...

- The property exhibits signs of deterioration sufficient to constitute a threat to human health and safety or,
- The property has been declared a public nuisance by the local government or,
- The property is an attractive nuisance to children including abandoned wells, shafts, basements, and unsafe fences or structures or,
- Any structure from which the utilities, plumbing, heating, sewerage of other basic facilities have been removed or disconnected so the property is unfit for human habitation or,
- The property has otherwise been declared by the municipality as unfit for human habitation or,
- The land is abandoned for at least six months and there are unpaid municipal liens against the property or the liens placed against a property are 150% in excess of the value of the property.

1. Do you feel that blighted properties are a problem in your municipality? Yes No
2. How many blighted properties are in your municipality? _____
3. Please provide the addresses of the properties that are blighted in your municipality and answer the following questions for each. (Attach additional sheet if necessary.)

| Address of property | Is there a structure on the property? (circle response) | If yes, is that structure vacant or occupied? (circle response) | If the structure is occupied is it a homeowner unit (HU) or rental? (circle response) | Approx. how long has the property been blighted? | Is it owned by someone who lives outside of the county? (circle response) | Approx. how long has the current owner owned the property? | Why is the property blighted? Enter a code from the list below* |
|---------------------|---|---|---|--|---|--|---|
| | Yes / No | Vac / Occ | HU / Rental | | Yes / No | | |
| | Yes / No | Vac / Occ | HU / Rental | | Yes / No | | |
| | Yes / No | Vac / Occ | HU / Rental | | Yes / No | | |
| | Yes / No | Vac / Occ | HU / Rental | | Yes / No | | |
| | Yes / No | Vac / Occ | HU / Rental | | Yes / No | | |
| | Yes / No | Vac / Occ | HU / Rental | | Yes / No | | |
| | Yes / No | Vac / Occ | HU / Rental | | Yes / No | | |

*Reasons for blighted property:

- (a) Elderly homeowner; unable to keep up with home
- (b) Property owner is deceased; property is not being maintained by the heirs
- (c) Absentee owners (live outside of the area)
- (d) Owners/Landlord does not properly maintain property
- (e) Other (please write in response)

continued on next page

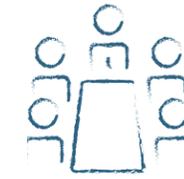
Blighted Properties Survey

(page 2 of 2)

4. Does your municipality have a property maintenance code? Yes No
 If yes, do you have adequate staff to enforce the property maintenance code? Yes No
5. If you answered Yes to the previous question (#4), how does the code address blight? (check all that apply)
- abandoned vehicles
 - uncut vegetation
 - unsafe structures
 - improper disposal of trash
 - other (Please specify: _____)
6. If your municipality does not have a property maintenance code, are you interested in learning more about what is covered by a property maintenance code? Yes No
7. Please tell us what barriers you are facing in adopting a property maintenance code:

8. Do you have a landlord registration ordinance? Yes No
 If not, are you interested in learning more about a landlord registration ordinance? Yes No
9. Has your municipality enacted a ticketing ordinance for code violations? Yes No
 If not, are you interested in learning more about an ordinance that would allow your municipality to ticket for code violations? Yes No
10. Has your municipality enacted an ordinance that allows the municipality to escrow fire insurance proceeds? Yes No
 If not, are you interested in learning more about a fire insurance proceeds escrow ordinance that would require insurance companies to share the proceeds of fire insurance with the municipality for the demolition of the property in the event of fire? Yes No

Thank-you for completing this survey!
 Please return by _____ (date) to:



Step 3: Convene Blight Task Force

The purpose of the blight task force is to lead a process that answers these questions: **How would my community be better if blight were less prevalent? In the end, what will this community look like, and how will attacking blight yield dividends?**

When the members of the task force have been appointed and the blighted-property survey has been completed, the task force work can begin.

Three meetings, spaced about one month apart, will be needed to reach consensus on the nature and extent of the blighted-property problem, guiding principles for the task force, and effective strategies for addressing blighted properties. Task force members should be given a clear idea of their responsibilities in the appointment letter they receive from the governing body that has

selected them. The responsibilities include attendance and active participation at all meetings and background reading about the tools available to address blighted properties.

After the task force has been appointed by the political leadership of your community, the initial meeting should be convened. The blight survey results should be sent to members to review well before the first meeting (at least two weeks).

The next section describes how to approach agenda topics and what should emerge from the discussion.

a. Welcoming remarks by the chief elected official of the organization that appointed the task force members

During opening remarks, the chief elected official should clarify that the mission of the task force is to formulate a comprehensive blight strategy and that an action team, composed of representatives of organizations that will have a lead role in carrying out the plan, will be formed after the task force completes its work.

b. Discussion of survey results about the nature and extent of the problem as well as the current level of effort

Various questions can be posed about the summary tabulation of the blight-survey results:

- What do the survey results tell us about the extent of blight found?
- What light does the survey shed on possible causes of the blight?
- How would you describe the level of effort your municipality is making to address blight?

Initial Task Force Meeting: What's on the Agenda?

- a. Welcoming remarks by the chief elected official of the organization that appointed the task force members
- b. Discussion of survey results about the nature and extent of the problem as well as the current level of effort
- c. Discussion and consensus-forming on guiding principles for the task force
- d. Discussion of the impact of blight on community and economic development efforts
- e. Discussion and consensus-forming on what success will look like (quantifiable goals if possible)
- f. Initial task force training on the array of tools to address blight

c. Discussion and consensus-forming on guiding principles for the task force

After the discussion of survey results, principles that will guide the task force should be addressed. The principles will serve as a set of ground rules for discussion and achieving consensus and for highlighting shared thinking about the process.

d. Discussion of the impact of blight on community and economic development efforts

In discussing the impact of blight on quality of life and on efforts to expand the economic base, a good question to ask is, "How would my community be better if blight were less prevalent?" An open-ended question, it encourages the task force to focus on the essential question: "In the end, what will this community look like, and how will attacking blight yield dividends?"

e. Discussion and consensus-forming about what success will look like (quantifiable goals if possible)

At its first meeting, the task force will also want to talk about what constitutes a successful effort to prevent, remediate, and reuse blighted properties. In the early years, this can be quantified in terms of outputs rather than outcomes. Outputs might include the number of blighted properties demolished or rehabilitated or the reduction in municipal costs related to fire and police protection as a result of blight remediation.

Over time, however, the community will want to measure longer-term goals. They include increased property values and an increase in the tax base and business activity, as the chilling effect that blight has on economic activity is reduced through aggressive remediation and redevelopment.

f. Initial task force training on the array of tools to address blight

The final item on the agenda is to begin educating task force members about effective tools. The members will come from a variety of fields, and many may not be aware of the extensive toolkit that exists for preventing and remediating blighted properties.

An excellent compendium of strategies to address blighted properties is the July 2014 Housing Alliance publication, *From Blight to Bright, a Comprehensive Toolkit for Pennsylvania* <http://www.nextbook.com/nextbooks/swell/fromblighttobright>. Six to eight tools should be extracted from the report for a summary discussion at the end of the first task force meeting. Topics could include Blighted and Abandoned Property Conservatorship, Denials of Permits for Tax-Delinquent Properties, Disqualification of Owners at Tax Sales, Creation of a Land Bank, and a Ticketing Ordinance for Code Violations.

At this stage, the goal is not to overwhelm the task force with information about tools and strategies, but to provide a ray of hope: specific ways to successfully address blight do exist.

Before adjourning the first task force meeting, the members of the task force should be assigned to read *From Blight to Bright* cover to cover before the next meeting so that they can gain greater knowledge of what communities can do to arrest blight. Task force members should be given either the printed version or a link to access the handbook online. They should also begin considering the strategies they think will best meet the challenges in their jurisdiction.

**Clearfield County Guiding Principles:
A Partial List**

- The process and outcomes must be respectful of the rights of property owners in the context of creating an environment that will encourage private investment, with the desired effect of improved quality of life and a more stable tax base. This is a balancing act that will require considerable discussion throughout the process.
- Localities are in the best position to decide if a strategy is appropriate and workable.
- Collaboration among various players will be important in developing and implementing strategies.
- The process is very much an educational one, where information is shared with key players and stakeholders.

**Second Task Force Meeting:
What's on the Agenda?**

- Review of notes from first meeting (distributed in advance)
- Quick review of strategies in reading assignment *From Blight to Bright, a Comprehensive Toolkit for Pennsylvania*
- Consensus-building exercise to determine most effective strategies
- Review of task force thoughts about priority strategies

The second task force meeting should be scheduled about a month after the first. That gives enough time for task force members to process the material in *From Blight to Bright* and to think about what strategies would be most appropriate given the dynamics of their jurisdiction.

The purpose of the second meeting is to quickly review the strategies and tools referenced in *From Blight to Bright* and to reach consensus on the most effective comprehensive approach to countering blight.

a. Review of Notes from First Meeting

Notes should be distributed in advance of meeting.

**b. Review of Strategies from Reading Assignment
*From Blight to Bright, a Comprehensive Toolkit for Pennsylvania***

The first part of the meeting will be used to clarify or answer any questions about the material in *From Blight to Bright*. This can be accomplished with a PowerPoint presentation that summarizes the main strategies and tools referenced in the publication. The purpose of the presentation is not to present an exhaustive explanation for each strategy or tool, but to provide basic information and to give task force members the opportunity to ask questions. Because of the number of strategies and tools described in *From Blight to Bright*, this part of the meeting typically lasts at least an hour, depending on the number of questions from the task force.

c. Consensus-Building Exercise to Determine the Most Effective Strategies

Before the meeting, the facilitator should group the strategies into one of three categories:

- Prevention
- Remediation
- Redevelopment

The facilitator should write a brief summary of each strategy on a letter-size piece of paper (one piece of paper for each strategy) and place the strategy into one of the three groups. The group headings and the strategies under each group should be taped onto a blank wall in the meeting room.

**Northumberland County Blight Strategy Plan,
Top- and Middle-Tier Strategies:
A Partial List**

- Encourage municipalities to implement provisions of Act 90 of 2010.
- Encourage municipalities to take advantage of laws that prohibit bad actors from purchasing additional properties at tax sales.
- Encourage municipalities to ticket for code violations as summary offenses.
- Encourage district attorney to charge repeat code violators with second-degree misdemeanor under the PA Crimes Code.

Each task force member is given five to seven sticky notes. The facilitator will then pose this question: “Based on your understanding of the strategies that are posted on the wall, which will be the most effective in addressing blight in this county [or municipality].” Task force members are given about 15 minutes to use their sticky notes as votes to indicate their preferences. They do this by placing their notes on the strategies that they think will be most effective.¹

Because the result of the voting is graphic, the top-tier strategies (usually five or six) immediately become apparent. Below the top is a middle tier of strategies that have received votes but not as many as the top tier.² The middle-tier strategies may be important and should be discussed and identified as such in the comprehensive blight strategy report. The lower-tier strategies that received only a few votes or no votes at all should not be discussed in the report, because there is no consensus about them.

d. Review of Task Force Thoughts about Priority Strategies

After this segment, the facilitator will review the results of the voting with the task force. This involves tallying the votes (sticky notes) placed on each item.

Before adjourning the meeting, the facilitator will instruct task force members to expect a draft strategy report detailing the top- and middle-tier strategies. The draft report will be sent out at least a week before the third meeting, to give members ample opportunity for review.



1 If task force members feel strongly about a particular strategy, they may be allowed to place more than one sticky note on it; to avoid skewing the results, however, there should be a limit to the number of sticky notes a member may place on one item.
 2 The number of votes that distinguish the top tier from the middle tier will vary. The facilitator may want to suggest the cut-off in terms of number of votes and ask the task force to react to the suggestion.

Third Task Force Meeting: What's on the Agenda?

- a. Review of notes from second meeting
- b. Review of draft comprehensive blight strategy task force report
- c. Feedback from task force members on report
- d. Discussion about agenda for the last meeting

- Priority strategies that emerged from the task force deliberations
- Possible next steps

The report will be given to task force members before the third meeting, but time should be reserved at the beginning of that meeting to briefly review the report's contents.

c. Task Force Members' Feedback on Report

Feedback on the report should be invited. One challenge will be to reach a consensus on the validity of comments made by individual members. Although all feedback should be encouraged, the final report needs to reflect the thinking of the entire task force rather than of an individual member. Thus, a trained facilitator can be helpful.

a. Review of Notes from Second Meeting

Notes should be distributed in advance.

b. Review of Task Force's Draft Report

The draft blight strategy report can be written by an individual such as a paid consultant or volunteer, or by a team of volunteers. The report should consist of the following sections:

- Introduction, which discusses the formation of the task force, guiding principles, and members of the task force
- Survey data on the nature and extent of blight and the level of effort in addressing blight
- Impact of blight on community and economic development
- Desired outcomes

d. Discussion of Agenda for the Last Meeting

Before adjourning, the purpose of the next and final meeting of the task force should be discussed. The last meeting of the task force will be critical because is an opportunity to engage more municipal officials in the process. Task force members should be encouraged to spread the word about this meeting with any municipal officials they know to maximize turnout.



Step 4: Engage Municipal Officials

After the draft report has been discussed and consensus on the feedback has been reached at the third task force meeting, a final meeting should be scheduled. It is a joint meeting of the task force and municipal officials. Each municipality in the county (assuming the task force is countywide) should be invited to send one or more representatives. They could include elected municipal officials as well as key staff members, such as the manager and code enforcement officers.

Final Meeting of the Task Force: What's on the Agenda?

- Summary of final task force report, with emphasis on priority strategies
- Feedback on report recommendations
- Discussion of possible next steps

The final task force meeting is crucial because it provides an opportunity to include municipal government officials who have an interest in dealing with blighted properties. This is particularly important when the comprehensive strategy is being developed countywide. The reason is that the task force probably includes only a fraction of the municipalities, because of the need to limit its size. The bottom line is that the vast majority of the strategies included in the *From Blight to Bright* will need municipal action. Further discussion of the agenda follows.

a. Summary of Final Task Force Report, with Emphasis on Priority Strategies

The meeting should begin with a presentation on the task force strategy report, with a focus on its recommended strategies.

b. Feedback on Report Recommendations

After the presentation, attendees should be encouraged to provide feedback and to ask questions.

To encourage municipal officials to implement strategies included in the report, sample ordinances should be made available to them at the meeting. For example, if the recommended strategies include ticketing for code violations, denying permits, and initiating a rental housing licensing program, hard copies of sample ordinances related to these strategies should be handed out to any municipal officials who believe that those would be effective approaches in their municipalities.

c. Discussion of Possible Next Steps

Municipal officials should leave the meeting equipped with new ideas to address blight, as well as the documents needed to implement the specific strategies that could be useful to their jurisdictions.

Before adjourning the fourth and final meeting, it is important to discuss next steps, such as—

- Pursuing funding to acquire and demolish or rehabilitate blighted properties
- Technical assistance to municipalities in drafting ordinances to address blight
- Other initiatives, such as engaging a circuit rider code official who could serve two or more local governments
- The formation of an "action team" to oversee the implementation of the report recommendations



Step 5: Identify Priority Action Steps and Implement!

"The blight strategy created a foundation for action among a variety of organizations that have a number of resources to effectively address blight."

—Ed Christiano, executive director of the Northumberland County Housing Authority, crediting the Fast-Track Blight Plan for his county's success in tackling blight

Commitment to Implementation

The task force's development of a comprehensive blight strategy is just the beginning of the process of effectively addressing blight. Although the process described above can be concluded in as little as four months, effectively countering blight is an ongoing endeavor that demands considerable focus.

The Action Team

To ensure implementation of the plan, an action team should be formed. The team will consist of representatives from each organization that will have a role in putting the plan into action.

The job of the action team is to develop a detailed action plan for each strategy recommended in the report. Typically, an action plan includes the tasks necessary to implement each strategy, the time frame for accomplishing those tasks, the lead organization(s) for accomplishing each task, the resources (financial or other) that will be needed, and a method to measure success. An example of such an action plan appears on the next page.

The work of the action team is not finished with the completion of the action plan. The action team will want to meet quarterly to assess progress in accomplishing tasks, update the plan periodically, and

identify prominent blighted properties that might be good opportunities for redevelopment and reuse.

The action team should consider forming a redevelopment team to look more closely at prominent blighted properties that are deemed good opportunities for redevelopment. The redevelopment team should include organizations whose missions include undertaking such projects. Members would typically include the redevelopment authority, a land bank, an economic development corporation, nonprofit development corporations, and municipal officials. In most cases, the goal of the redevelopment team is to tee the project up for a private developer or investor by obtaining site control, completing preliminary environmental due diligence, and managing other risks that would make the property difficult to develop from a private developer's perspective. In some cases, a nonprofit organization may be the best option for redevelopment. To undertake the project, the redevelopment team can initiate discussions with appropriate nonprofit organizations.

Typical Action Plan Elements

- Tasks to be completed
- Time frame
- Lead organization for each task
- Resources
- Measuring Success

Sample Action Plan

| Strategy and Tasks | Lead Organization | Time Frame for Accomplishment | \$ Resources Required | Measurements of Success |
|--|-------------------------|-------------------------------|-----------------------|---|
| STRATEGY 1. Encourage municipalities to adopt comprehensive property maintenance codes | Planning commission | | | Four communities adopt a property maintenance code within 12 months |
| Task a. Identify which municipalities do not have a property maintenance code | | Jun 30 | none | |
| Task b. Reach out to municipalities to gauge their interest in adopting a property maintenance code | | Sept 30 | none | |
| Task c. Retain consultant to work with municipalities in drafting an appropriate ordinance | | Dec 31 | \$7,500 | |
| STRATEGY 2. Use the conservatorship process to deal with long-time blighted properties | Redevelopment authority | | | Three conservatorship actions filed within 12 months |
| Task a. Identify properties appropriate for conservatorship action | | Mar 31 | none | |
| Task b. Develop pool of funds to undertake rehab or demolition of properties | | Sept 30 | \$100,000 | |
| Task c. Retain legal services to file conservatorship actions | | Sept 30 | \$10,000 | |

RESULTS TO DATE OF THE FAST-TRACK METHOD



McKean County

McKean County, which completed its comprehensive blighted-property strategy in 2013, recently formed a Blighted Property Review Board. The board, which is authorized by the Pennsylvania Urban Redevelopment Law, permits redevelopment authorities to acquire vacant, blighted properties using eminent domain. That was one of the top strategies identified in McKean County's Comprehensive Blight Strategy.

In the past year, McKean County gave five municipalities technical assistance to rewrite their ordinances on nuisances, dangerous structures, and property maintenance to make them more effective in addressing blighted properties.

The redevelopment authority has used Act 137 and community development block grant funds to demolish four structures, including one commercial building.



Top, L-R: Front, rear, and side of blighted property that was demolished.

Right: The park that was built in its place.



BEFORE

Clearfield County

To demolish blighted structures, Clearfield County has applied for Pennsylvania Housing Affordability and Rehabilitation Enhancement Act (PHARE) funds through the Pennsylvania Housing Finance Agency. Since completing its comprehensive blight strategy in 2014, the county has tapped into PHARE funds through the Pennsylvania Housing Finance Agency to demolish and rehabilitate deteriorated properties. To date, more than \$130,000 has been awarded from that source.

In addition, several blight strategies identified in the comprehensive blight strategy are moving forward:

- The county is developing an education program to promote public awareness of the tax sale process. The objective is to encourage a greater number of responsible people to bid on the properties.
- The planning and community development office has completed a maintenance guide that is distributed to housing providers and consumers. The guide emphasizes the importance of keeping up with property repairs, rather than deferring them, and cost-effective approaches to repairs.
- The Moshannon Valley COG has provided leadership in encouraging five municipalities to adopt or update property maintenance

codes. The COG will provide code enforcement services through a joint cooperation agreement with the municipalities.

- Finally, the City of Dubois is considering the implementation of a rental-housing licensing program; several communities are considering the enactment of a ticketing ordinance.

In each case, the planning process helped build a shared understanding of the problems, the political will to address them, and a consensus about what to do first. The plan provided a platform from which to raise needed funds. The use of the 5-Step, Fast-Track Method made these steps forward possible.



AFTER



BEFORE

Northumberland County

Northumberland County has been highly successful in its efforts to prevent and remediate blighted properties. In the past three years, 37 blighted properties have been demolished and two have been rehabilitated. The county established Pennsylvania's tenth land bank in December 2015, building on the blight plan work completed three years before.

The housing authority led the effort to undertake a blighted-property strategy in 2012, and it has provided leadership to secure funding and to use new tools that address blight, including conservatorship and land banking. It was instrumental in spearheading efforts

to secure more than \$1.5 million in funding through the Pennsylvania Department of Community and Economic Development, specifically to acquire and rehabilitate or demolish blighted properties. In addition, the housing authority has secured a variety of funding sources to construct new housing for seniors on a previously blighted site.

Municipalities in the county pledged more than \$300,000 in community development block grant funds as a match for a state grant that the municipalities used to tear down 12 blighted structures.



The Housing Authority of Northumberland County is expected to break ground on five units of housing for senior households on this site in May 2016.

AFTER

CONCLUSION

Frequently, community efforts to address blight are stymied by the lack of a comprehensive blight plan that focuses and coordinates the resources and talents of organizations to effectively counter blight. **The process of developing the comprehensive strategy must be inclusive in order to gain the buy-in of those organizations.** This publication has described a step-by-step process that can be led by an internal or external facilitator and can be completed in a relatively short time so that community momentum to address blight persists.

Also, a comprehensive blight strategy should put the community in a better position to compete for funding from public and private sources because it demonstrates consensus about how blight should be tackled and which organizations will take the lead. Funders want to know that the process for developing the comprehensive strategy has included key stakeholders and that the strategies are based on needs and on data about the nature and extent of blighted properties particular to the community. With a sound, comprehensive strategy and adequate resources, successful outcomes are just around the corner.

ACKNOWLEDGMENTS

Development and writing of WE CAN DO THIS! A Five-Step, Fast-Track Blight Plan was made possible through the generous support of the Claude Worthington Benedum Foundation.

The training and technical assistance that has provided the foundation for this work has been supported by

the Pennsylvania Department of Community and Economic Development.

Special thanks to Melissa Orner, graphic designer and Michael Schwanger, copy editor.

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PROPERTY MAINTENANCE

Includes, but is not limited to, depositing of litter, depositing durable goods (refrigerators, washers, dryers, etc.), small appliances, furniture, carpets, tires, vehicles, vehicle parts and automotive products and other such municipal waste, hazardous waste, residual waste and construction or demolition debris on public or private property, except as authorized.

DWELLING UNIT

One or more rooms, including a kitchen or kitchenette and sanitary facilities in a dwelling structure, designed as a unit for occupancy.

GARBAGE

The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HARB

Historical Architectural Review Board as described in the City of Pottsville Codified Ordinances, Chapter 9, Article VI.

INDOOR FURNITURE

Any and all pieces of furniture which are made for only inside use including, but not limited to, upholstered chairs and sofas, etc.

JUNKED VEHICLE

A.

Includes any vehicle which presents a hazard or danger to the public or is a public nuisance by virtue of its state or condition of disrepair. The following conditions, if present, are examples of a state or condition of disrepair:

(1)

Rusted and/or jagged metal on or protruding from the body of the vehicle.

(2)

Broken glass or windows on or in the vehicle.

(3)

Leaking of any fluids from the vehicle or deflated or flat tire(s).

(4)

Unsecured and/or unlocked doors, hood or trunk.

(5)

Storage or placement of the vehicle in an unbalanced condition, on concrete blocks or other similar apparatus.

(6)

Harboring of rodents, insects or other pests.

B.

The foregoing examples are not inclusive of all conditions which may constitute a state or condition of disrepair. See also "nuisance motor vehicle."

LANDLORD

Any person who grants a lease or otherwise permits the use of his real estate or portion thereof for a consideration, monetary or otherwise.

LITTER

Includes, but is not limited to, all waste material, garbage, trash, i.e. waste paper, tobacco products, wrappers, food or beverage containers, newspapers, etc., municipal waste, human waste, domestic animal waste, furniture or motor vehicle seats, vehicle parts, automotive products, shopping carts, construction or demolition material, recyclable material, dirt, mud and yard waste that has been abandoned or improperly discarded, deposited or disposed.

MOTOR VEHICLE

Includes any type of mechanical device, capable or at one time capable of being propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semitrailers pulled thereby.

NUISANCE MOTOR VEHICLE

A motor vehicle with one or more of the following defects:

A.

Broken windshields, mirrors or other glass, with sharp edges.

B.

Broken headlamps, tail lamps, bumpers or grills with sharp edges.

C.

Any body parts, truck, firewall or floorboards with sharp edges or large holes resulting from rust.

D.

Protruding sharp objects from the chassis.

E.

Missing doors, windows, hoods, trunks or other body parts that could permit animal harborage.

F.

One or more open tires or tubes which could permit animal harborage.

G.

Any vehicle suspended by blocks, jacks or other such materials in a location which may pose a danger to the public property, owners, visitors or residents of the property on which said vehicle is found.

H.

Any excessive fluids leaking from vehicle which may be harmful to the public or the environment.

I.

Disassembled body or chassis parts stored in, on or about the vehicle.

It is prohibited to store or place any/all appliances or furniture, including, but not limited to, ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, TVs, computers or electronic components, dishwashers, mattresses, recliners, sofas, interior chairs or interior tables on the exterior of any property for the purpose of sale or any other reason except for removal or the temporary purpose to perform maintenance in said property.

(3)

Refrigerators and similar equipment, including, but not limited to, washers, dryers, dishwashers and ranges not in operation shall not be discarded, stored or abandoned on any premises without first removing the doors.

B.

Storing of hazardous material. It shall be unlawful for any person, business or entity to store combustible, flammable, explosive or other hazardous materials, including, but not limited to, paints, volatile oils and cleaning fluids or combustible rubbish, including, but not limited to, wastepaper, boxes or rags unless the storage of said materials is in compliance with the applicable fire and/or building codes, and at least 10 feet away from the public right-of-way.

C.

Storing of recyclables. Storage of recyclables is only permitted in approved containers which must be kept clean and sanitary at all times.

D.

Storage containers for waste or trash.

(1)

All containers that store waste or trash shall be durable, watertight and made of metal or plastic, have tight fitting covers and must be kept clean and odor free at all times.

(2)

All containers must be stored so said containers are not visible from the public right-of-way.

(3)

Waste/trash containers may only be placed in front of any property when darkness occurs the night before the day of the scheduled pickup day, and all containers must be returned to their storage area before daybreak on the day following pickup.

E.

Littering, scattering rubbish or dumping.

(1)

No person shall throw, dump, place, sweep or dispose of any litter, waste, trash, garbage, tobacco product or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area or on any public property.

(2)

The improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property is prohibited.

F.

Motor vehicles.

(1)

It shall be unlawful to store, park or place any unregistered, uninspected, inoperative, unlicensed, junked or nuisance motor vehicle or trailer on any premises not designated for that use.

[Amended 6-8-2015 by Ord. No. 845]

(2)

Painting of vehicles is prohibited unless conducted inside an approved spray booth.

(3)

Vehicle repairs/maintenance in a residential district. No person shall operate repairs for profit in residential districts. This would include vehicles not owned by the property occupant/owner and use of repairs and storage on or off street. A zoning variance and licensing would be required to operate such businesses in residential districts.

[Added 6-8-2015 by Ord. No. 845]

G.

Placement or littering by private advertising matter.

(1)

No person shall throw, place, sweep or dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, public passageway, public parking area or any public property.

(2)

No person, group, organization or entity will hang, place or advertise on any public property in any manner.

(3)

No person, group, organization or entity will hang, place or advertise on any property that they do not have any ownership rights to without written approval of said owner.

H.

Animal maintenance and waste/feces cleanup. People owning, harboring, keeping or responsible for an animal within the City of Pottsville:

(1)

Shall not permit them to run at large or make unreasonable noise.

(2)

Shall not allow waste matter/feces from the animal to collect or remain on their property so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition and shall clean it up on a daily basis.

(3)

Shall clean up waste matter/feces from the animal deposited anywhere else in the City immediately.

I.

Insects or vermin. Infestation of insects or vermin shall not be allowed to continue, and the owner or occupant of any infested property shall report same to the Health Officer of the City of Pottsville and take appropriate steps to abate said infestation without unnecessary delay. Failing to do so is a violation.

J.

High weeds, grass, plant growth or standing water. All premises and exterior property shall be maintained free from weeds, or plant growth in excess of eight inches as defined herein, and water shall not be allowed to stand or accumulate in a manner that would attract insects or vermin.

[Amended 6-8-2015 by Ord. No. 845]

K.

Snow and ice removal from sidewalks.

(1)

Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the City of Pottsville, is required to remove any snow or ice from his sidewalk and shall, within the first 12 hours after every fall of snow or sleet or formation of ice upon the sidewalks, cause the same to be removed from the sidewalks to within one foot of the curbline opposite the entire frontage of such dwelling house, store, building or vacant lot.

(2)

No person shall cast, discharge, throw, shovel or place or cause to be cast, discharged, thrown, shoveled or placed into or onto the traveled portion of any street or alley, by any means whatsoever, any snow, slush or ice.

L.

Swimming pools.

[Amended 6-8-2015 by Ord. No. 845]

(1)

Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, sanitary, and covered when not in regular use.

(2)

It shall be unlawful for any person to install an in-ground pool, aboveground pool, or temporary pool (inflatable, or any pool that can be taken down each year) without proper permits, inspections, and safeguards in place (fences, locking gates or ladders, proper electrical grounding). Any pool that can hold 24 inches of water or more is subject to permits, inspections and safeguards.

M.

Compliance with HARB regulations. No changes shall be made to a building or other structure within the Historical District contrary to HARB permits, approvals or regulations.

N.

Vending license violations.

(1)

It shall be unlawful for any person, business, partnership or entity to operate, including, but not limited to, any business, vending cart, food cart, yard sale, store or establishment without the proper permits.

(2)

It shall be unlawful to violate any term, part, portion or in total, of any vending license. Any person, business, partnership or entity violating its vending license, shall be in violation of this chapter.

O.

Storing or serving of potentially hazardous food. No person, business, partnership or entity shall store or serve potentially hazardous food, including, but not limited to, out-of-date food, food being stored above or below the appropriate temperature, food being stored directly on a flooring surface, in the presence of infestation problems or serving food that had previously been opened.

P.

Registration of tenants.

[Amended 6-8-2015 by Ord. No. 845]

(1)

It shall be unlawful for a landlord to allow adult tenants or occupants to reside within the City of Pottsville without registering them with the office of the City Treasurer of the City of Pottsville. Tenants or occupants must be registered within 10 days of their moving into the building.

(2)

It shall be unlawful for a tenant to allow adults to reside within their dwelling unit without their being registered with the City Treasurer of the City of Pottsville. Tenants or occupants must be registered within 10 days of their moving into the building.

(3)

It shall be unlawful for an adult to reside in a leased or rented dwelling unit without being registered with the City Treasurer of the City of Pottsville. Tenants or occupants must be registered within 10 days of their moving into the building.

Q.

Permits and approvals.

[Added 6-8-2015 by Ord. No. 845]

(1)

It shall be unlawful for an owner or contractor to perform work to a building or structure without a permit, where permits are required. Any work that is not defined as exempt as defined in the City of Pottsville's Zoning Ordinance, §§ 101-1 and 101-2, added 12-11-2006.¹¹¹

[1]

Editor's Note: So in original. For exemptions for residential buildings with respect to alterations and repairs, see § 101-7 in this Code.

(2)

Temporary dumpster permits are required. Each temporary dumpster, whether placed on private property or in a public right-of-way, shall have a valid permit issued by the City of Pottsville.

(3)

Illegal signs/billboards. No person or business shall construct and display a sign/advertisement without the appropriate approval and permit from the City of Pottsville.

(4)

Working without a license. No person shall work within the City of Pottsville without a business license and proof of insurance, which shall be supplied to the Code Enforcement Office.

R.

Property maintenance.

[Added 6-8-2015 by Ord. No. 845]

(1)

Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

§ 171-5. Authority for issuance of violation tickets and citations.

Upon finding a quality of life violation, any public officer of the City of Pottsville, appointed by the Mayor and/or City Council of the City of Pottsville, may issue quality of life violation tickets and/or citations to the owner and/or occupant of the property at issue or to the individual known to have violated this chapter.

§ 171-6. Service.

A violation ticket may be served upon a violator by handing it to the violator or his/her agent, by handing it to an adult member of the household or other person in charge of the residence, by

at any office or usual place of business of the violator, or to the person for the time being in charge thereof, or by mailing the violation ticket to the violator's address of record.

§ 171-7. Separate offense.

Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate violation ticket may be issued and fine imposed.

§ 171-8. Regulations.

Public officers are hereby authorized to promulgate rules and regulations to implement and supplement the provisions of this chapter.

§ 171-9. Abatement of violation.

A.

Any person or business violating this chapter is hereby directed to satisfy the City of Pottsville, upon issuance of a quality of life ticket, by correcting the violation in question. Public officers are authorized and empowered to cause a violation to be corrected.

B.

The City of Pottsville reserves the right to abate the violation in question at the expense of the owner. If the City has effected the abatement of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. A bill/invoice will be generated to the violator for payment separate from the quality of life ticket which will also be paid separately.

C.

City of Pottsville cleanup. The City reserves the right to perform any necessary work to abate any violation once 72 hours passes from the date of issuance of the quality of life ticket. Should the violation at the discretion of the appropriate officer(s) present imminent danger and/or pose a health hazard and/or risk, the City reserves the right to perform the abatement immediately. The City will perform this work at a rate of \$60 per hour, per man and forward the cost of any material necessary for the abatement. The City reserves the right to charge an additional 20% on all material purchases to cover all miscellaneous expenses such as wear and tear on equipment.

D.

Contractor cleanup. The City reserves the right to direct a contractor to perform the abatement of the violation in question once 72 hours passes from the date of issuance of the quality of life ticket. Should the violation present imminent danger and/or pose a health hazard and/or risk, the City reserves the right to direct the contractor to perform the abatement immediately. The contractor will submit a bill for his work to the City of Pottsville, and the City will forward these costs to the violator. The City reserves the right to add a thirty-percent processing fee in addition to the cost of the contractor.

§ 171-10. Fines and penalties.

Any person who violates this chapter shall pay a fine as set forth herein for each offense plus all direct and indirect costs incurred by the City for the cleanup and abatement of the violation.

A.

Violation ticket fines. For a violation of this chapter, violation tickets shall be issued in the amount of \$25.

B.

Violation ticket penalties. If the person in receipt of a twenty-five-dollar violation ticket does not pay the fine or request a hearing within 15 days, the person will be subject to a ten-dollar penalty for days 16 through 30.

C.

Failure to respond. If a person fails to make payment or request a hearing within 30 days of a violation ticket, they shall be subject to a citation for failure to pay.

D.

Repeated violations. Upon issuance of four tickets for the same violation, right is reserved for a Public Officer to issue a citation for fifth and subsequent offenses.

E.

Continuous or egregious violations: If violations are continuous or egregious, a public officer has the right to issue a citation without first issuing a ticket, provided notice has been given. Any previously issued violation tickets will be considered as notice given.

F.

Citation fines. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this chapter, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine of not less than \$300, not more than \$1,000 on each offense or imprisoned no more than 90 days, or both.

§ 171-11. Appeal.

A.

A person in receipt of a violation ticket may appeal to the City Administrator's office by filing his appeal request in writing on a form to be provided within 15 calendar days of the date of the violation ticket, stating his reasons for appeal, and accompanied by the appropriate fine amount.

B.

If abatement or other costs were associated with the violation, these may be required to be posted, at the City Administrator's sole discretion, along with the appeal.

C.

The violator may request an opportunity to meet in person with the City Administrator concerning their appeal, and the request may be granted at the sole discretion of the City Administrator, who may also deem it appropriate to consult with the public officer(s) involved in the matter or any other concerned parties.

D.

Within 30 days of the appeal date, the City Administrator may decide to uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines or penalty amounts as he/she deems appropriate, and will issue written notice of the decision, along with any refunds applicable.

§ 171-12. Collections. At the discretion of the City of Pottsville, all tickets for which payment is not received within 45 days of issuance of a ticket for which an appeal is not taken and 45 days from denial of appeal and monies paid by the City of Pottsville for abatement of a violation not paid within 45 days of billing may be turned over by the City to a collections agency for receipt.

§ 171-13. Liens. At the discretion of the City of Pottsville, liens may be placed upon a property against which tickets were issued for which payment is not received within 45 days of issuance of a ticket for which an appeal is not taken and 45 days from denial of appeal and monies paid by the City of Pottsville for abatement of a violation and not paid within 45 days of billing.

§ 171-14. Nonexclusive remedies.

The penalty and collection provisions of this section shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the City of Pottsville as may be deemed appropriate for carrying out the purposes of this chapter. The remedies and procedures provided in this chapter for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the City in the case of a violation of any other City of Pottsville Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this chapter and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this chapter.

§ 171-15. Severability.

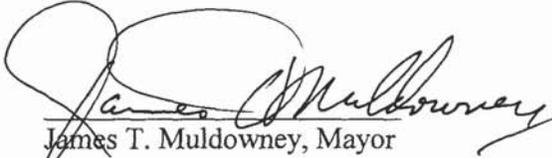
Should any section or provision of this chapter be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of this chapter as a whole or any part thereof, other than the part so declared to be invalid.

§ 171-16. Effective date.

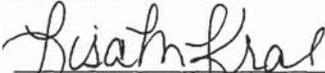
This chapter shall become effective immediately upon approval.

ORDAINED AND ENACTED THIS Eleventh day of July, 2016.

CITY OF POTTSVILLE


James T. Muldowney, Mayor

ATTEST:



Lisa N. Kral, City Clerk

Chapter 248. Property Maintenance

Article I. Brush, Grass and Weeds

§ 248-1. Vegetation in the public right-of-way.

- A. An owner of real estate fronting or abutting on any street or highway of the Borough shall keep the same, from curb to property line, free from rubbish and the growth of vegetation, except grass, shade trees or ornamental shrubbery, such grass, trees or shrubbery to be so kept and maintained as to not interfere with the free use of the sidewalks.
- B. An owner of a lot or ground or other real estate fronting or abutting on any street or highway of the Borough shall keep the same, for a distance of 15 feet from the line of any such street or highway, free from briars, weeds or other vegetable growth, except fruit, shade or ornamental trees, ornamental plants, shrubbery, flowers, grass or vegetable gardens, and shall also keep the same free from rubbish of any kind.

§ 248-2. Prohibited growth.

[Added 9-11-1995 by Ord. No. 1288]

No person owning or occupying any property within the Borough shall permit:

- A. Any grass, weeds or other vegetation not edible or planted for some useful or ornamental purpose to grow or remain upon such premises so as to exceed a height of eight inches;
- B. Any grass, weeds or other vegetation to give off, emit or discharge any unpleasant or noxious odor;
- C. Any grass, weeds or other vegetation to conceal an infestation of insects, rodents or vermin or debris, garbage or other such deposits;
- D. Any poison ivy, poison oak or other toxic vegetation or growth of any nature or variety;
- E. Any dead, dying or diseased trees, or parts thereof, whose existence poses a hazard to persons or property in their vicinity; and
- F. Any tree, shrub or vegetation or any part of such trees, shrub or vegetation, or ornamental grasses, from projecting into the public right-of-way or any public sidewalk so as to interfere with the normal use of said right-of-way or sidewalk.

§ 248-3. Declaration of nuisance.

[Added 9-11-1995 by Ord. No. 1288]

Any grass, weeds or other vegetation located in or growing upon any property within the Borough in violation of §§ 248-1 and 248-2 is hereby declared to be a nuisance and detrimental to the health, safety, welfare, cleanliness and comfort of the Borough and its residents.

§ 248-4. Noncompliance; remedy of Borough.

[Added 9-11-1995 by Ord. No. 1288]

If any owner or occupant of real estate located in the Borough neglects or refuses to remove, cut, trim or otherwise destroy any prohibited growth of vegetation, grass, weeds, trees, poisonous and toxic vegetation or dead, dying or diseased trees, or any tree, shrub or vegetation interfering with the right-of-way or sidewalk, as set forth in this article, then Borough authorities shall serve notice upon such owner or occupant, in writing, of such violation, ordering him or her to comply with § 248-1 and/or 248-2 within 10 days after service of such notice. If such owner or occupant fails to comply with such notice, then, in addition to the penalty provided in § 248-5, such prohibited growth shall be removed, trimmed, cut and/or destroyed by the Borough, and the costs of such work, together with a penalty of 10% thereof, shall be a lien against the real estate in question, which shall be collected according to law and/or may be collected from the owner and/or occupant of the premises in the manner provided by law.

§ 248-5. Violations and penalties.

See Chapter 1, General Provisions, § 1-2, for the general penalty provisions of this Code.

Article II. Deposit of Debris

§ 248-6. Definitions.

- A. As used in this article, unless otherwise expressly stated, the following terms shall have the meaning indicated:

OCCUPANT

A tenant, lessee, agent, holder or squatter.

PERSON

A person, copartnership, association or private corporation.

WATERS OF THE COMMONWEALTH

Any and all streams, creeks, rivulets, lakes, dammed water, ponds, springs and all other bodies of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Borough.

- B. Words and phrases used in the singular include the plural, and vice versa, and the present tense includes the future.

§ 248-7. Deposit of debris on public and private property.

- A. No person shall dump or cause to be dumped, deposit or cause to be deposited, or throw or cause to be thrown any rubbish, waste material, paper, cardboard, dead animal, garbage, ashes, trash, or any combination of the same, upon any private or public property, road or sidewalk, or in or upon any appurtenance thereto, or in any waters of the commonwealth located in the Borough, or permit the same to accumulate thereon or therein.
- B. No person shall dump or cause to be dumped or deposit or cause to be deposited decaying matter; cuttings from trees, bushes or grass; stones or rocks; or any combination of the same, upon any property in the Borough when the same is left in such a manner as to constitute a health hazard because of being a breeding place for infestation or because of the danger created to children who may be attracted to play in the area.

§ 248-8. Notice of abatement; removal by Borough.

Whenever the authorities of the Borough determine that a violation of § 248-7 has been committed, they shall give notice to the owner or occupant of the property, by registered or certified mail to his or her last known address, to remove the debris within five days after service of such notice. If after such five days the debris has not been removed, the authorities are hereby authorized to remove the debris and to proceed against the owner or occupant for the cost of such removal. Such remedy shall be in addition to the penalty provided in § 248-10.

§ 248-9. Exceptions.

No part of this article shall be construed as prohibiting the filling of property pursuant to Chapter 181, Grading and Excavation, of this Code; the use of fertilizers, peat moss, topsoil or other materials customarily used in cultivating gardens and lawns; the use of slag, red dog, crushed stone or other similar materials on private driveways or roadways in the Borough; or the depositing by a resident of the Borough of rubbish, trash or other refuse for collection.

§ 248-10. Penalty.

See Chapter 1, General Provisions, § 1-2, for the general penalty provisions of this Code.



ALLEGHENY COUNTY
ECONOMIC DEVELOPMENT

ALLEGHENY COUNTY VACANT PROPERTY RECOVERY PROGRAM

APPLICATION INSTRUCTIONS

1. This application should be used to apply for properties located in participating municipalities in which less than 51 percent of households are low to moderate income. As of the date of this application, this includes the following municipalities, but is subject to change: Avalon, Baldwin Borough, Bellevue, Blawnox, Brackenridge, Braddock Hills, Brentwood, Carnegie, Collier, Crafton, Crescent, Dormont, Dravosburg, East Deer, East McKeesport, Edgewood, Elizabeth Township, Forward, Frazer, Green Tree, Harmar, Harrison, Heidelberg, Leet, Leetsdale, Liberty, McCandless, Millvale, Moon, Munhall, Neville, North Fayette, North Versailles, Oakdale, O'Hara, Penn Hills, Plum, Reserve, Ross, Scott, Shaler, South Park, South Versailles, Swissvale, Turtle Creek, Versailles, West Deer, West Homestead, West Mifflin, West View, Whitaker, White Oak, and Wilkins.
2. The following items must be submitted with an application for it to be considered complete:
 - ✓ **Application Form:** Must be signed and dated by all applicants. Must be fully completed, including the proposed re-use plan and estimated costs to acquire and develop the property.
 - ✓ **Proof of Financing:** Can include a bank statement, letter from a bank, letter of credit/line of credit, etc. Must be sufficient to cover the estimated costs to acquire and develop the property.
 - ✓ **Photographs:** A minimum of two color photographs of the exterior of the existing site.
 - ✓ **Conflict of Interest Form:** Must be completed, signed, and dated by all applicants. The Municipal Official does not need to sign this form before the application is submitted.
 - ✓ **All Information Required per the Parcels with Existing/Future Structures Policy** (if applicable)
 - ✓ **Proof of Programming for General Public** (if the applicant is a Faith Based Organization): Must submit proof that programming is available to the general public that does not proselytize.
3. No payments are required at the time of application. Please do not submit the Good Faith Deposit or any other payment with your application.
4. Additional information will be requested if the applicant is a corporation, trust, partnership, limited liability corporation, or nonprofit.
5. Applications should be mailed to the following address:

Allegheny County Vacant Property Recovery Program
One Chatham Center, Suite 900
112 Washington Place
Pittsburgh, PA 15219
6. Applicants should contact **(412)350-1090** with any questions about the Program.



ALLEGHENY COUNTY
ECONOMIC DEVELOPMENT

ALLEGHENY COUNTY VACANT PROPERTY RECOVERY PROGRAM

PROGRAM GUIDELINES

All applicants should carefully review the Program Guidelines outlined below. Please contact (412)350-1090 with questions about the Program or application.

APPLICANT ELIGIBILITY REQUIREMENTS

To be eligible for the Program, applicants:

- Must be current on taxes, water, sewage, and refuse bills on all properties owned in Allegheny County.
- Must not have any outstanding code violations or municipal liens on properties owned in Allegheny County.

PROPERTY ELIGIBILITY REQUIREMENTS

Applications are subject to all requirements under the Program policies. Property eligibility will be determined on a case by case basis based upon consideration of a variety of factors related to blight. To be eligible for the Program, a property must at a minimum meet all preliminary eligibility requirements, including:

- Be a vacant lot or vacant structure.
- Have at least three years of tax delinquency.
- Be located in a participating municipality.

The following additional requirements generally apply:

- Properties must be less than one acre in size.
- Applicants may apply for no more than two vacant lots or vacant structures to be demolished in any three-year period.
- Applicants may apply for only one vacant structure to be rehabilitated at a time and must successfully complete the rehabilitation before applying for another vacant structure to be rehabilitated.
- Applicants must own a parcel that contains a principal structure, such as a residence, business, etc., and shares a common boundary with the property they are applying to acquire. Exceptions to this may include applications to rehabilitate a vacant structure, such as a residence or business, and applications from a non-profit, community-based, or government organization that will have a public or community benefit.

TIMELINE FOR PAYMENT AND ACQUISITION

Applications will be pre-screened for completeness and applicant and property eligibility. Failure to fill out all sections of the application or provide all requested documentation will delay this process. Substantially incomplete applications will be returned to the applicant and not considered for the Program. Applicants may be contacted if items are missing or additional information is required and given a deadline for submission of all materials, after which their application will be terminated.

Once an application is determined complete, it will undergo a review process that typically takes a minimum of four months. Thereafter, the applicant will be sent a Conditional Agreement of Sale that outlines the terms and conditions of the sale of the property, including the associated costs. The applicant must return the signed Conditional Agreement of Sale and payment for the appraised value, good faith deposit, and parcel fee (as applicable) in order for the acquisition process to begin.

If RAAC receives another application for the same property at any point prior to the execution of the Conditional Agreement of Sale, RAAC will review the subsequent application in accordance with the Program's policies and determine whether RAAC will proceed with one of the applications or decline to proceed with any application. In the event RAAC receives two or more applications from abutting property owners proposing to use the property for a side yard, parking, or similar use and RAAC has not yet executed a Conditional Agreement of Sale with an applicant for the property RAAC will close all applications for the property and provide the applicants the opportunity to prepare a mutually agreeable, feasible plan and submit a new application to RAAC. Once a Conditional Agreement of Sale has been executed for a property, RAAC will not consider other applications for the same property.

After the applicant returns the signed Conditional Agreement of Sale and payment for the appraised value, good faith deposit, and parcel fee (as applicable), it typically takes a minimum of five months until closing. This time may vary based upon a number of factors. Applicants are responsible for all closing costs, such as transfer taxes, real estate taxes for the current year, recording fees, and closing fees. These costs are due at the time of closing. Applicants may elect to purchase title insurance at an additional cost.

COMPLETION OF PLANS

After RAAC conveys a property to an applicant, the applicant will have a pre-determined amount of time to complete the plans for the property that the applicant specified in Section III of the application and/or any other supplemental materials. Applicants are responsible for contacting RAAC upon completion of their plans. Thereafter, RAAC will inspect the property and if the plans were completed, RAAC will record a Certificate of Completion.

RAAC reserves the right to take back a property in the event that an applicant fails to complete the plans within the agreed upon period of time. RAAC would not reimburse the applicant for any costs incurred acquiring the property or making improvements to it.

PRODUCTS AND PRICING STRUCTURE

This pricing structure applies to properties located in municipalities in which less than 51 percent of households are low to moderate income, according to the most recent data available from the U.S. Department of Housing and Urban Development. Applicants will be responsible for all costs associated with acquiring a property through the Program. These costs include:

| Item | Cost to Applicant ^{1,2} |
|--|---|
| <i>Appraised Value</i> | The applicant will pay 100% of the appraised value of the property. |
| <i>Parcel Fee</i> ³ | The applicant will pay a \$3,000.00 parcel fee per property. |
| <i>Good Faith Deposit</i> ⁴ | The applicant will pay a good faith deposit of \$162 or 10% of the appraised value for properties valued over \$2,000.00. |
| <i>Closing Costs</i> | The applicant will pay all closing costs, such as transfer taxes, real estate taxes for the current year, recording fees, and closing fees. These costs average \$500.00. |

- 1 The applicant may elect to purchase title insurance at an additional cost.
- 2 Pricing for a non-profit, community-based organization, or municipality will be determined on a case-by-case basis based upon the proposed re-use of the property.
- 3 In some cases, the cost of parcel acquisition could exceed the standard costs of \$3,000.00 per parcel. Should such circumstances arise, applicants will be notified of the anticipated additional expenses they would be responsible for and will decide whether they wish to proceed.
- 4 The good faith deposit is refundable less a recording fee if the applicant carries out their project plan within the timeframe outlined in their Conditional Agreement of Sale. The recording fee is \$162.00 as of the date of this application, but is subject to change.

PARCELS WITH EXISTING/FUTURE STRUCTURES POLICY

Applicants for a property that has or will have a structure on it will personally assume all responsibilities associated with the demolition, rehabilitation, or construction of the structure, including but not limited to all financial and legal responsibilities. Applicants are responsible for ensuring that their plan adheres to all local zoning and building code requirements.

Applicants must demonstrate that they will be able to successfully implement their proposed plan for the structure through the submission of a detailed scope of work, project budget, proof of financial capacity, and information regarding their relevant experience and/or capacity to manage the project.

The applicant’s plans for the property must address both the exterior and interior of the property. RAAC is unable to authorize applicants to enter any property, and so the applicant would be purchasing the property as is and without seeing the interior. Interior rehabilitation plans should address all major building systems and the general categories of repair that a vacant structure would likely require.

At a minimum, the following materials are required, depending upon the applicant’s plan:

| PLAN | REQUIRED MATERIALS |
|--|---|
| <i>Demolition</i> | <ul style="list-style-type: none"> • Demolition quote from a registered contractor that addresses at a minimum the building, foundation, debris removal, grading and/or seeding, and any necessary permits. • Proof of financing available to pay for the demolition such as a bank statement, a letter of credit/line of credit, etc. • A letter from the municipality stating that the structure constitutes a health and/or safety hazard. |
| <i>Rehabilitation/ New Construction</i> | <ul style="list-style-type: none"> • A detailed rehabilitation or construction plan for the work necessary to bring the property up to code and obtain an occupancy permit, including: <ul style="list-style-type: none"> ○ the specific exterior <u>and</u> interior work that will be performed; ○ who will be performing it (the applicant or a contractor); and ○ itemized cost estimates, including labor and materials. • Schematic plans, if the applicant is proposing new construction. • Bids or quotes as applicable. • Proof of financing available to pay for the rehabilitation or construction, such as a bank statement, a letter of credit/line of credit, etc. • Information that demonstrates that the applicant has the capacity to undertake the project, including but not limited to: <ul style="list-style-type: none"> ○ a list of previous projects completed (to be made available for inspection upon request) and a description of the applicant’s role in those projects; ○ information about the applicant’s knowledge of local building codes, zoning requirements, housing quality standards, etc.; ○ references; and ○ other relevant information as requested by RAAC. • If the applicant proposes to undertake any portion of the work him/herself, the applicant must provide evidence of the experience and capacity to do so. |

| | |
|--|--|
| <p>Please identify the address and Block and Lot number of all property that you own in Allegheny County, including property owned individually, jointly, or owned by any entity (LLC, corporation, partnership, etc.) in which you have an interest.</p> | |
|--|--|

¹ If the applicant is an entity, a request for additional information will follow.

SECTION 3: REUSE/DEVELOPMENT PLAN

| | |
|---|----|
| <p>Please describe the current condition of the property.</p> | |
| <p>How will you use the property (ex. side yard, residential rental property, etc.)? Please be specific. ¹</p> | |
| <p>If you own abutting property, how does your proposed re-use relate to that property?</p> | |
| <p>Describe any changes or improvements you will make to the condition of the property. Please be specific. ¹</p> <p><i>If the property has or will have a structure on it, you must also submit all information outlined in the attached Parcels with Existing/Future Structures Policy.</i></p> | |
| <p>What are the estimated costs of these improvements? ²</p> | \$ |

¹ Applicants are responsible for ensuring that their plan adheres to all local zoning, property maintenance, and building code requirements and should contact the municipality in advance to determine the applicable requirements. Applicants may be required to provide information about these requirements as part of the application process.

² Depending upon the applicant’s proposed plan, applicants may be required to submit supplemental information, such as bids or quotes, schematic plans, and information about relevant experience.



**ALLEGHENY COUNTY VACANT
PROPERTY RECOVERY PROGRAM**

CONFLICT OF INTEREST FORM

All applicants requesting participation in an Allegheny County Economic Development (ACED) or Redevelopment Authority of Allegheny County (RAAC) program are requested to disclose whether they or any of their relatives are one or more of the following:

1. An employee of Allegheny County;
2. An elected or appointed official at the local, county, state or federal level; and/or
3. A person who has a personal financial interest or benefit and/or has decision-making ability that could influence the outcome of any application.

If one or all of these categories applies, a formal Conflict of Interest waiver must be obtained from the appropriate party. If the source of funding for your participation in an ACED/RAAC program is the U. S. Department of Housing and Urban Development (HUD), then a formal Conflict of Interest waiver must be submitted to HUD for approval.

APPLICANT INSTRUCTIONS: Please read all of the sections below and complete all sections as applicable to each applicant. More than one section may apply. Please sign the bottom of the form.

| <i>Check the appropriate box for each category</i> | | | Category |
|--|------------------|------------------------------|---|
| I am* | I am related to* | I am not nor am I related to | |
| | | | An Allegheny County Employee |
| | | | An Elected or Appointed Official |
| | | | A person who has a personal financial interest or benefit and/or has decision-making ability that could influence the outcome of any application. |

* If you checked anything in the "I am" and/or the "I am related to" Category above, please provide the following information regarding this relation (attach additional pages as necessary):

| Name | Title | Organization/Department | Relationship to Applicant |
|------|-------|-------------------------|---------------------------|
| | | | |
| | | | |

I/we acknowledge and agree that any misrepresentation contained in this Conflict of Interest Disclosure may result in the cancellation of my application for acquisition assistance or, if the misrepresentation is discovered after the acquisition assistance has been granted, I/we may be required to repay the entire amount of acquisition assistance upon demand.

Applicant Name (Printed) Applicant Signature Date

Co-Applicant Name (Printed) Co-Applicant Signature Date

Address (Property applied for) Block/Lot Municipality

In addition, the applicant(s) have completed all required Municipal Conflict of Interest processes and it has been determined that no Conflict of Interest exists. Copies of such documentation will be made available to ACED/RAAC upon request.

Municipal Official Name (Printed) Municipal Official Signature Date

PROPERTY MAINTENANCE

The Nuisance Property Ordinance can be used if the following things happen on a premises within a one-hundred-eighty-day period.

Three or more violations of criminal statutes of the Commonwealth of Pennsylvania and/or the ordinances of the City of Pottsville arising out of separate and distinct facts and circumstances and which occur in a dwelling;

Three or more violations of the City Code relating to property maintenance arising out of separate and distinct facts and circumstances;

Three or more violations of the City Code relating to zoning arising out of separate and distinct facts and circumstances; or

A combination of three offenses from any of the above categories arising out of separate and distinct facts and circumstances and which have been investigated, found to have substance, and appropriately documented by the Code Enforcement Officer or members of the Pottsville Police Department, and regardless of whether the violation resulted in the initiation of formal court action.



FIGHTING BLIGHT IN POTTSVILLE

CITY OF POTTSVILLE

401 NORTH CENTRE STREET
POTTSVILLE, PA 17901

Phone: 570.622.1234 ext.316

Fax: 570.628.4222

email: fightblight@city.pottsville.pa.us

CITY OF POTTSVILLE

570.622.1234
ext 316

PROPERTY MAINTENANCE



REDEVELOPMENT

Redevelopment Appendices

6A: Chester County, PA: Reinventing Office Parks for the 21st Century. See Page App 6-3, and particularly Pages App 6-17 to 6-28.

6B: Sample sustainability ordinances from Borough of Edgewood. See Page App 6-29,

6C: Montgomery County, PA: Promoting Workforce Housing: Expanding Locations and Development Potential. See Page App 6-32. For model ordinance language, see particularly Pages App 6-36, App 6-40 and App 6-47.

Appendix 6A

Note particularly Pages App 6-17 to 6-28.

Commercial Landscapes Series

Reinventing Office Parks for the 21st Century



REDEVELOPMENT

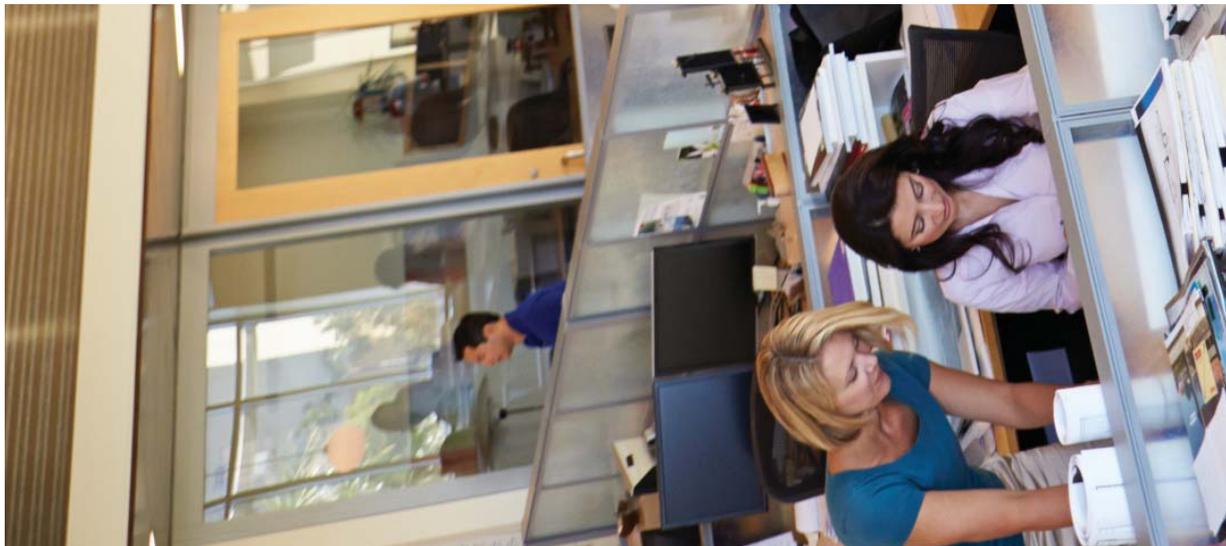


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Published April 2017



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REDEVELOPMENT

Purpose

This document is one of four in a planning series known as “Commercial Landscapes” (Office Parks, Transit Oriented Development (TOD), Brownfields, and Greyfields). The series serves as a collaborative effort between agencies and stakeholders focused on improving critical commercial areas located throughout the county. The goal is to provide a planning tool that offers guidance to municipal officials and professional planners, developers, and property owners about how to maximize the value of these commercial areas today and in the future to better implement the goals in municipal and county policy documents (Landscapes², the County’s Comprehensive Plan and VISTA 2025, the County’s Economic Development Plan). This series will also play a major role as a planning tool for Landscapes³, the County Comprehensive Plan update.

This document presents a set of guidelines and strategies to assist in the potential need for revitalizing some of the office parks in Chester County. The purpose is to educate communities on the importance of office parks as revenue generating employment centers in the County and to provide guidance and techniques on how to keep them viable and sustainable in the future.



Introduction

Chester County is projected by DVRPC to gain over 100,000 jobs between 2015–2045, and it is important to prepare for this future growth with good planning. While growth is generally good for the local economy, the office market is changing in ways that may be a challenge in years to come. While Chester County is home to many world class employers, recent employment trends point toward office users downsizing, seeking non-traditional types of space, and more frequently locating in more urban AND walkable areas. As a result of these trends, many of the county's existing suburban office parks may begin to have difficulty maintaining tenants and expected rents in the near future. Given the fact that many municipalities and the county rely heavily on these sites for employment and tax revenues, it is important to plan ahead and think about how these properties can maintain their economic vibrancy in the future.

In order to plan for changes to our office parks, the Chester County Planning Commission has put together a Commercial Landscapes Task Force. The task force has been developed to review the challenges these changes present to local governments, residential neighborhoods, property owners, existing businesses, real estate developers, and other stakeholders in the county. The task force has helped us develop key strategies and recommendations that will be helpful and useful for the stakeholders affected by the changes to office parks.

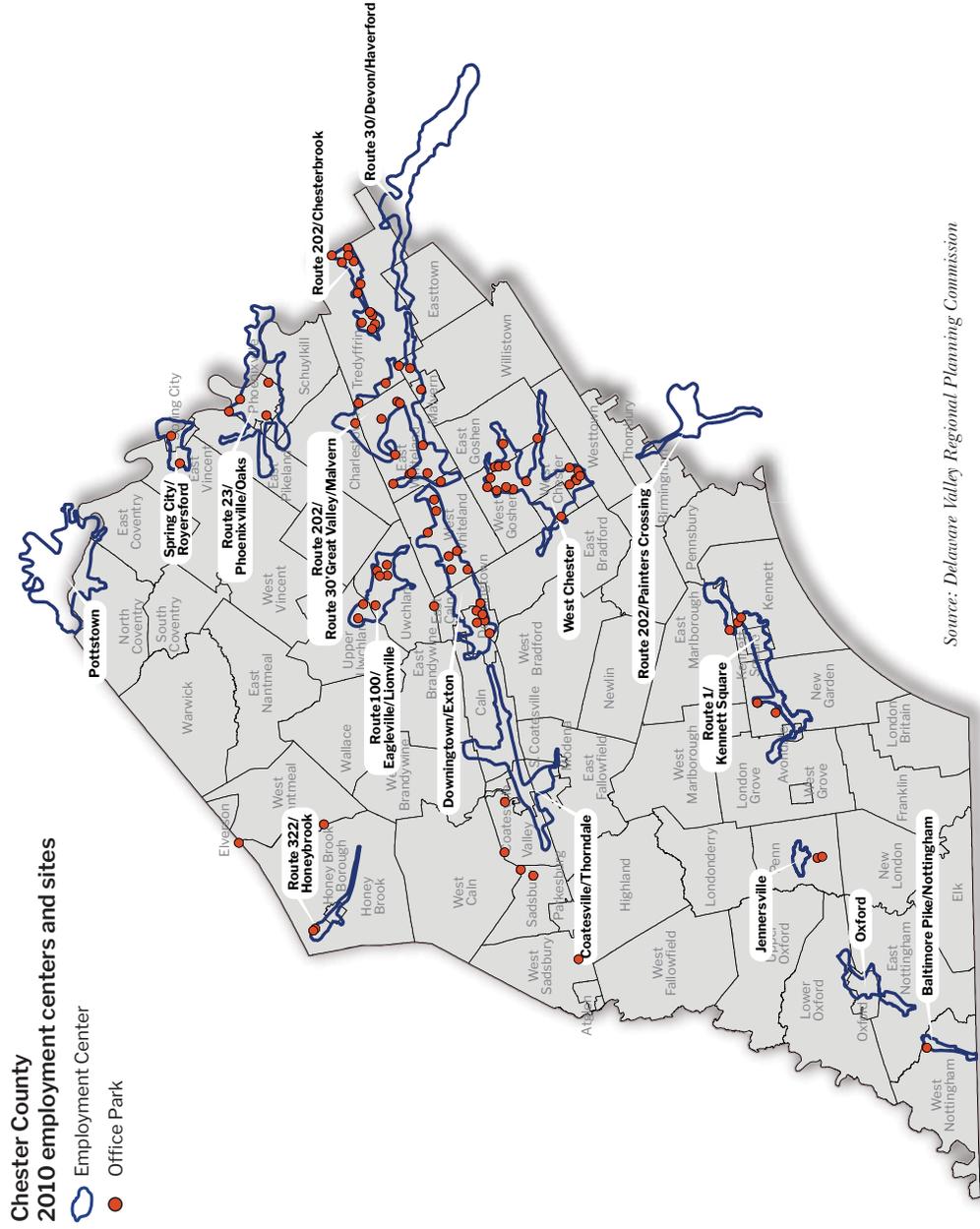
“Based on a study of five representative suburban submarkets from coast to coast we conclude that 14% to 22% of the suburban office inventory is in some stage of obsolescence”

–“Suburban Office Obsolescence” Quantifying Challenges and Opportunities, Newmark Grubb Knight Frank, September 2015

Aerial photo of Great Valley Corporate Center



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Source: Delaware Valley Regional Planning Commission

Potential Issues in the Near Future

Weakening demand for office space

The economy has become increasingly reliant on the internet over the past 20 years, and less reliant on desktops and paper. As a result, many more people are now working from home or in shared work spaces. This is a trend that is likely to cause less need and less demand for office spaces to house those workers.

“Ten years ago, 250 square feet per office employee was the gold standard in office real estate. Today, that average has dropped to approximately 195 square feet. While some office tenants are hesitating to commit to large leases primarily due to economic uncertainties, the long-term trend is clearly shifting towards efficient space usage.”

—Tim Wang, Director of Research for Clanton Partners in NY (March 2013)



Office of PolicyMap in Philadelphia

Changes in the ways companies view employees and work spaces

Employers are well aware of the changes and trends in the office market, and many are looking to capitalize on these changes. A common benchmark that has been used for the amount of space a company plans per employee has been 250 square feet per employee (source: Tim Wang quote from *Changing Office Trends Hold Major Implications for Future Office Demand*—CoStar news article from March 13, 2013). This standard is falling quickly to below 200 square feet

per employee in some cases. This average may continue to drop in the future as demand weakens and technology improves, having a negative effect on the demand for existing office space. Changes in the demand of space also has a large impact on the amount of parking necessary for buildings as well as other infrastructure.

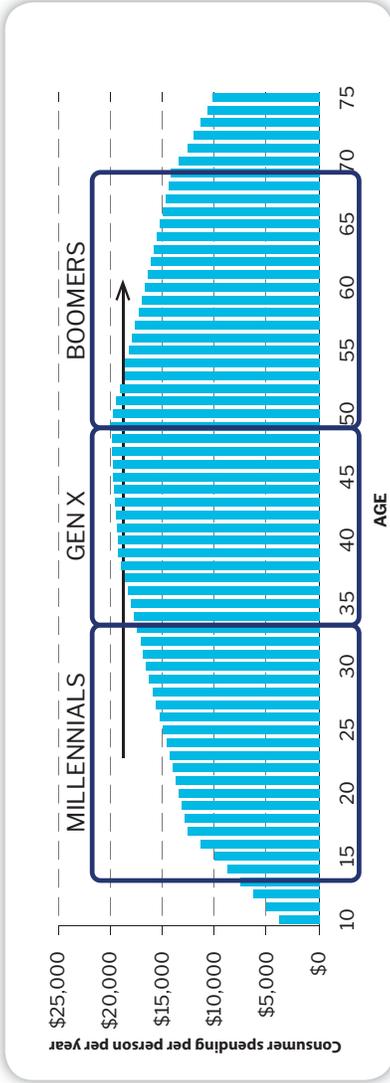
More employers are also allowing for flexible work hours and the ability for employees to work from home more than they have in the past, which created even less need for space that employers must pay to rent on a monthly basis.

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Demographic changes

Large demographic shifts are also driving change in office uses. Office environments have been geared toward the needs and desires of Baby Boomers (approximately aged 50-68) for the past generation, but by the year 2020 it is expected that the most common age groups in the U.S. will be between the ages of 25-35 (Source: *Calculated Risk* blog article from June 27, 2016 citing 2015 U.S. Census Bureau Population Estimates). This means that the office market, along with most other markets, will likely become geared toward the needs and desires of younger workers as Baby Boomers retire. The preferences of younger workers will be key to the future of office parks and the local economy as a whole in the very near future.

Millennials are entering their prime spending years



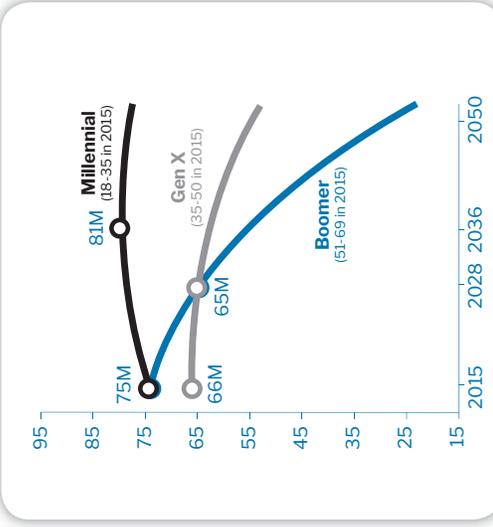
Source: Bureau of Labor and statistics via Goldman Sachs (#4 in this article) [To view](#)

The generations defined

- The Millennial Generation**
Born 1981 to 1997
Age of adults in 2015: 18 to 34
- Generation X**
Born 1965 to 1980
Age of adults in 2015: 35 to 50
- The Baby Boom Generation**
Born 1946 to 1964
Age of adults in 2015: 51 to 69
- The Silent Generation**
Born 1928 to 1945
Age of adults in 2015: 70 to 87
- The Greatest Generation**
Born before 1928
Age of adults in 2015: 88 to 100

Source: Pew Research Center

Projected population by generation (in millions)



Source: Pew Research Center

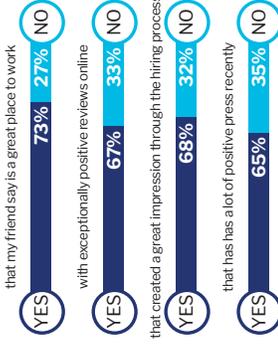
Growing importance of company culture

Many experts suspect that in the Millennial generation (approximately aged 18–35) have significantly different ideals and goals than their predecessors. One of the changes that has been noted is the growing importance of company culture to younger employees. Studies have shown that Millennials are more likely to accept a job for less money if they have a more favorable view of a prospective company's culture (*Fully Engaged* research report from Jones Lang LaSalle–January 2016). Instead of the corner office, open and flexible environments are now desired by some of the best and brightest young minds. Taking these demands into consideration, the current age and obsolescence of existing office buildings will likely need to be addressed in the near future.



The benefits of a desirable workplace

Likelihood of accepting following positions if salary is 5% lower than the lowest acceptable salary and position is with a company:



Which of the following is the most important if you were to consider a new job?



Source: JLL, Fully Engaged Jones Lang LaSalle, © 2016 Jones Lang LaSalle IP, Inc. All rights reserved. The items in this publication have been compiled from the various sources acknowledged. The information is from sources we deem reliable, however, no representation or warranty is made to the accuracy thereof.

Desire to live, work and play in walkable and active environments

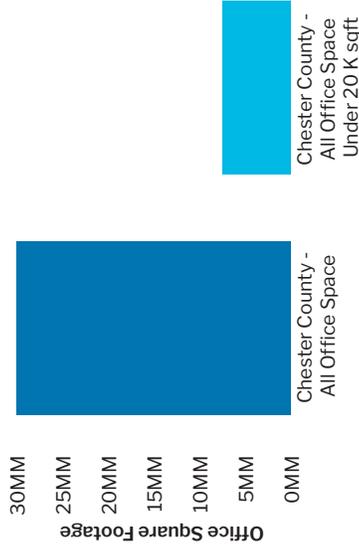
While these larger demographic changes present a challenge to some municipalities, they also present opportunities. Across all age groups, most people now desire to live and work in dynamic places with walkable environments and a mix of uses. Where appropriate, some of the county's office locations can take advantage of these trends and transform in a way that provides these amenities. Many of the county's urban centers are already benefitting from the desire to live and work in these types of locations. (source: ULI America in 2015 report)

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Overview of Countywide Office Market & Submarkets

CoStar (a provider of information, analytics and marketing services to the commercial real estate industry) was used to gather commercial real estate data for Chester County office markets during the research phase of this study. In the graph to the right, existing square footage and the number of existing buildings is summarized countywide for all of Chester County and for only the buildings which are under 20,000 square feet. Additionally in the graphic to the bottom right is an analysis that shows very high end “trophy” Class A buildings in the suburban Philadelphia market significantly outperforming all other buildings in terms of vacancy rates recently. An analysis was also done for office submarkets in the county, shown on the next page, in which the largest concentrations of office space were surveyed. For each area, the number of existing buildings, total square footage, gross rent, gross rent per square foot average over five years, and vacancy are summarized.

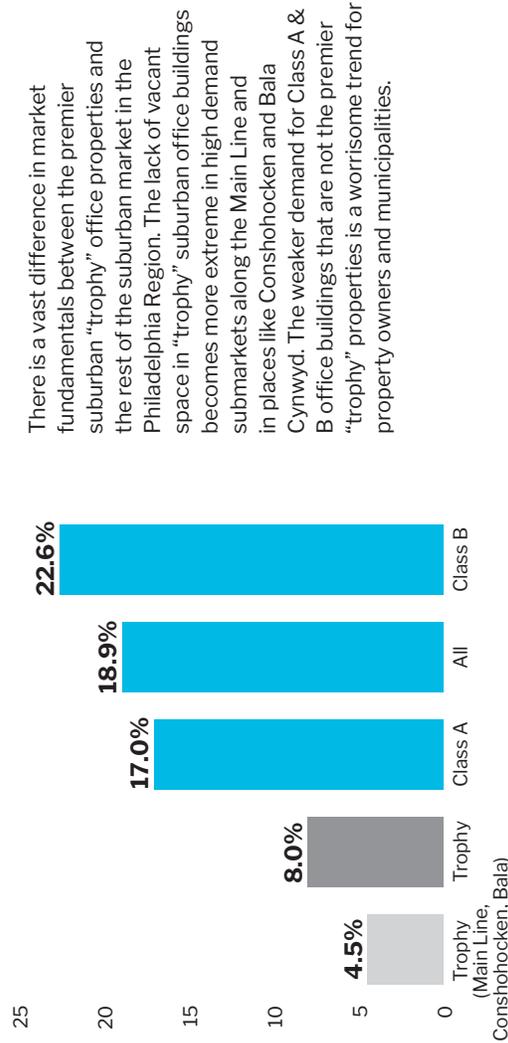
Existing square footage



As the graph to the left shows, the vast majority of office space in Chester County is located in buildings that are larger than 20,000 square feet in size. While smaller office buildings are very important to their communities (particularly for Class B & C clientele), much of the need for the re-use or redevelopment of existing office properties will be focused on these larger office buildings which are often located in large office parks.

Source: CoStar

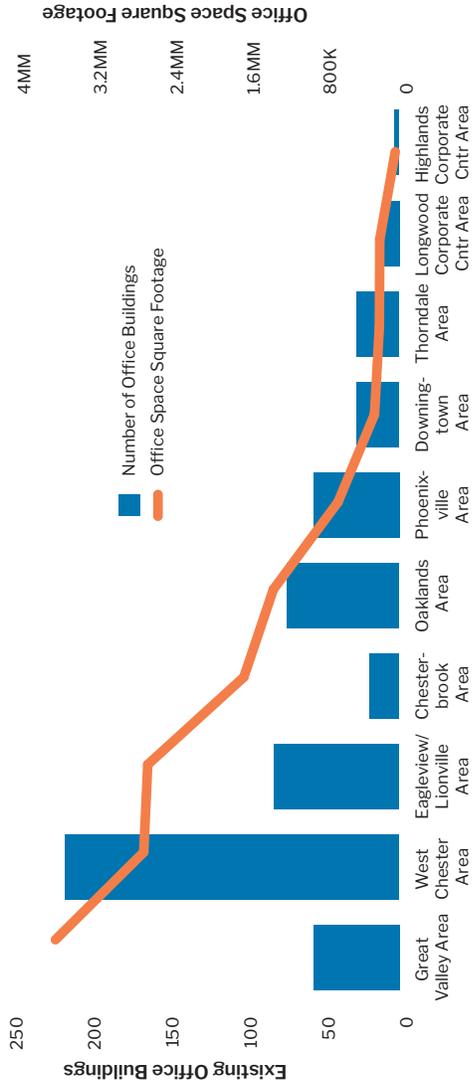
Suburban Philadelphia office vacancy rates by class of building



There is a vast difference in market fundamentals between the premier suburban “trophy” office properties and the rest of the suburban market in the Philadelphia Region. The lack of vacant space in “trophy” suburban office buildings becomes more extreme in high demand submarkets along the Main Line and in places like Conshohocken and Bala Cynwyd. The weaker demand for Class A & B office buildings that are not the premier “trophy” properties is a worrisome trend for property owners and municipalities.

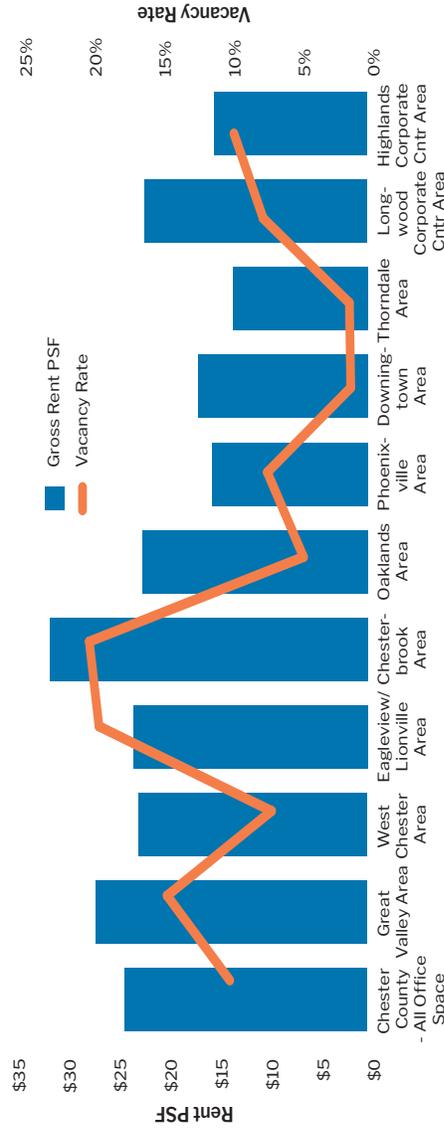
Source: CBRE Research Q3 2015, Viewpoint—Philadelphia Office, “The Booming ‘burbs”

Square footage and number of office buildings in Chester County office areas



The Great Valley, Eagleview/Lionville and Chesterbrook areas are all populated by larger office buildings, while West Chester, Oaklands and Phoenixville have smaller office buildings on average. In terms of total square footage, Great Valley, West Chester and Eagleview/Lionville together encompass the majority of office space in the county.

Rent per square foot and vacancy in Chester County offices



Higher vacancy rates and low rents are typically a sign of a weaker office market. The Chesterbrook and Great Valley areas have higher rents, but their vacancy rates are also higher than the county average. Submarkets such as West Chester or the Oaklands area look strong given that they have low vacancy rates with average rents. The Eagleview/Lionville area looks relatively weak given its high vacancy rate coupled with average rents.

Analysis of Planning

The planning team performed an analysis of both comprehensive plans and zoning ordinances in twelve municipalities from around the County (Downingtown, East Caln, East Goshen, East Whiteland, Malvern, Sadsbury, Tredyffrin, Upper Uwchlan, Valley, West Goshen, and West Whiteland). These municipalities were identified due to the fact that they have significant office use clusters located within them. Most municipalities in this analysis included recommendations in their comprehensive plans for office parks and some identified certain office parks as future mixed-use growth areas.

The zoning analysis showed that 30 districts allowed office uses “by-right” and only 12 districts permitted both residential and commercial uses as a conditional use or special exception.



destinations. However, West Chester and Eagleview both include a significant portion of the “Enterprising Professionals” segment, which is significantly younger, medium income, and 48% are renters. The “Enterprising Professionals” are likely to be very well educated, change jobs more frequently, and enjoy very high end technology at home including high speed internet with premier channels and services. This group is also likely to be early adopters of new technology and like to eat organic foods, do yoga, and buy name brands and trendy clothes online.

Business Analyst

ESRI's Business Analyst is a GIS-based subscription service providing economic data, customer profiling, and market analysis. This tool was used to show the demographics and household lifestyles or **Tapestry Segmentations** for Chester County as well as the top four office market areas in Chester County.

The data shows demographic differences between each of the submarkets. Submarket areas were identified using a 10 mile radius from a central point in each of the office locations. By using the data shown in the chart as well as the Tapestry segment reports that are linked in the chart, both municipalities and businesses can get a better sense of the variety of groups that live in each of these markets. For example, the Great Valley and Chesterbrook areas share the “Top Tier” as their most common segment. The “Top Tier” segment is a very high income middle aged demographic with a high net worth and over 90% homeownership rate. They are described in the report as likely to spend money on keeping up their homes and frequenting salons, spas, high end fitness centers and luxury retail

1A
Top Tier
 Affluent Estates
 Households: 2,062,000
 Average Household Size: 2.32
 Median Age: 46.2
 Median Household Income: \$157,000

WHO ARE WE?
 The residents of the wealthy Tapestry market, Top Tier, have the purchasing power to bridge any market. They are the most affluent and are likely to be highly educated, with a high percentage of the population having a college degree. They are also likely to be highly educated, with a high percentage of the population having a college degree. They are also likely to be highly educated, with a high percentage of the population having a college degree.

OUR NEIGHBORHOOD
 • Manufactured homes with a high-end finish
 • Older homes with a high-end finish
 • Occupied with this high-end home

SOCIOECONOMIC TRAITS
 • Top Tier is a highly educated, successful consumer market.
 • Annual, they are more likely to travel than the rest of the U.S. market.
 • They are more likely to own a second home.
 • They are more likely to own a second home.
 • They are more likely to own a second home.

The largest ESRI Tapestry segment in the Great Valley area is “Top Tier”.

Table 1: Chester County office areas: Tapestry Segmentation lifestyle groups

| Commercial Area (10 mile radius) | Lifestyle Segment References | | | | Report Links |
|----------------------------------|--|------------|------------------------|-------------------|--------------|
| | Lifestyle Segment #1 (% of households) | Median Age | Homeownership Rate | Household Income* | |
| Chesterbrook | Top Tier (30.0) | 46.2 | 90.5% Own SF Homes | \$157,000 | Report |
| Downingtown | Professional Pride (22.6) | 40.5 | 92% Own SF Homes | \$127,000 | Report |
| Eagleview | Professional Pride (32.2) | 40.5 | 92% Own SF Homes | \$127,000 | Report |
| Great Valley | Top Tier (20.7) | 46.2 | 90.5% Own SF Homes | \$157,000 | Report |
| Highlands | Parks & Rec (16.0) | 40.3 | 70.7% Own SF Homes | \$55,000 | Report |
| Longwood | Top Tier (19.7) | 46.2 | 90.5% Own SF Homes | \$157,000 | Report |
| Oaklands | Enterprising Professionals (27.0) | 34.8 | 52.3% Own SF Home | \$77,000 | Report |
| Phoenixville | Emerald City (12.8) | 36.6 | 50.4% Rent Home or Apt | \$52,000 | Report |
| Thorndale | Parks & Rec (14.8) | 40.3 | 70.7% Own SF Homes | \$55,000 | Report |
| West Chester | Savvy Suburbanites (14.2) | 44.1 | 91.0% Own SF Home | \$104,000 | Report |

Source: ESRI Business Analyst: Tapestry Segmentation Data, 2016
 * Median Household Income is the U.S. average income for the corresponding lifestyle group.

Office Parks — SWOT Analysis

The planning team and taskforce completed a SWOT analysis to identify the overall status of office parks in Chester County. This analysis is organized to show the **strengths** and **weaknesses** that office parks in Chester County can build upon and correct, while also looking at both **opportunities** and **threats** to office parks in Chester County.

This analysis assisted in establishing the basis for the vision of office parks in the County.

STRENGTHS

- Highly educated and experienced professional workforce
- Strong existing employers, industries, and employment centers
- Access to rail lines (Amtrak and SEPTA), bus routes and major highway corridors
- Desirable location for employees and employers to live (good schools and low crime)
- Good quality of life (open space, trail networks)

WEAKNESSES

- Long approval process for new development
- Lack of flexibility in zoning for redevelopment (including parking requirements)
- Limited connectivity to transit
- Many office buildings are aging
- Limited affordable housing within a reasonable commuting distance
- Segregation of office parks from other land uses and service industries

OPPORTUNITIES

- Projected population and employment growth
- Willingness to address office parks holistically with plans and ordinances
- Prime locations without many of the conflicts and obstacles often seen with redevelopment sites
- High demand for amenities, public spaces and a diverse mix of uses
- Transportation on demand now feasible, along with demand for multi-modal transportation
- Increasing interest in both industrial uses and multifamily residential uses

THREATS

- Weakening demand for office space due to broader economic forces
- Outdated floor plans and building designs are not responsive to today's employment market
- Complexity and cost of stormwater requirements
- Overbuilding specific uses during redevelopment
- Difficulty with attracting and retaining employees
- Technology, a 'collaborative' economy and co-working spaces along with millennial behavioral changes are threats to how office parks will be used in the future

The Vision for Revitalization

Chester County office parks will remain viable and competitive in the future with diverse businesses that attract talented and creative workers. These office parks will remain employment centers, and but will be able to react to market forces with adaptations in land uses, additional amenities, and transportation options to meet the evolving needs of employers and workers.



Source: Great Valley Corporate Center, Malvern, PA redevelopment concept. Prepared for Liberty Property Trust by Gensler.

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How Do We Get There?

This section highlights key steps, strategies, provisions, and improvements to use when implementing changes or new development in an office park. The section is categorized under three planning areas

which provide realistic and tangible recommendations to achieve the overall vision from an organizational, regulatory and physical perspective.

Organization

- Begin public outreach early
- Identify a realistic vision for your community
- Organize businesses
- Create a Business Improvement District or Incentive District

Regulatory Guidance

- Create employment centers that are “Innovation Districts” by allowing for diverse uses and building types in zoning
- Allow for more flexibility in office zoning and reduce “zoning impediments”
- Reduce “soft costs” on developers
- Create an “expedited process” for targeted areas

Physical Improvements (Placemaking & Connectivity)

- Revitalize current “form” of existing office buildings to attract tenants and employees
- Incentivize development of existing and future office sites
- Accommodate all transportation modes
- Improve connections to adjacent land uses
- Allow for “pop up” uses (temporary non-permanent uses)
- Manage parking for both work-day and after-work day uses
- Install additional physical improvements

Organization

■ **Begin public outreach early**

- Developers should seek local community input on the potential redevelopment of office parks from a very early stage in the process. This can be done by working with municipalities to host public events geared toward gaining community input on potential development, meeting with community groups and stakeholders, and meeting with local businesses.
- Municipalities and developers should be prepared for both positive and negative feedback on proposed changes to office park environments. In some cases residents may be uncomfortable with changing uses and it is important to understand their concerns.
- Assistance and guidance may be available from county and state agencies, and it is critical to seek any potential assistance early in the process.



■ **Identify a realistic vision for your community**

- Feedback from the public should be used to help a municipality identify a realistic vision for their community. Changes to office parks should be made with both community desires and market realities in mind.
- In some cases, it may be necessary to reduce the supply of noncompetitive or outdated office space with uses that are in higher demand. Municipalities should seek to match permitted uses with long term market demand for the area.
- There should also be a focus on economic development that supports existing businesses in local communities during any redevelopment or re-use process. The growth of these existing businesses is equally important to the success of new businesses or uses.

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■ Assist and market your existing properties and businesses

Local governments and the county can help property owners and local businesses in many ways. Here are a few examples that have been successful in Chester County:

- Hold a tour for property owners, developers, and government officials. This has been done successfully in East Goshen and West Whiteland.
- Hold meetings with property owners to determine any issues they have and what their future plans might be. This has been done in Tredyffrin.
- Gather and share data on the local demographic and business climate with information such as incomes, educational levels, and jobs, with local businesses.

Often times businesses may not realize how strong their area is or that they may not be targeting the best groups.

■ Organize businesses

- Organize municipally-lead groups that meet regularly to discuss issues of interest related to the local economy such as marketing, market analysis, transportation improvements, events, infrastructure issues, shared shuttle services, stormwater problems, gateway installation, and publicly accessible bus stops.
- Coordinate with local interest groups, Chambers of Commerce, the Chester County Economic Development Council, or the Chester County Chamber of Business and Industry to help advance the issues listed above as well as other economic

development issues such as advocacy for local businesses, changing tax policy, or lobbying for funding.

■ Create a formal Business Improvement District or Neighborhood Improvement District

- A business improvement district (BID), such as the King of Prussia District, is a defined area within which businesses are required to pay an additional tax (or levy) in order to fund projects within the district's boundaries. In Pennsylvania, these districts are often private not-for-profit organizations under the Commonwealth of Pennsylvania's Neighborhood Improvement District legislation. These districts typically fund services which are perceived by some businesses as being inadequately performed by government with its existing tax revenues, such as building structured parking, cleaning streets, providing security, constructing pedestrian and streetscape enhancements, and marketing the area. The services provided by BIDs are supplemental to those already provided by the municipality.
- If a redevelopment plan has been approved, tax increment financing (TIFs) can be used to finance parking garages and minimize surface parking lots to accommodate additional temporary uses.



Regulatory Guidance

- **Create employment centers that are designed to be “Innovation Districts” rather than simply places to locate office buildings by allowing for diverse uses and building types in zoning.**

It is unlikely in the current office market that a developer or property owner will be willing to invest a great deal of money into an office park site without changes to existing zoning. In many cases office parks would need to be re-zoned in order to permit a more expansive list of uses and building types. Allowing building heights to increase may also be necessary for new development depending on the community. Changes in regulations such as the relaxation of building height requirements can also be used as a measure to compromise with developers in order to gain new improvements desired by the community.

Some additional uses for consideration may include:

- Ground floor commercial space in multi-story buildings
- Light industrial/warehouse (located in areas that are separated from community-centric uses)
- Multi-family townhomes
- Multi-family apartments
- Community/civic recreational uses (indoor & outdoor)
- Institutional and civic uses

Ground floor commercial space in multi-story buildings



Multi-family townhomes



Light industrial/warehouse (located in areas that are separated from community-centric uses)



REDEVELOPMENT

■ **Allow for more flexibility in office zoning and reduce “zoning impediments” to achieve desired changes**

If a new vision for office parks has been defined by a community, it will be important to review current standards and processes in a community’s zoning to ensure that it allows for the realization of that vision. In some cases it may not be feasible to change existing standards, but places to consider for greater “flexibility” in zoning include:

- Changes to height limitations
- Reduced setbacks
- Adjusting FAR requirements
- Stormwater standards
- Environmental constraints such as steep slopes and wet areas
- Management of parking and parking requirements
- Using the MPC to allow approval authority to be delegated to a Municipal Planning Commission for some decisions.
- Allow developers of large projects to make revisions to both conditional use and land development applications concurrently

Stormwater standards



Reduced setbacks



Management of parking and parking requirements



In many cases, allowing more commercial uses may make an office park more economically viable in the long term. It may benefit anchor institutions, existing businesses, and office property owners to incorporate a mix of uses in an area as a way to create an environment that will attract talented high tech and creative employees and entrepreneurs. A strong mix of uses along with density and good design elements can also encourage more walkable environments with great public gathering spaces and better transit options.



Restaurants



Hotels & convention space



Health clubs & gyms



"Pop-up" uses such as food trucks or weekend farmers markets



Day care facilities



Supportive services such as copy shops, parcel services, dry cleaners, office supply stores, etc.

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■ Reduce “soft costs” on developers

- A complaint from many developers is that “soft costs” imposed upon them by a municipality deters new development. “Soft costs” include additional changes or requests from a municipality that have not been made clear at the beginning of the development process. These changes represent out of pocket costs for developers that are not taken into consideration initially. It is important for communities to decide upon a vision for new developments first, and then to present clear standards for design elements and community amenities early in the process.

- Some site improvement standards are also considered “soft costs” by developers. These may include a lack of flexibility on parking ratios, parking standards for things such as aisle widths, excessive demands in landscaping and tree ordinances, and asking developers to go above and beyond local building standards. This is especially problematic for developers looking to build in lower income areas due to the tighter profit margins.

■ Create an “expedited process” for targeted areas

- In order to incentivize the redevelopment of some office parks, it may be in a community’s interest to allow an “expedited process” for targeted locations once a vision has been developed for these areas by the community.

This may be done by allowing more leniency to a developer in “target” areas in order to allow redevelopment to occur more quickly.

- Start fresh with regulations. Many municipalities have codes that include ordinances and standards that are either outdated or unclear. To address this, a municipality may want to adopt an entirely new SDLO and zoning code instead of modifying their existing ordinance.
- While updating their zoning codes, municipalities may want to consider including design standards instead of more traditional technical standards in some targeted areas.
- Minimize the conditional use process.

- Municipal consultants (engineers and solicitors) can sometimes have an impact on project delays. Consultants should be reminded as to what the municipality’s objectives are and held accountable for meeting those objectives.
- Area identified specifically for redevelopment should have a place in zoning, especially revitalization projects. The zoning for these areas should be inclusive of many uses.
- Municipalities should consider the additional costs for redeveloping a property as opposed to developing a greenfield, or undeveloped property. Allowing for higher density and higher impervious coverages in previously developed areas may be necessary for a developer to take on such a project due to these additional costs.



Physical Improvements (Placemaking & Connectivity)

■ Revitalize current design of existing office buildings to attract tenants and employees

- Adapt to current office design trends and be responsive to present and future employment markets. Some examples in Chester County of office buildings that have attempted to adapt to a more modern design of office are the Endo International building and the CertainTeed Innovation Center in East Whiteland Township, the Mars Drinks building in East Goshen Township, and the Dansko building in Penn Township.
- Provide incentives for renovation of existing buildings that are aging or becoming obsolete such as a density bonus or energy credits for energy savings and sustainability enhancements.



■ Accommodate all transportation modes

- Create or enhance multimodal (bicycle, pedestrian, bus, shuttle, or rail) infrastructure to accommodate needs.
- New or improved amenities should include trails, sidewalks, bike lanes, bike parking, and bus stops.
- Ensure that office parks are adaptable to changes in parking demand due to the increasing impact of flexible work hours, automated vehicles, and services such as Uber & Lyft. As these new transportation technologies develop, it may be feasible to reduce parking ratios and re-think the land use policies and regulations in affected areas.

■ Incentivize the development of existing and future office sites to accommodate permanent and temporary amenities for a 24-hour environment.

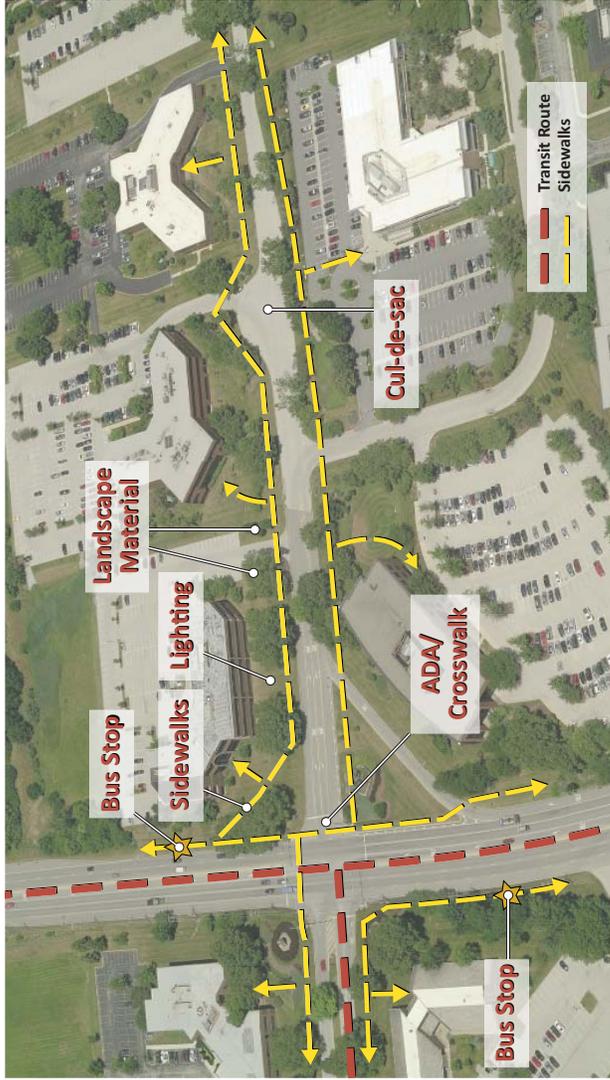
- Amenities can include parks, green and/or hardscape gathering areas, and pavilions.
- Create “experience based” places with non-office hour attractions for the larger community such as party or concert spaces, sports activities, and other events both indoor and outdoor.
- Restaurants, health clubs & gyms, convention space, and hotels are additional examples of uses that could remain active after office hours.



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■ **Improve connections to adjacent land use through building design, sidewalks, regional trails, bike routes, local parks, and open spaces.**

- Directly connecting existing office parks to existing commercial centers can provide benefits to both uses. This can be done with pedestrian connections, trails, and by linking roads and parking lots.
- Create new “walkable environments” and public spaces such as small “pocket parks”, picnic areas, walking paths, crosswalks, and plazas for employees and the surrounding community to enjoy.



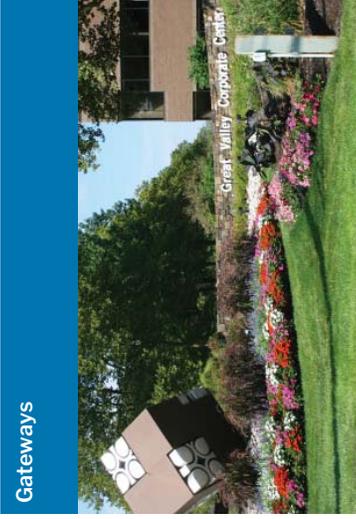
■ **Allow for “pop up” uses (temporary non-permanent uses) within office parks such as**

- Outlined walking paths
- Food trucks
- Events such as farmers markets or outdoor festivals
- Pop-up retail spots at vacant office space

■ **Manage parking for both work-day and after-work day amenities and other temporary venues**

- Ensure that parking is managed in such a way that it can accommodate for potential events that could be held outside of normal work hours.

- **Additional specific physical improvements may include:**
 - Gateways
 - Recreational areas such as ballfields or playgrounds
 - Signage
 - Landscaping
 - Bike share programs
 - Green energy
 - Electric vehicle charging areas
 - Natural habitat areas
 - Water features



Gateways



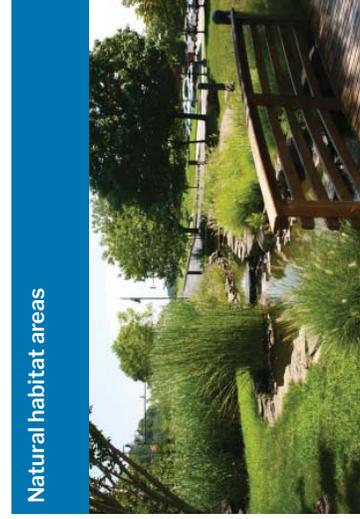
Electric vehicle charging areas



Signage



Recreational areas



Natural habitat areas



Water features

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Conclusion

Chester County office parks have been central to the economic growth of the county and its commercial landscape for decades as important centers of employment. Employment is what drives a large portion of any local economy, and Chester County is no different. Due in part to advances in technology, recent employment trends point toward office users downsizing, seeking non-traditional types of space, and more frequently locating in more urban & walkable

areas. In the coming years it will be extremely important to keep these employment centers viable and competitive in order to continue attracting diverse businesses with talented and creative workers. There is a great deal of employment growth projected for the county, and it is critical that the county captures that growth in areas like office parks that are already designated as large employment centers. Many of the recommendations in this document are intended to help office parks

become more flexible and allow for a mix of additional land uses as well as amenities and features that meet the needs and desires of today's employers and workers. By becoming more flexible and adapting to the changing office environment, communities can grow in a way that maintains the strength of the overall economy while limiting sprawl out into less developed portions of the county.



Source: *Brandywine Ready – Radnor Financial Center*

Appendix 6B

Borough of Edgewood Subdivision and Land Development Ordinance (SALDO) governing Urban Sustainability

This ordinance is among those considered by Allegheny County Division of Economic Development to be a successful example.

Article V. Urban Sustainability

§ 180-29. Purpose.

The purpose of this article is to emphasize the importance of sustainable design and planning in Edgewood Borough's built environment and to promote public health, safety, and general welfare of Borough residents by summarizing the implementation of a number of sustainable development principles in one chapter (requirements in the applicable ordinance are referenced).

§ 180-30. Guiding principles.

- A. Energy conservation principles. Provide incentives for renewable energy (solar, wind, geothermal) [see Zoning Ordinance § 200-35C].
- B. Water conservation principles.
 - (1) Allow water storage tanks, cisterns, rain gardens, and rain barrels [see Zoning Ordinance § 200-16G].
 - (2) Protect existing trees and if trees have to be removed, plant new trees [see SALDO § 180-34C].
 - (3) Protect green open space [see SALDO § 180-38E].
- C. Green infrastructure principles.
 - (1) Increase incentives for permeable paving [see SALDO §§ 180-34B and 180-36A(10)].
 - (2) Encourage incorporation of green roofs [see Zoning Ordinance § 200-16H].
 - (3) Encourage the development of "complete streets" and bike/ped friendly zones [see SALDO § 180-36A(16)].
- D. Off-street parking principles.
 - (1) Flexibility in parking requirements through shared parking [see Zoning Ordinance § 200-42G].
 - (2) Parking incentives for permeable paving [see SALDO § 180-36A(10)].
 - (3) Recommend rain gardens, vegetated swales, and infiltration basins as part of parking lot landscaping. Minimize the use of curbs and inlets. [see SALDO § 180-36A(7)].
 - (4) Provide parking incentives for adding bike racks, electrical charging stations and convenient parking for hybrid or alternative fuel cars [see SALDO § 180-36A(16), (17) and (18)].
 - (5) Reduce parking stall sizes to accommodate compact cars [see SALDO § 180-36A(4)].
- E. Residential district principles (R-1A, R-1B, R-2, residential areas of T-1).

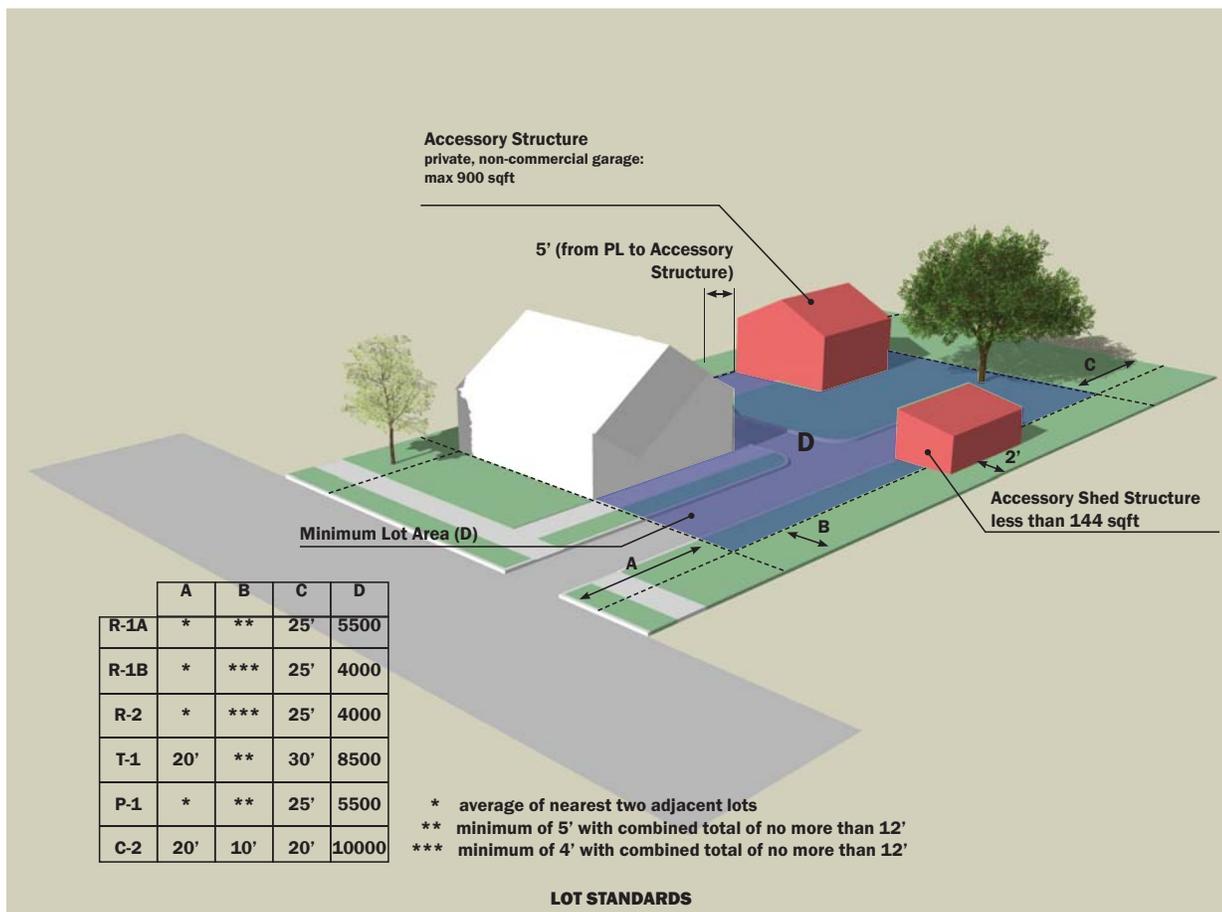
Provide small front yard setbacks and encourage porches [see Zoning Ordinance §§ 200-17, 200-18, 200-19, 200-21, 200-22].

- (2) Permit dwelling units in accessory structures (over garages) [see Zoning Ordinance § 200-41C].
 - (3) Permit no impact home based businesses [see Zoning Ordinance §§ 200-38B and 200-42A].
- F. Commercial district principles (nonresidential areas of T-1, P-1, C-1, C-2).
- (1) Provide an increase in lot coverage for developing buildings that are designed in conformance to a recognizable green building standard like LEED [see Zoning Ordinance, Tables 200-22B and 200-25B].
 - (2) Encourage preservation of existing buildings [see Zoning Ordinance § 200-39F].
- G. Site design principles.
- (1) Locate buildings closer to the front property line and locate parking in the rear [see Zoning Ordinance §§ 200-42 and 200-17, 200-18, 200-19, 200-21 and 200-22].
 - (2) Encourage planting of large shade trees [see SALDO § 180-34C].
 - (3) Provide for bike racks [see SALDO § 180-36A(16)].
 - (4) Encourage native plantings [see SALDO § 180-38G(12)].

Borough of Edgewood Zoning Ordinance

This zoning ordinance, a companion to the SALDO on the previous pages, is also considered by Allegheny County Division of Economic Development to be a successful example, is too lengthy to be included here, and instead may be accessed at:

<https://www.ecode360.com/6760619>



Promoting Workforce Housing

*Expanding Locations and
Development Potential*

Report Three



Introduction



New construction tends toward large luxury homes— which are often unaffordable for important members of Montgomery County’s workforce.

Creating a sufficient supply of workforce housing isn’t easy. The local housing market is complex and strongly influenced by many factors beyond the control of local municipalities or the county. However, the housing market and housing costs can certainly be influenced locally, particularly through land use and zoning decisions.

Local communities can create opportunities for workforce housing by increasing permitted housing densities, reducing mandated lot sizes, and expanding the types of permitted housing. Through various zoning techniques and incentive programs, workforce housing can be built in good locations and fit seamlessly into the rest of a community. This publication contains information and model ordinances that further explain these techniques. All of the models can be adapted to fit any community in Montgomery County.

Encouraging Workforce Housing Through Zoning

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Municipalities can take a number of steps to expand possible locations for workforce housing, including:

1. Zone more land for higher-density housing.

Higher-density housing, by itself, will not necessarily be affordable, but it is much more likely to be affordable than lower-density housing. Of the new housing built in Montgomery County between 2000 and 2005, about 10 percent qualified as workforce housing. That is, about 10 percent of these new homes could potentially have been afforded by members of the workforce making the area’s median income and able to afford a 10 percent down payment. For households with lower incomes, purchasing a home is more difficult. These affordable homes tended to be higher-density developments with single-family attached or multifamily construction.

Higher-density housing is more affordable for many reasons, including land values, construction costs, and infrastructure costs. Even though the land may be expensive, it is spread among many more homes, reducing the amount of land cost applied to each home. The Urban Land Institute found the cost for common infrastructure improvements, such as utilities, schools, and streets, for homes on four-acre lots was \$90,000 per home, while the cost for the same infrastructure at 30 dwellings per acre was \$10,000 per home.

There are many appropriate places where communities can increase densities. This can be done near villages, towns, transportation facilities, and employment centers. It can be done as a stand-alone apartment or townhouse district or as a mixed-use district, where there are a variety of housing types. If a community has large office and em-



Building smaller homes on smaller lots is a great way to save on construction and land costs.



Higher-density homes, such as townhouses or twins, typically allow for more affordable construction and savings that are hopefully passed along to the purchaser.

ployment areas, higher density housing could be added in appropriate locations within these areas.

2. Reduce minimum lot size.

Reducing lot size, particularly for single-family detached homes, can reduce costs. For example, the median lot size of all new single-family detached homes built from 2000 and 2005 was around 19,500 square feet. The median lot size of new, affordable homes built during the same time period was about 12,000 square feet.

One method of reducing lot size is to cluster homes on smaller lots and preserve open space on the remainder of a site. *Reducing Housing Costs*, a study prepared by the Montgomery County Planning Commission, showed that clustering homes could reduce improvement costs by 46 percent. A recent study conducted for the Boston metropolitan planning organization demonstrated that cluster developments save infrastructure costs, which can be passed on to homebuyers. Why do clusters save money? One reason is that the smaller lots of a cluster development require less piping and regrading for every unit built. Clusters also allow for a reduction in sidewalk and street paving lengths and costs, as well as future maintenance needs. Many local municipalities already allow cluster developments.

Lot sizes can also be reduced in existing developed areas, particularly if the allowable minimum lot size is bigger than the typical lots that exist on the ground. Doing this could allow for infill housing on larger lots as well as development on vacant lots that are smaller than the minimum allowable lot size.

Accessory apartments are another type of infill, and are sometimes referred to as a "granny flat." Accessory apartments allow for additional housing units to be built without changing neighborhood character.

3. Allow more townhouses, twins, and apartments.

These housing types are likely to be more affordable than singles for the county's workforce. Of the housing built between 2000 and 2005 that was attainable to the county's workforce, the majority of these units were townhouses, twins, and apartments. In fact, many people prefer multi-family housing, since smaller or nontraditional households may need less living space. Additionally, a diverse housing market can help retain and attract jobs.

Municipalities are not the only group that can encourage workforce housing. As noted in the Delaware Valley Regional Planning Commission's *Realizing Density*, developers often do not build at the maximum permitted density or the minimum lot size. Developers may instead, in part due to consumer demand, build large homes that need bigger lots instead of building more affordable homes. Developers will likely find demand for smaller homes from households seeking a more affordable home.



Garages, either attached or detached, are potential locations for accessory dwelling units. The bottom sketch shows what a garage could look like when converted.

Accessory Dwelling Units

Accessory dwelling units (ADUs) are one part of the solution to workforce housing needs. ADUs share a lot with an existing home and are subordinate in size and location to the primary residence.

Successfully permitting accessory dwelling units typically requires additional regulations to help protect existing community characteristics. Size limits, parking and location requirements, design guidelines, building setbacks, and landscaping cover the majority of concerns regarding these units. Municipalities can enforce appropriate standards based on their comfort level with this type of development and unique local circumstances.

Promoting ADUs

For some, the most attractive aspect of ADUs is the extra income from renting the unit. For others, it is the opportunity to live near young or aging relatives. A December 2001 article from *New Urban News* reported that in Longmont, Colorado more than 40 ADUs were constructed over garages in a new 110-unit development. Most homeowners rented these 650-900 square foot units for upwards of \$1,000 a month.

Pennsylvania lacks any legal incentive for municipalities to adopt ADU ordinances. However, at least 24 Montgomery County municipalities permit ADUs, though occupancy of these units is restricted to relatives, caretakers, or employees of the primary residence occupants. This may be why the county tax record contains less than 200 instances of ADUs. For many municipalities, eliminating the restrictive occupancy requirements would spur ADU construction. Elsewhere, ADU ordinances will need to be written with the assistance of the model ordinance in this publication. For a broader impact, municipalities should permit homeowners to lease ADUs like any other rental property.

Design and Dimensional Requirements

Location, size, and dimensional requirements are essential to a successful ADU ordinance. Detached ADUs are often located in the rear yard and share a driveway with the principal building. ADUs can be permitted in a variety of residential districts, including those where the minimum lot size exceeds 10,000 square feet.

Detached ADUs can be constructed over existing accessory buildings such as garages. They should be one- or two-story structures sized at 40 percent of the living area of the primary residence or 1,200 square feet, whichever is less. Most will be one-bedroom units, but two-bedroom units are feasible.

Attached ADUs must have separate entrances away from the front building façade. Detached and attached ADUs must conform to the general architectural style of the primary residence. Additional parking, landscaping, and design guidelines are included in the model ordinance.

A municipality may elect to make accessory dwelling units a special exception or conditional use. We recommend the least restrictive approach—that accessory dwelling units be a permitted use.

A municipality can choose the appropriate zoning districts to which these standards apply; some zoning districts may be more suitable than others for these additional units.

A municipality may elect to enforce an annual permit for all accessory dwelling units to ensure compliance with zoning and building codes.

A municipality may elect to establish side and rear yard setbacks for accessory dwelling units that differ from the underlying zoning regulations.

Accessory Dwelling Unit Model Ordinance

1. Purpose and Intent

- A. Provide homeowners with a means of obtaining rental income, companionship, security, and services.
- B. Add workforce housing units to existing housing.
- C. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in life.
- D. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood.

2. Permitted Uses

- A. One accessory dwelling unit is permitted per lot used for a single-family residence in the ____ zoning district(s).

3. Deed Restrictions

Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the Montgomery County Recorder of Deeds a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner stating that:

- A. The accessory unit shall not be sold separately.
- B. The unit is restricted to the approved size.
- C. The use permit for the accessory unit shall be in effect only so long as either the main residence or the accessory unit is occupied by the owner of record of the principal residence.
- D. The above declarations are binding upon any successor in ownership of the property; lack of compliance shall be cause for code enforcement and/or revoking of the use permit.
- E. The deed restrictions shall lapse upon removal of the accessory unit.

4. Design and Development Standards

In addition to all pertinent building code regulations, accessory dwelling units shall conform to the following additional requirements:

- A. Accessory dwelling units shall meet all building setback and coverage requirements of the underlying zoning district.
- B. Accessory dwelling units may be detached or attached to the primary residence.



Accessory units should relate to the design of the primary residence, as seen above in these dwelling units in Lansdale.

These buffer standards could be added to a municipality's existing subdivision and land development ordinance standards.

Definitions

Accessory Dwelling Unit (ADU): A dwelling unit accessory to a main single-family dwelling. ADUs may be attached or detached.

Primary Residence: A building containing the principal residential use of the lot on which it is located.

These definitions should be added to the general zoning ordinance definitions section.

- C. Attached accessory dwelling units shall have an entrance separate from the entrance to the primary residence. This entrance may not be a part of the front façade of the primary residence.
- D. When detached from the primary residence, the accessory dwelling unit shall be set back a minimum of 10 feet from the primary residence.
- E. In no case shall an ADU be more than 40 percent of the living area of the primary residence, or 1,200 square feet (whichever is less).
- F. The maximum building height for detached ADUs shall not exceed 13 feet for a one-story ADU and 22 feet for a two-story ADU. ADUs attached to the primary residence shall not exceed the existing height of the primary residence.
- G. One parking space shall be provided for each one-bedroom accessory unit. Two parking spaces shall be provided on site for each two-bedroom accessory unit. Parking for the accessory unit shall share the driveway of the primary residence, be located behind the rear façade of the primary residence, and conform to all applicable standards of the underlying zoning.
- H. The design of the accessory unit shall relate to the design of the primary residence by use of similar exterior wall materials, window types, door and window trims, roofing materials, and roof pitch. Windows on the ADU shall be offset from neighboring residences so as to preserve privacy.

5. Landscaped Buffer

In addition to the requirements of the underlying zoning district the following landscape requirements shall be met.

- A. The portion of the side and rear yard setbacks adjacent to the accessory dwelling unit shall be planted with a mix of flowering trees, evergreen and deciduous shrubs, and perennials in order to lessen the impact of the new unit and enhance privacy according to the following standards:
 1. For every ten linear feet of buffer, or fraction thereof, two shrubs and six perennials shall be planted from the recommended planting list in Section ____.
 2. For every 20 linear feet of buffer, or fraction thereof, one flowering tree shall be planted from the recommended planting list in Section ____.

Providing Incentives for Workforce Housing

Even if zoning changes are made to allow higher-density housing and smaller lots, developers may still choose to build expensive units. There are many local examples of very expensive townhomes built on higher-density land.



In Bridgeport, for example, many of the townhomes built since 2000 have been quite large (over 2,000 square feet of living area) and relatively expensive (selling for over \$300,000 in 2005). Yet, because there is still an opportunity to build denser and slightly smaller units, a third of the new units built in Bridgeport since 2000 were within or close to workforce housing prices, generally \$150,000 to \$220,000.

Adaptive Reuse and Infill

Giving developers an incentive — in the form of tax breaks, increased density bonuses, or a break on fees or application reviews — may go a long way towards encouraging workforce housing construction.

For example, it may be productive to give incentives to developers that pursue adaptive reuse projects or infill development to provide workforce housing. Both are techniques that can introduce housing into either residential or nonresidential areas. In the case of adaptive reuse, old schools, hospitals, factories, or armories could potentially be converted into housing. Renovating infill sites or reusing older buildings saves money because infrastructure and other basic site improvements typically are already in place or are easier to provide. Encouraging these types of developments can also help to revitalize neighborhoods.

Communities interested in encouraging infill or reuse projects can:

- Adopt flexible zoning and building regulations that allow the development of irregular or otherwise substandard infill lots
- Allow mixed uses for infill developments to increase their value
- Assist in consolidating infill lots into larger (more easily developable) properties
- Provide assistance in obtaining additional sources of funding, such as loans, grants, or tax credits
- Allow high-density residential uses in adaptively reused industrial and institutional buildings

Providing Incentives to Developers



What does density look like? The above are 1) a subdivision in Wyoming (PA) with a density of 8.8 dwelling units per acre, 2) a development in Columbus (NJ) at 11.7 units per acre, and 3) a suburban neighborhood in New York City with a density of 28.9 units per acre. Even areas with similar densities can look drastically different if lot size and type of dwelling unit are taken into consideration.

Images from The Lincoln Institute of Land Policy's webpage at <http://www.lincolninst.edu>

Density Bonuses

Density bonuses allow a developer to build more units within a given area than otherwise permitted under normal zoning limits. A density bonus can increase a construction project's value, which makes workforce housing construction more economical (land costs per unit decrease). Lower Salford Township provides a density bonus of half a dwelling unit per acre in its R-4 and R-5 districts when affordable housing is provided. These districts allow small-lot singles, twins, townhouses, and apartments.

Density bonuses alone may not be sufficient to entice developers to build workforce housing. Municipalities may want to combine a density bonus with other incentives, such as reduced setbacks and street frontage requirements or smaller mandatory lot sizes. The fourth report in this series, *Eliminating Unnecessary Development Costs*, discusses this issue in more detail.

Density bonuses tend to work best in larger developments. Additionally, a density bonus program has to be designed in light of the local real estate market. If there isn't consumer demand for increased density, even if homes are more reasonably priced, a developer may not build at greater densities. Interest in bonuses is natural given that municipalities are able to achieve a public benefit without spending public money. Regardless, bonuses need to be applied districtwide and should be built into municipal zoning ordinances.

One difficulty to this approach is determining the amount of a bonus. In the case of workforce housing, converting the public value of housing units to dollars is not straightforward. The cost of providing workforce housing can be approximated with a reasonable amount of accuracy as well as the appropriate bonus needed to offset and exceed these costs. The number of additional market rate units, however, must not overwhelm the area with inappropriate density. Achieving this balance requires an accurate assessment of development costs, a good understanding of the local real estate market, and a local plan that accounts for the potential increase in density. In addition to allowing increased densities, municipalities may need to adjust some dimensional standards within specific zoning districts to make it possible to achieve these densities.

Communities considering density bonuses must ultimately decide to what extent they are willing to increase housing density to encourage the construction of affordable units. Communities that are more willing to increase density for workforce housing will have an easier time enticing developers with larger density bonuses.

Workforce housing is “homes for working families.” It is homes provided by the private sector, aimed at middle- and moderate-income residents making between 80 and 100 percent of the area’s median income. Some workforce housing initiatives consider households that make as much as 115 percent of the area’s median income as eligible for assistance.

When amending a residential zoning district, the purpose and intent sections can be amended by the addition of the these two subsections.

The amount of density bonus and percentage of workforce housing units is ultimately decided by the municipality based upon market conditions and community development objectives. The Builder’s Profit Method on Page 10 is one way municipalities can approximate the dollar value of density bonuses. Density bonuses need to be monitored and adjusted according to market conditions and community objectives.

Municipalities may want to regulate other aspects of the workforce housing bonus, including who is eligible, the prices of the workforce housing units, and how long the workforce housing must remain affordable. Ordinance language addressing each of these issues is in the model Inclusionary Zoning Ordinance, Sections 5, 7, and 8, beginning on Page 17.

Density Bonus Model Ordinance

The following sections present a model ordinance that municipalities can adopt, methods to help calculate a proper density bonus, and examples of existing density bonuses. Although other systems exist for calculating density bonuses, the basic methods are the same. Each system attempts to create a yardstick by which the relationship between density bonuses and the dollar value of the bonus to developers is measured. Ultimately, the municipality decides how much of a bonus is necessary.

The ordinance language outlined on this page can be added to specific residential zoning districts to encourage the creation of affordable workforce housing.

1. Purpose and Intent

- A. To achieve a diverse and balanced community with housing available for households of all income levels.
- B. To create an economic incentive, in the form of additional housing units, to encourage developers to voluntarily construct workforce housing units.

2. Density Bonus

- A. The applicant may increase the overall gross site density by ___ unit(s) per acre, provided that ___ percent of the units permitted by the underlying zoning are sold or leased as workforce housing units. The additional units permitted by the density bonus may be sold or leased as market rate units.
 1. The exterior appearance of the workforce dwelling units in any development shall be visually compatible with the market rate dwelling units in the development. External building materials and finishes shall be the same in type and quality for workforce units as for market rate units.
 2. Workforce dwelling units must be dispersed among the market rate units throughout the development.
 3. Workforce dwelling units may differ from market rate dwelling units with regard to interior finishes and gross floor area provided that:
 - a. The bedroom mix of workforce dwelling units is in equal proportion to the bedroom mix of the market rate dwelling units.
 - b. The differences between the workforce dwelling units and the market rate dwelling units shall not include improvements related to energy efficiency, including mechanical equipment and plumbing, insulation, windows, and heating and cooling systems.

Requirements of the underlying zoning, such as building setbacks and minimum lot sizes, may make the inclusion of additional units problematic. Potential ordinance adjustments to these requirements for single-family detached developments are shown to the right. Townhouse and apartment developments could have additional relief adjustments, such as reduced building setbacks from property lines, streets, and other buildings, as well as increased building and impervious coverage ratios.

The profit earned adding workforce units must be greater than the profit without these units.



Density bonuses make the construction of affordable units (such as those on the end of the above row) more feasible.

Picture from www.gamliel.org/DavidRusk

3. Ordinance Adjustments

- A. Minimum lot sizes may be reduced up to ___ percent from those required by the underlying zoning when the applicant proposes a workforce housing development.
- B. Minimum yard setbacks may be reduced up to ___ feet in a workforce housing development, provided that no two structures are closer than ___ feet.

Calculating Bonuses—Builder's Profit Method

This method compares the amount a developer would earn building market rate units at the base density with building workforce dwelling units and market rate units in excess of the base density of the district. The goal is to arrive at a density bonus that enables a developer to earn more money for choosing to build workforce dwelling units.

Market Rate Option

The following example is used to illustrate the builder's profit method. A builder wishes to develop an 18.7-acre site. Townhouses are permitted to a density of five units per acre. Therefore, the applicant submits plans to construct 93 townhouses. The builder plans to sell the townhouses for an average sale price of \$252,000, earning a 12 percent net profit margin on the project. The developer expects to earn \$2,812,320.

Workforce Housing Option

What if the builder were willing to construct workforce dwelling units? How many market rate units would be needed to make up for lost revenue on the workforce units? Using the above example, the developer can build a market rate development with 93 units and earn \$2.8 million net profit. The zoning permits the developer to build one additional unit for every acre, provided that 15 percent of the by-right housing units be sold or rented as workforce housing.

In this case, the developer would need to construct 14 of the 93 housing units permitted by the base density as workforce housing, selling each for an average of \$205,000. For having built the workforce units, the developer receives an additional one unit per acre or 18 units that can be sold at market rate prices. With the bonus, the developer will build 111 units — 14 workforce housing units and 97 market rate units. With profit margins of 12 percent for both types of units, the builder earns \$344,400 on the workforce units and \$2,933,280 on the market rate units — a total of \$3,277,680.

Examples of Density Bonuses

Lower Salford Township *Montgomery County, PA*

In the R-4 and R-5 Residential districts, developers are eligible to receive an increase of 0.5 dwelling units per gross acre when at least 15 percent (but no more than 25 percent) of the dwelling units are produced for sale at no more than 75 percent of the sales price of market rate units in the development. These dwelling units must be mixed in with the other units and be "architecturally indistinguishable from all unsubsidized units and shall not be segregated from the rest of the development."

The Borough of Mount Joy *Lancaster County, PA*

The borough recently amended its TN - Traditional Neighborhood District to include a provision that allows developers to increase overall density from four to five units per acre provided that at least "10 percent of the total dwelling units be sold or leased as workforce housing to individuals earning less than 80 percent of the Lancaster County median income for households..."

"Anyone good enough to work here is good enough to live here."

*-David Rusk,
from "Nine Lessons for
Inclusionary Zoning,"
remarks at the
National Inclusionary
Housing Conference (2005)*

In this example, the workforce option yielded more profit than the standard market rate option. The municipality chose a density bonus that enticed developers to build workforce housing with increased profits. Like any method used, there are certain assumptions with this model. A major assumption is that profit margins remain the same regardless of whether workforce units or market rate units are chosen. The theory suggests that builders can recoup lost revenue by adjusting building size and design without comprising exterior materials or improvements related to energy efficiency.

Calculating Bonuses—Equivalent Land Cost Method

Used in Seattle and Bellevue, Washington the equivalent land cost method compares the cost of providing the amenity (in the previous example, 15 percent of the by right units as workforce housing) to the costs a developer would incur by purchasing additional land to achieve the same overall project density allowed by the bonus. The cost of providing workforce housing is the total profit difference between 14 workforce housing units and 14 market rate units. In our previous example this amounts to \$79,366. The cost of additional land to achieve the equivalent by right density varies according to the price of land and the amount of the bonus given.

To use the previous example again, assume that land cost \$100,000 per acre and the density bonus was one unit per acre. Would the developer have to spend more or less to purchase land and construct the 18 bonus units at the by-right density versus the cost of providing the 14 workforce housing units? Eighteen additional market rate units would require at least 3.6 more acres of land (which at \$100,000 per acre would cost \$360,000). This clearly exceeds the cost of providing the 14 workforce units. If land cost \$50,000 per acre, then the developer would need to spend \$180,000 on land for the additional units.

The benefit of the bonus is directly proportional to the value of the land. The more the land costs, the more attractive workforce housing development becomes. In practice, however, there are many challenges to the equivalent land cost method including the need for accurate measures of changing land values. A lack of comparable sales in the immediate area could further complicate accurate land valuation.

Mandating Workforce Housing

What does inclusionary zoning look like? Units created through a density bonus can, and should, look like the rest of a development. The example below is a development constructed in Montgomery County, Maryland with inclusionary zoning units.



Photo from Montgomery County, Maryland's Department of Housing and Community Affairs' *Housing Policy for Montgomery County*.

Inclusionary Zoning

Inclusionary zoning commonly describes a variety of techniques that either encourage or require developers to link the construction of low- or moderate-income affordable housing to market rate housing construction. Inclusionary zoning typically requires affordable units be integrated into a conventional housing development so that the affordable units are no different than the other homes. Mandatory programs, as opposed to voluntary programs based on density bonuses, have been successful at creating affordable housing. Places such as Boulder (Colorado), Cambridge (Massachusetts), and Irvine (California) originally implemented voluntary programs, but later made them mandatory after lackluster results.

While an inclusionary zoning program's technical details can be complex, its concept is fairly simple. If developers want to build a number of housing units that are permitted by the underlying zoning district, they will also be required to sell a small percentage of those homes at prices below the market rate. Many ordinances will also allow for a density bonus that permits the developer to create more market rate units to offset the cost of selling some homes at an affordable level. The end result is the construction of more affordable homes, but another important benefit is the integration of these homes into higher-income neighborhoods.

An obvious benefit of inclusionary zoning to local governments is that it places the burden of affordable home construction on the private sector. Additionally, this can become a viable way of producing workforce housing in areas that need more of it. Any community with growth areas can implement inclusionary zoning. However, because of the increased housing density that would result, the more suitable areas are those with a strong housing market and sufficient infrastructure to support a large and dense housing development.

Inclusionary zoning ordinances have been used since the mid-1970s, with Montgomery County's (Maryland) among the best known. While this county, located just outside of Washington, D.C., is home to many bedroom communities, it also boasts a large employment base of federal agencies and firms with federal contracts. The county's Moderately Priced Dwelling Unit Program requires any development of 35 or more market rate homes, with a density greater than one unit per acre, to set aside between 12.5 and 15 percent of its units as affordable homes. Affordable homes are required to be built on-site with alternatives available as the rare exception. Density bonuses of up to 22 percent are available to developers by right, to offset the loss of profits from the sale of the (lower-priced) affordable homes. To date, more than 13,000 homes have been constructed or permitted as a result of this ordinance.

Other places with inclusionary zoning ordinances include:

- *Several counties around the Washington, D.C. metropolitan area, including Montgomery County, Fairfax County, Prince George's County, and Loudoun County*
- *Burlington, Vermont*
- *Los Angeles, California*
- *Madison, Wisconsin*
- *Tallahassee, Florida*
- *Denver and Boulder, Colorado*
- *Boston, Massachusetts*
- *San Francisco, California*

The area median income for a household of four people in 2006 was \$72,100. For a household of two people, the area median income was \$57,700.

Inclusionary Zoning Ordinance Options

The model ordinance in this publication addresses the need for workforce housing that is affordable to households with an income below the median income for the region.

Municipalities will have many choices to make if they establish an inclusionary zoning ordinance. These choices not only reflect the goals of a community, but they can also affect the viability and legal standing of an inclusionary zoning program. Specific recommendations regarding the following issues can be found within the model ordinance text, but depending on the community, different approaches can be just as effective.

Amount of Mandatory Workforce Housing

This is the percentage of a residential development that is required to be sold at a price affordable to households below the Area Median Income (AMI). Most existing programs set this percentage between 10 and 20 percent. The amount should be enough to result in a substantial amount of workforce housing but not so high that developers are too financially strained to make a development profitable.

Development Threshold

How large does a development have to be before the mandatory requirement of workforce housing takes place? Existing programs vary widely between no minimum and 50 dwelling units.

Household Eligibility

The county's model ordinance is geared toward addressing workforce housing, so households with annual incomes approaching 100 percent of the AMI are eligible to purchase workforce dwelling units. Ordinances can also be set up to provide housing for households at lower incomes, such as 50 or 80 percent of the AMI.

Incentives

Existing ordinances around the country also vary widely in terms of how much of an incentive, or cost offset, is built into the mandatory provisions. Cost offsets are important for two reasons. The first is a matter of fairness. Ideally, developers should not be expected to realize any lesser financial gain from a development with or without the provision of workforce units. This may not always be possible in some situations, but we suggest that a municipality do its best to allow developers to achieve expected residential profits. The second reason for cost offsets is to create a more legally sound ordinance. A legal challenge is less likely if the developer is not suffering undue hardship. If a challenge is brought forward, then the incentives could determine whether a court upholds the ordinance.



Workforce dwelling units, when resold, should remain affordable and continue to be sold to eligible households for the duration of local affordability controls.

Density Bonuses

Density bonuses are one of the easiest and most common ways of providing adequate incentives. With this approach, developers that comply with the provision of workforce dwelling units may build additional market rate units to offset their costs. The percentage used in an ordinance must be calculated in conjunction with the required amount of workforce housing so that developer costs are minimized without providing too much extra profit. The following model ordinance has a basic standard included, but for more detailed information on determining an appropriate density bonus, see the density bonus section in this report starting on Page 8.

Keeping Units Affordable Over Time

Most inclusionary zoning ordinances have controls set up so that when an affordable home is resold, it must still remain affordable to and be sold to eligible households. Without these controls, affordable units would soon become market rate units, and the original owners would gain an undeserved windfall from the sale of the unit. The length of time that a home remains affordable can vary between ten years and forever, but it should be long enough so that the effort to create affordable units is not negated by too many formerly affordable units becoming part of the larger housing market.

Alternatives to On-Site Workforce Housing

Another component that makes an inclusionary zoning ordinance fair to developers and less susceptible to legal challenges is offering alternatives when the provision of workforce dwelling units is uniquely burdensome to the developer. Common alternatives are the provision of workforce dwelling units at a different location or a fee-in-lieu payment. Of course, any fees must be directed to the eventual provision of workforce housing, such as an affordable housing trust fund set up by the municipality or a nonprofit affordable housing provider. These alternatives are important, but the municipality should also realize that when alternatives are granted, the end result is usually less desirable than what the mandatory on-site requirement would have created. Therefore, the municipality should make sure that alternatives are not financially desirable from the developer's standpoint over the option of building the workforce units.

Administrative Issues

Depending upon the structure of an inclusionary zoning program, additional administrative support may be necessary to properly implement such an ordinance, especially if the municipality takes on the responsibility of screening potential buyers and managing the future sales of the additional affordable units.



An inclusionary zoning ordinance with a commercial development section can help balance out areas where housing construction isn't keeping up with nonresidential growth and job creation.

Inclusionary Zoning and Commercial Development

The following model ordinance for mandatory inclusionary zoning, along with the discussion points on the prior pages, applies to the notion that only residential developments will be subject to the provision of workforce housing. While less common, it is also possible to require that nonresidential or commercial development be subject to an inclusionary zoning ordinance. This is similar in concept to a linkage ordinance, which is covered later in this publication. Linkage ordinances only apply to nonresidential development, with no requirement for residential builders.

To incorporate a nonresidential element into inclusionary zoning, a connection, or nexus, should be made between commercial development and the need for workforce housing. This should be based upon the fact that most commercial development will result in jobs with workforce-level salaries, and the people attracted to these jobs will need a place to live. The specifics of the nexus should be determined in the local workforce housing study and incorporated into the findings section of the inclusionary housing ordinance.

Generally, the workforce housing provisions for commercial development are allowed to be in the form of payments to an affordable housing trust fund or by the direct construction of workforce housing on-site or off-site of the commercial development. Currently, the *Pennsylvania Municipalities Planning Code* (MPC) has some restrictions on the power of local governments to impose capital costs or fees for off-site improvements. Compliance with the MPC requires that the ordinance first provide on-site construction of workforce housing and then an alternative for off-site construction (or payment of a fee in-lieu of building workforce dwelling units).

The number of dwelling units required or the amount of a fee-in-lieu should be determined based upon the square footage of the proposed commercial development. The municipality will have to determine these amounts and incorporate them as a part of the ordinance. There are likely other similar and creative approaches to solve this issue. One possibility is to allow developers to transfer their required contribution to another developer. For example, a commercial developer may be able to strike a deal with a residential developer that allows for the required units under the commercial application to be built as a part of a separate residential development.

As with an inclusionary zoning ordinance for residential applicants, any such ordinance should be thoroughly reviewed by the solicitor for compliance with the MPC and all Commonwealth statutes.

Within Purpose Section 1.A, municipalities should cite any local comprehensive plans and studies that identify the need for affordable workforce housing.

The Findings section is a critical component of an inclusionary zoning ordinance in regard to any legal challenges. A municipality must cite existing evidence of either a shortage of affordable housing that serves all members of the workforce or an anticipated shortage based on future growth projections and trends. Most municipalities will have to commission a study of workforce housing in their township or borough prior to enacting an inclusionary zoning ordinance. County and regional studies may also be cited. The Findings section should be tailored to address the specific purposes listed in Section 1.A.

The Applicability section sets the threshold for the number of units that may be created before this ordinance will be applied. We recommend 15 units so that smaller developments will not be required to go through the inclusionary process for the creation of only one or two workforce units.

Inclusionary Zoning Model Ordinance

1. Purpose and Intent

A. Purpose

1. To achieve a diverse and balanced community with housing available for households of all income levels.
2. To foster economic diversity in the interest of enhancing the health, safety, and welfare of all residents in the municipality.
3. To reduce traffic, transit, and air quality impacts.
4. To promote the goal of increasing affordable workforce housing as articulated in (municipal plans and/or studies).
5. To address the goals of the 2006 Montgomery County comprehensive plan, in particular, *Goal 39 - Support a Readily Available Workforce*, *Goal 44 - Encourage a Variety of Housing to Meet the Needs of People with Different Ages, Incomes, and Lifestyles*, and *Goal 47 - Encourage More Units of Affordable Housing for County Residents*.
6. To fulfill the policy goal of the Commonwealth of Pennsylvania, as stated in the Keystone Principals For Growth, Investment, and Resource Conservation, under policy number eight, Expand Housing Opportunities which states, "Support the construction and rehabilitation of housing of all types to meet the needs of people of all incomes and abilities."

B. Intent

1. To require developers of 15 or more dwelling units to construct a proportionate share of workforce housing to ensure that an adequate stock of workforce housing is available to households of (municipal name) earning less than the area median income (AMI).

2. Findings

See adjacent comment box.

3. Applicability

- A. In all zoning districts, the inclusionary zoning provisions of this article shall apply to any subdivision or land development that results in a net increase of 15 or more dwelling units, which shall be referred to as a *qualified development* under this article.

4. Mandatory Provision of Workforce Dwelling Units

- A. The applicant shall establish at least 15 percent of the by-right units allowed by the underlying zoning district in a qualified development as workforce dwelling units, unless the applicant is proposing fewer units than what is permitted by-right. If the applicant is proposing fewer units than what is allowed by-right, then the applicant will only have to provide 15 percent of the proposed units as workforce dwelling units.

HUD income limits are on a sliding scale based on the number of members in a household. HUD sets the scale for households with between one and eight members.

The "Certificate of Qualification" must arise from a thorough examination of a household's financial status. The specific requirements can be outlined in the municipality's administrative code.

Below is an example of how the mandatory workforce housing and density bonus cost offset work together:

A developer owns a tract of land that permits 100 housing units under the by-right zoning district regulations. Then he is required to provide 15 percent of those units as workforce dwelling units, which is 15 units (.15 x 100). The developer would also be granted a density bonus of 20 percent in order to create additional market rate units that will help offset the cost of providing workforce housing. Therefore, the developer would be able to build 120 units with 15 units being workforce dwelling units and 105 units being market rate dwelling units.

The additional cost offsets in Section 6.B are most applicable to detached or semidetached homes. Municipalities may want to offer the following additional offsets, which may create more flexibility with denser developments such as multifamily buildings:

- *Increase in maximum height*
- *Reduction in minimum parking requirements pertaining to the workforce dwelling units*
- *Increase in building or impervious coverage regulations*

- B. In the event that the number of required workforce dwelling units results in a fraction of a unit, the fraction shall be rounded up to the nearest whole number.
- C. Where the provision of on-site workforce dwelling units is determined by the municipality to cause unique hardship on the applicant, the municipality may, through the conditional use process, allow the applicant to provide an alternative to on-site workforce dwelling units in the form of off-site workforce dwelling units or payment of a fee-in-lieu subject to the provisions in Section 10 of this article.

5. Eligible Households

- A. Eligibility for rental or purchase of workforce dwelling units shall be based on household size and income as determined by the area median income (AMI) limits published annually by the United States Department of Housing and Urban Development (HUD).
- B. Workforce dwelling units shall be restricted to occupancy by those whose household income does not exceed 100 percent of the HUD-defined AMI for the county.
- C. A household must receive a "Certificate of Qualification" from the municipality to become an eligible household for workforce dwelling units.

6. Bonus Provisions

- A. Density bonus. Applicants who provide the mandated number of workforce dwelling units, as required under Section 4, will be allowed to increase the total number of units built up to 20 percent over the proposed number of units allowed by the underlying zoning district regulations. The bonus units may be sold at market rate and are not subject to any additional requirements for workforce dwelling units.
- B. *(For a more detailed examination into the creation of an appropriate density bonus, please see the "Density Bonuses for Workforce Housing" section in this report.)*
- C. Zoning district adjustments. An applicant may request and shall receive one or more of the following cost offsets in order to facilitate the awarded density bonus in Section 6.A. The municipality will determine the specific package of cost offsets offered to the applicant. The goal of these cost offsets, in conjunction with the density bonus in Section 6.A is to counterbalance the cost of providing workforce dwelling units required under this article, to the extent feasible. Some of the cost offsets include:

1. An increase in dwelling unit density of up to 20 percent.
2. A reduction in the minimum lot area per dwelling unit up to 30 percent.
3. A reduction in the required minimum rear setback up to 20 percent.
4. A reduction in the required minimum front setback up to 10 percent.

(Other adjustments may be inserted — See comment on page 17.)

Section 7 requires the municipality to set standard maximum prices for all rental and for-sale workforce dwelling units. The prices should be updated annually with current data. Prices will be set so that a household earning 100 percent of the AMI should be able to purchase or rent a property with monthly costs no greater than 30 percent of their gross monthly income.

Section 8 (Affordability Controls) is an important component of an inclusionary zoning ordinance because it determines how a dwelling unit, created as workforce housing, stays affordable to future eligible households if the owner decides to sell it. A municipality may want to incorporate a greater potential gain on investment by a workforce household, but this must be done carefully to ensure that the unit stays affordable to households with earnings below the AMI. Another option is to allow the seller to increase the resale price enough to incorporate anticipated closing costs for the sale.

This model ordinance sets a permanent control on resale prices by keeping them “in force in perpetuity.” Some communities choose to set a time limit on the length of the resale control period. If this option is chosen, then the ordinance will need to include provisions that restrict the windfall that may be gained by the owner of a workforce dwelling unit who is able to sell it at the market rate after the resale control period ends. A simple solution is to require that 50 percent of the profit off of such a sale be forwarded to the municipality’s affordable housing trust fund.

7. Appropriate Rental and Sales Prices for Workforce Dwelling Units

- A. Pricing schedule. The municipality shall publish an annual pricing schedule of rental and sale prices for workforce dwelling units. Prices shall be set at a maximum level that is affordable to a household earning no more than 100 percent of the AMI. Different prices will be set for efficiency, one-bedroom, two-bedroom, three-bedroom, and four-bedroom-or-more workforce dwelling units, based on an assumed household size for each unit size. The number of persons in the household equals the number of bedrooms plus one. For example, one person will occupy an efficiency unit, two persons will occupy a one-bedroom unit, three persons will occupy a two-bedroom unit, etc. The following additional factors will also be used in calculations:
1. With respect to owner-occupied workforce dwelling units, prices will be calculated on the basis of:
 - a. An available fixed-rate 30-year mortgage, consistent with the average rate published from time to time by Freddie Mac
 - b. A down payment of no more than 20 percent of the purchase price (a down payment of less may require mortgage insurance)
 - c. A calculation of property taxes
 - d. A calculation of homeowner’s insurance
 - e. A calculation of condominium or homeowner association fees
 2. With respect to rental workforce dwelling units, rents shall be 30 percent of the AMI minus an allowance for the monthly cost of utilities.

8. Affordability Controls

- A. Each workforce dwelling unit created in accordance with this article shall have limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for households earning no more than 100 percent of the AMI. The resale controls shall be established through a deed restriction on the property and shall be in force in perpetuity.
1. Purchaser restriction. All resale transactions must be to qualified purchasers that have received a Certificate of Qualification.
 2. Resale price. Sales beyond the initial sale to an eligible workforce dwelling unit purchaser shall be formulated by taking the purchase price used by the seller under this article and increasing it by the following:
 - a. Inflation, as measured by the Consumer Price Index (All Urban Customers, Philadelphia CMSA, Residential Real Estate), for the period of time the seller resided in the unit
 - b. Fair market value of improvements made to the unit by the seller
- B. Each development created in accordance with this article that con-

While alternatives are important in the interest of fairness to applicants, they will generally be less effective at providing workforce housing than the mandatory provisions. Municipalities should be careful when offering alternatives to minimize the actual usage of them.

A municipality may want to impose more severe costs to using an alternative, such as providing off-site dwelling units. They could ask the applicant to provide 1.5 the number of workforce units otherwise required if produced on-site.

Municipalities should also amend the submission requirements for a subdivision or land development plan to include a workforce housing plan if it is a qualified development.

A municipality may choose to put a specific formula into the ordinance to determine the amount of a fee in-lieu. A simple way of determining the fee is to take the median sale price of a market rate unit minus the maximum sale price of an eligible workforce unit.

tains rental workforce dwelling units shall be continually rented in perpetuity to qualified lessees as determined by Section 5.A.

9. Design and Integration of Workforce Dwelling Units

- A. Location of workforce dwelling units. Workforce dwelling units shall be dispersed among the market rate dwelling units throughout the qualified development.
- B. Phasing of construction. The applicant shall include a phasing plan that provides for the timely and integrated development of the workforce dwelling units throughout the qualified development. The phasing plan shall provide for the development of the workforce dwelling units concurrently with the market rate dwelling units. Building permits shall be issued for the qualified development based upon the phasing plan.
- C. Exterior appearance. The exterior appearance of the workforce dwelling units in any qualified development shall be visually compatible with the market rate dwelling units in the qualified development. External building materials and finishes shall be substantially the same in type and quality for workforce dwelling units as for market rate dwelling units.
- D. Interior appearance and finishes. Workforce dwelling units may differ from market rate dwelling units with regard to interior finishes and gross floor area provided that:
 - 1. The bedroom mix of workforce dwelling units shall be in equal proportion to the bedroom mix of the market rate dwelling units.
 - 2. The differences between the workforce dwelling units and the market rate dwelling units shall not include improvements related to energy efficiency, including mechanical equipment and plumbing, insulation, windows, and heating and cooling systems.

10. Alternatives to On-Site Workforce Dwelling Units

- A. As a conditional use, an applicant may request an alternative to the provision of on-site workforce dwelling units if environmental constraints at a particular site would render the building of all mandatory workforce dwelling units at that site economically unfeasible or if unique economic hardship can be demonstrated by the applicant.
- B. Applicants who are allowed by the municipality to provide an alternative to on-site workforce dwelling units may choose between two options, either the provision of off-site workforce dwelling units or payment of a fee-in-lieu of workforce housing.
 - 1. Off-site workforce dwelling units. The applicant may provide the same number of workforce dwelling units as required under Section 4.A at a different site, as agreed upon by the municipality. The second site should be chosen so that the municipality's goals of achieving economic diversity and creating mixed-income neighborhoods are still furthered.
 - 2. Fee-in-lieu of workforce dwelling units. The per unit fee-in-lieu of the construction of workforce dwelling units shall equal the difference between the median sale price of a market rate unit

Definitions

Affordable - A dwelling unit with monthly ownership or rental costs encompassing 30 percent or less of a household's gross monthly income.

Area Median Income (AMI) - The median income for the Philadelphia region, as established and defined by the Secretary of the U.S. Department of Housing and Urban Development and adjusted for household size.

By-Right Units - The maximum number of dwelling units allowed on a site given the applicable zoning district regulations.

Certificate of Qualification - A document issued by the municipality confirming a household's eligibility to purchase a workforce dwelling unit.

Household Size - The total number of people living in a dwelling unit.

Initial Sale - The first sale of a dwelling unit created as a workforce dwelling unit.

Market Rate Dwelling Units - Dwelling units in a qualified development that are not workforce dwelling units.

Qualified Development - Any land development or subdivision resulting in a net increase of 15 or more dwelling units on contiguous land under common ownership or control by an applicant at one location within the municipality.

Resale Price - the cost of a workforce dwelling unit under the provisions of this article when it is sold at any point after the initial sale. The maximum resale price will be determined by a municipal price schedule for workforce housing.

Workforce Dwelling Units - Any dwelling unit built to satisfy the requirements of this article and sold at a price affordable to households with an income under 100 percent of the AMI.

and the maximum sale price of an eligible workforce dwelling unit. The municipality will make the final determination of acceptable value. All payments shall be used only for purposes of providing affordable housing to households at or below the AMI. Affordable housing may be provided through a variety of means, including but not limited to the provision of favorable financing terms, subsidized prices for purchase of sites, or affordable units within larger developments.

11. Compliance Agreement

- A. Prior to the approval of a final subdivision or land development plan for any qualified development, the applicant shall have entered into an agreement with the municipality regarding the specific workforce housing requirements and restrictions on the proposed development.
- B. The applicant shall agree to execute any and all documents deemed necessary by the municipality, including, without limitation, restrictive covenants and other related instruments, to ensure the continued affordability of the workforce dwelling units in accordance with this article. The agreement shall set forth the commitments and obligations of the municipality and the applicant. The agreement may be modified by mutual consent of the applicant and the municipality, as long as the modified agreement remains in conformity with this article.
- C. The agreement shall be incorporated into the deed of all workforce dwelling unit properties within a qualified development as a deed restriction.

A recent study for Sonoma County (California) concluded that while inclusionary zoning requirements and a jobs-housing linkage program will not, by themselves, reverse the trend of unaffordability, they are proven and effective ways to help new housing production keep pace with employment growth.

Linking Jobs to Workforce Housing

Linkage programs tie new economic development and job creation to the construction of affordable workforce housing. Most programs do this by requiring developers to pay fees (per square foot of development) or donate land for the support of workforce home construction. Some programs allow the option for developers to construct the homes themselves.

In job centers, commercial and office developments often outpace workforce housing production, leaving few areas close to the place of employment where important sectors of the workforce can afford to live. This scenario is often referred to as a “jobs-housing imbalance.” A jobs-housing imbalance can create other related concerns, such as traffic congestion and lengthy commutes. A linkage program can begin to address these, as well as spur revitalization in communities seeking new investments.

In Montgomery County, a linkage program would be administered at the local level through the municipal zoning ordinance and require a small amount of staff commitment. Depending upon the local political climate, passing such an ordinance may require a campaign with a broad base of partnership and support.

When creating a program, there are several variables to consider:

- What types of (nonresidential) developments will be subject to this fee?
- How much of a fee will be required? Will different types of development pay separate fees? How will this fee be calculated?
- If this is being investigated along with an inclusionary zoning ordinance, can the two be passed jointly?
- What will be the payment timeline? Some programs require payment when the development permit is granted; others spread the payment out over several years.
- How will the funds be used? Will funds be restricted to neighborhoods closest to the job centers?
- Can small businesses (with a small square footage) be exempted from this requirement?

Several municipalities around the country have adopted linkage fee ordinances, or similar legislation, to support affordable housing production.



Rollins Square, in Boston's South End neighborhood, was built using a variety of funding sources, including some from commercial linkage fees. It includes a mixture of units for the formerly homeless, moderate-income first-time homebuyers, and market rate units.

Photo from
CBT/Childs Bertman Tseckares Inc.
(www.cbtarchitects.com).

Several municipalities around the country have adopted linkage fee ordinances, or similar legislation, to support affordable housing production.

Boston's ordinance dates back to 1987 and was most recently updated in 2001. It covers the construction of new offices, retail space, hotels, and institutions. Developments under 100,000 square feet are exempted. More than \$45 million has been raised by this initiative. Fees are paid on either a 7- or 12-year schedule, which allows linkage fees to be paid out of operating revenues (as opposed to equity investments in the initial construction phases).

San Francisco's linkage program was adopted in 1981 and requires entertainment, hotel, office, retail, and research & development projects to contribute varying amount of money (per square foot), payable on issuance of the building permit. Although San Francisco's fees per square foot are higher than the requirements of most other municipal linkage programs, its commercial tax rate tends to be lower, offsetting this disparity.

Berkeley's program is unique in that in addition to increased housing needs, it takes increased child care needs into consideration as well. Its ordinance originated in 1993 and covers office, retail, industrial, and other commercial uses over 7,500 square feet in size. Payments are made in three installments, with the final due after one year of occupancy.

Seattle's linkage program is voluntary and allows developers of commercial projects to purchase a boost in their floor-area ratio (FAR) by providing affordable housing, child care, historic preservation, other additional amenities, or a (purposely high) fee of \$20 per square foot. Perhaps due to its voluntary nature, the number of units constructed from participation in this program have been modest. Seattle has expressed interest in restructuring its program.

Cambridge has a citywide linkage program that applies to new commercial, hotel, retail, and institutional development. Its program, which started in 1988, has a 30,000 square foot threshold for eligibility.

What Municipalities Can Do



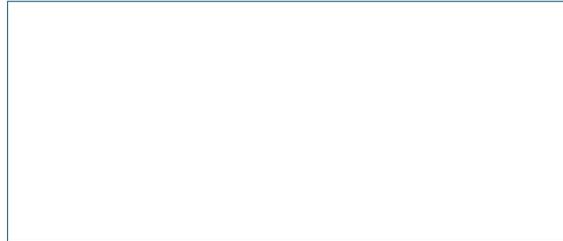
Smaller homes on smaller lots, such as this one in an age-restricted community, would allow for more affordable homes to be built in Montgomery County.

Clearly, municipal governments cannot control all of the factors that affect the cost of housing in Montgomery County. Economic trends, prevailing mortgage rates, land and materials costs, and immigration rates all affect housing prices. Despite this, there are ways that local land use regulations can have a marked affect on housing production and housing costs. Even as the housing market expands and housing choices continue to grow in the county, workforce housing should continue to be a priority.

- Municipalities that are in the process of, or will soon be, updating their comprehensive plans should consider including a section on housing needs and the policy objectives that could be achieved on a local level.
- Zoning ordinances should be carefully evaluated to find opportunities for workforce housing. This includes reviewing density standards, lot sizes, setbacks, frontage requirements, and the overall mix of uses in a given zoning district. For example, according to a study by the U.S. Department of Housing and Urban Development, land costs can account for between 8 and 25 percent of the overall cost of a new home. Where density standards are too restrictive, the cost of land per new housing unit will likely be high. Increasing density without losing neighborhood character could be a huge step in preserving affordability.
- Incentives for increased workforce housing production should be given serious consideration. Density bonuses, inclusionary zoning ordinances, and similar types of programs are in place from coast to coast in large metropolitan areas and smaller suburban communities. Incentives have proven successful at boosting workforce dwelling unit numbers and adding to attractive and welcoming communities.



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- 1. The Workforce Housing Dilemma.** Does Montgomery County have a workforce housing problem? This report explains the difference between affordable housing and workforce housing. It also examines some of the barriers and solutions for developing more affordable homes.
- 2. Buying and Renting a Home in Montgomery County.** This report focuses on the issues facing homebuyers and renters in Montgomery County. It addresses funding sources for home rehabilitation and purchasing assistance. The report also takes a closer look at local rents and assistance programs for renters.
- 3. Expanding Locations and Development Potential.** This report focuses on two of the most prominent issues associated with building affordable housing – suitable location and land costs. It includes model zoning ordinances and reviews other ordinance issues.
- 4. Eliminating Unnecessary Development Costs.** This report addresses the costs of development. It discusses the cost of construction delays and details how various site planning and design techniques can save money for both developers and homebuyers.
- 5. Cutting Building Costs, Not Quality.** This report focuses on the actual costs of building construction and how they can be lowered by employing modular construction and using building techniques that save on energy costs.
- 6. Helping Employees With Housing Costs.** This report addresses employer-assisted housing. It focuses on the various ways that employers can encourage home purchases and includes examples of local and regional programs.

For more information on this topic, call the Montgomery County Planning Commission at 610-278-3722.

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