

May 9, 2023 - Dottie Ives-Dewey & Dan Glotz

Land Use Planning and Regulation in Pennsylvania: Trends, Challenges, and Opportunities

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Program Description

Across Pennsylvania, land use tools are evolving in response to broad changes in population, shifting economies, new technologies, and a changing climate. The purpose of the webinar is to present the current state of land use planning practices across the state with specific examples of current practices from one county. Drawing on the findings of recent research that analyzed land use practices across Pennsylvania, presenters will discuss tools commonly used by municipalities to manage growth and development. Over the past 20 years, Pennsylvania counties have become more involved in comprehensive planning, providing GIS services, hazard mitigation planning, solid waste management, emergency management planning, and stormwater management planning. Comprehensive Land Use Plans are evolving from a data-heavy document to one that is project driven and often referred to as the "Implementable Comprehensive Plan." This session will explore that new approach to land-use planning along with implementation tools such as form-based zoning, cluster development, and planned residential development. We will also address the question of which is the better option for my community: municipal, multi-municipal, or county administration of land-use ordinances.

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Learning Objectives

- Review the ongoing planning challenges impacting land use regulations in Pennsylvania.
- Understand the evolving planning role of Pennsylvania counties in the planning process.
- Discuss best practices related to comprehensive plans and their implementation.
- Learn about the potential of newer planning tools and their use in supporting land development.

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2023 PA HOUSING RESEARCH CENTER WEBINAR (MAY)
PLANNING IN RURAL PENNSYLVANIA IN 2020: ANALYSIS
OF THE USE & EFFECTIVENESS OF MUNICIPAL LAND USE
TOOLS

FUNDED BY THE CENTER FOR RURAL PENNSYLVANIA, A LEGISLATIVE AGENCY OF THE PENNSYLVANIA GENERAL ASSEMBLY

Dottie Ives Dewey, Ph.D., AICP, PP
 Megan Heckert, Ph.D.
 Jongwoong Kim, Ph.D.
 Martin Katirai, Ph.D.
 Whitney Katirai, Ph.D.

Sue Neal, Graduate Assistant, DPA Candidate

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RESEARCH OBJECTIVES: PA LAND USE 2020

- Determine the extent, character, and effectiveness of **Comprehensive Planning Practices** in local and county governments in Pennsylvania
- Determine the extent and character of **Planning Agencioles** in Pennsylvania
- Determine the extent, character, and effectiveness of **Zoning** and **SALDO** use in Pennsylvania
- Determine the extent, character and effectiveness of **Alternative Land Use Tools** utilized by Pennsylvania municipalities
 - SWM, Emergency Mgt., Hazard Mitigation, Official Maps, Joint Zoning, TDR, TND, others
- Identify **Public Policy Implications and Recommendations**

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STEERING COMMITTEE	
Northeast	South Central
Amanda Raudenbush Planning Director, Bethlehem Township	Tara Hitchens Asst. Township Manager, East Lampeter Twp
	Pam Shellenberger Chief Planner, York County Planning Commission
Southeast	Northwest
Brian O'Leary, AICP Executive Director Chester County Planning Commission	Amy McKinney Planning Director Lawrence County Planning Department
Mark Evans, AICP Planning Consultant, Derck & Edson	
Central	Southwest
Ethan Imhoff, AICP Executive Director Cambria County Planning Commission	Brian Lawrence Executive Director Westmoreland County Redevelopment Authority
	Denny Puko, AICP Planning Consultant, Denny Puko Planning Consultant, LLC
	AJ Schwartz, AICP Planning Consultant, Environ Planning & Design
	John Trant Planning Consultant, Strategic Solutions

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RESEARCH OBJECTIVES: PA LAND USE 2020

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- Update 2001 Report *Measuring the Effectiveness of Municipal Planning and Land Use Regulation in Pennsylvania* (Stanford Lembeck, Timothy Kelsey, George Fasic)
 - 2000: 71% of municipalities had some form of land use planning; 29% did not.
 - 2020: 81% of municipalities had some form of land use planning, 19% did not.

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URBAN & RURAL DESIGNATION - COUNTIES

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Rural Pennsylvania Counties



Quick Facts

- 48 rural counties (19 urban)
- 2.4 million residents in Rural Counties or 27% of 12.8 million residents (2017 population)
- Average population density for PA of 284 per square mile (2010)

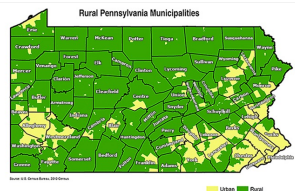


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URBAN & RURAL DESIGNATION - MUNICIPALITIES

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Rural Pennsylvania Municipalities



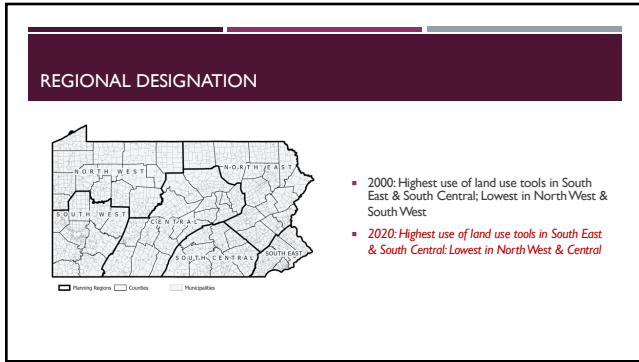
Quick Fact

- At the municipal level 1,592 (62%) of the state's 2,562 municipalities are rural (970 or 38% are urban)

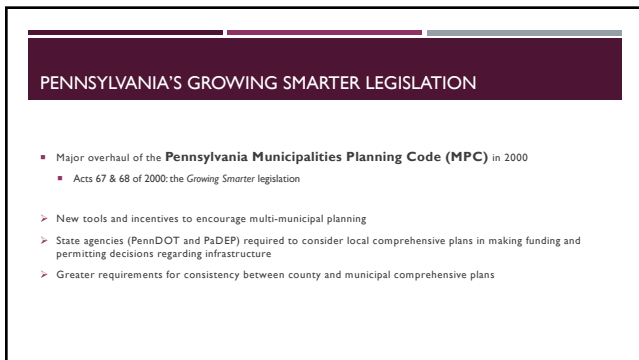
Municipal definition
A municipality is rural when the population density within the municipality is less than the statewide average density of 284 persons per square mile, or the total population is less than 2,500, unless more than 50 percent of the population lives in an unincorporated area as defined by the U.S. Census Bureau.



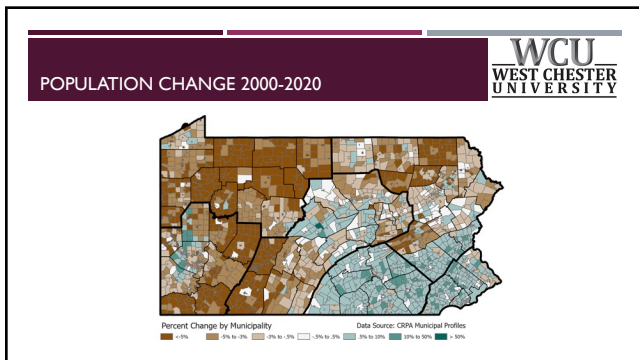
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METHODOLOGY 


- Measures of planning effectiveness:
 - The extent to which the four primary planning tools – *planning agencies, comprehensive plans, SALDO,* and *zoning ordinances* – were used in local governments and counties in PA
 - The extent to which other land use tools were used
 - The extent to which plans, and regulations were achieving local planning goals
 - The extent to which comprehensive plans were used to inform municipal decision-making
 - The perceived barriers to effective planning

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DATA COLLECTION INSTRUMENTS 

- Survey of County Planning Directors
 - 65 Counties (Philadelphia not included)
- Survey of Municipal Officials
 - 1,547 Townships, 957 Boroughs, Town of Bloomsburg
- Key-Person Interviews

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OVERALL SURVEY RESPONSES 

Survey	Total Surveys Sent	Total Usable Completed	Percent Completed
Municipal Officials	2505	896	35.8%
County Planning Directors	65	55	84.6%


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ANALYSIS OF REGIONAL REPRESENTATIVENESS

Region	# of municipalities in region	% of all municipalities in PA	# responses from region	% responses from region
Southeast	231	9.2%	89	9.9%
Northeast	549	21.9%	182	20.3%
South Central	309	12.3%	123	13.7%
Central	489	19.5%	184	20.5%
Southwest	514	20.5%	164	18.3%
Northwest	413	16.5%	154	17.2%
TOTAL	2,505		896 (35.4%)	--

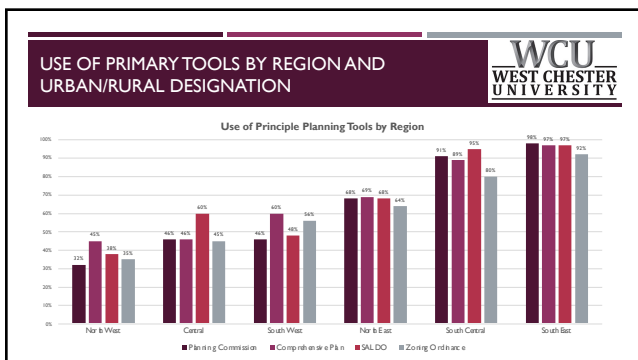
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MUNICIPAL USE OF MAJOR LAND USE TOOLS

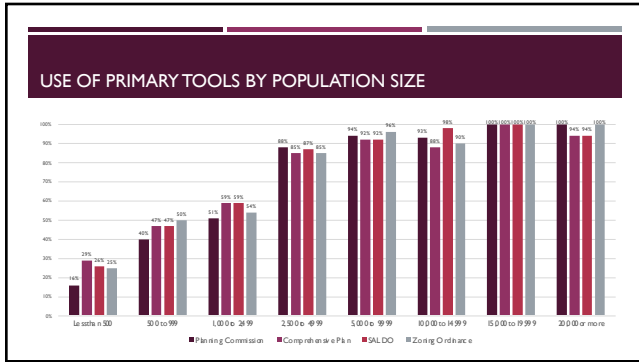


	2000	2020
Planning Agencies	61%	59%
Comprehensive Plans	52%	64%
Zoning	57%	58%
SALDO	59%	64%

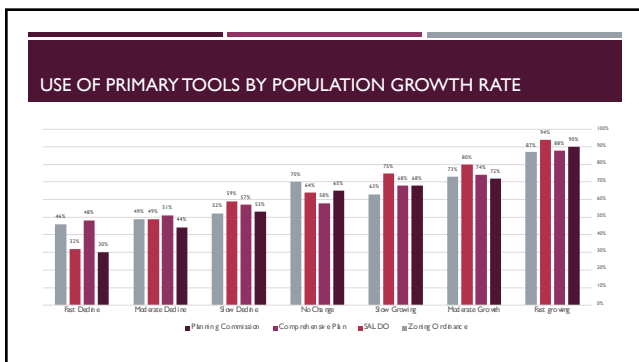
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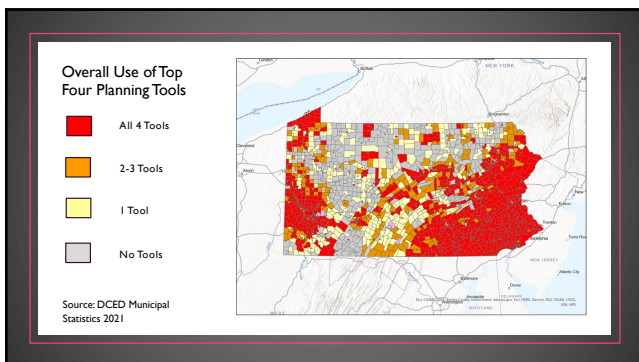
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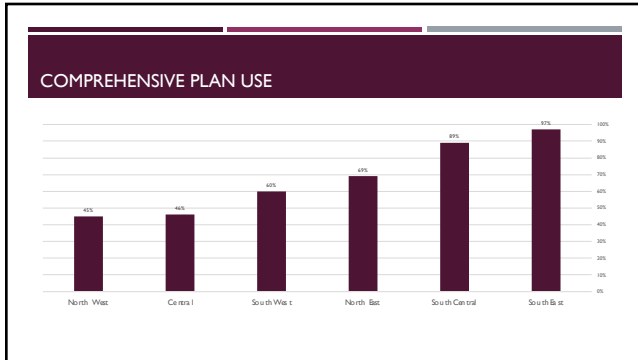
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CURRENCY OF COMPREHENSIVE PLAN

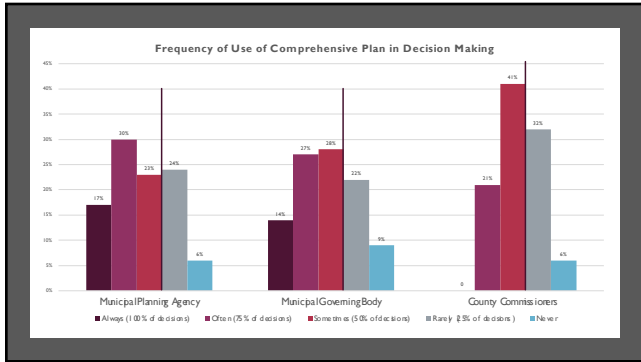
Adoption / Updating	Comprehensive Plan
Average Timespan First Adopted	1990-1999
Percent who have updated/revised since it was first adopted	65%
Percent of those updating who did so within the past 10 years	69%

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INCREASED USE OF JOINT COMPREHENSIVE PLANS

Urban or Rural County	Have Joint Comprehensive Plan	Have Single Comprehensive Plan
Rural County	52%	48%
Urban County	44%	56%

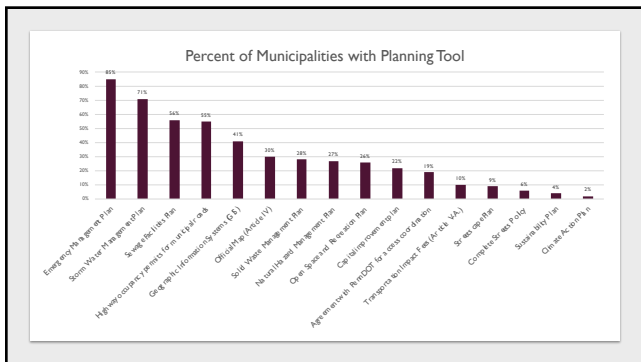
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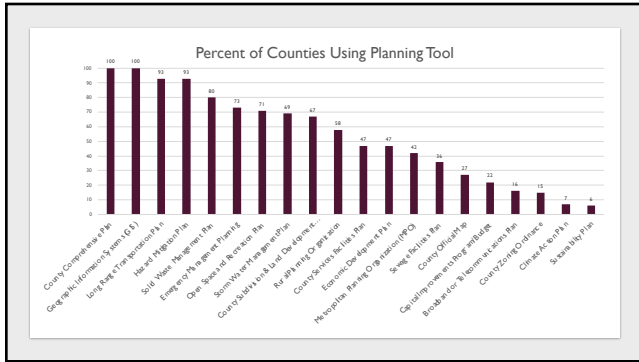
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Purposes	Uses Comprehensive Plan for this Purpose
Considering zoning amendments and/or rezonings	66%
Reviewing land development proposals	46%
Applying for government grants	43%
Conducting hearings on conditional uses	33%
Preparing Stormwater Management Plans	24%
Preparing capital improvement programs	22%
Applying for MS4 permits	18%
Preparing sewer system plans	13%
Preparing the annual budget	12%
Preparing water system plans	8%

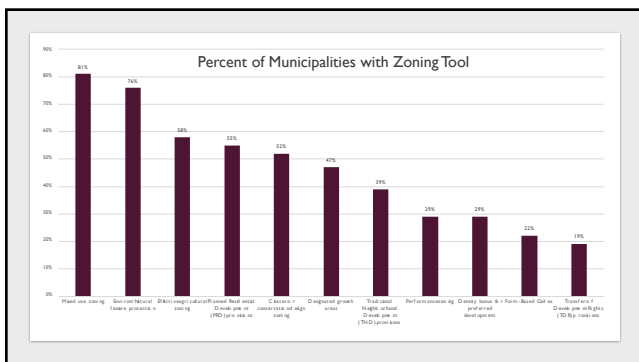
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ACTION TO IMPROVE PLANNING	MUNICIPAL	COUNTY
	Rank	Rank
Regular update of comprehensive plan	1	2
Grants to update plan	2	1
Update regulations to conform to plan	3	3
Require elected officials' training	4	4
Special grants for rural planning	5	9
Require planning commissioner training	6	5
Require zoning administrator training	7	4
Require plan/regulations consistency	8	7
Require infrastructure before development	9	13
Mandate planning and land use regulations	10	6
Require zoning hearing board training	11	10
Impact fees for other services/facilities	12	14
Reduce transportation impact fee complexity	13	15
Permit official sketch plans	14	12
Require adjacent municipality review	15	11

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SOME FINDINGS

- Increased use of comprehensive plans, but they remain underutilized
- Inter-municipal interaction increased, and counties play important roles in facilitating these interactions
- Increase in use of "other" types of plans, including emergency management plans, hazard mitigation plans, and stormwater management plans
- Biggest barriers to effective planning:
 - Lack of funding and resources
 - Lack of professional staff
 - Limited support by elected officials and the public
 - Lack of training in planning and land use by elected officials.

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POLICY RECOMMENDATIONS


- Direct Support for Multi-Municipal Planning and Land Use Regulation
- Amendments to the MPC
- Rural Planning Resources
- Resources for Training and Promotion of Planning

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THANK YOU!

▪ Dottie Ives Dewey, Ph.D., AICP, PP

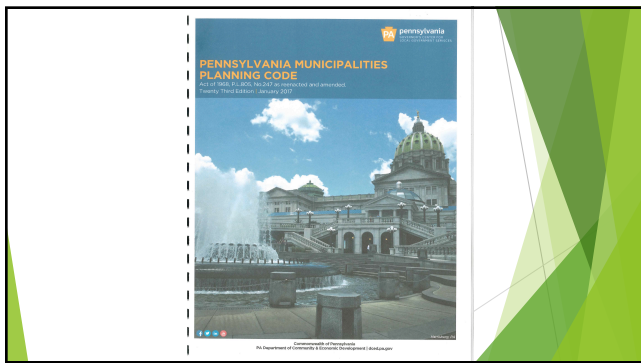
Planning in Pennsylvania in 2020, Center for Rural PA



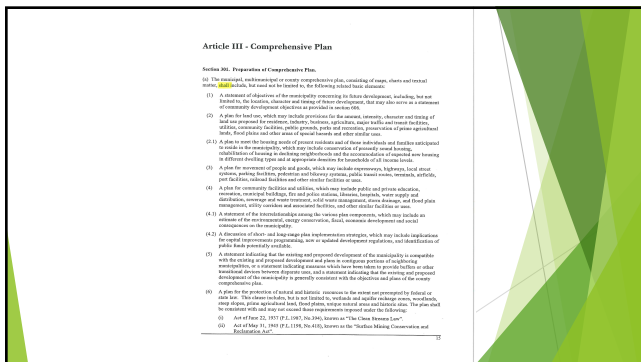
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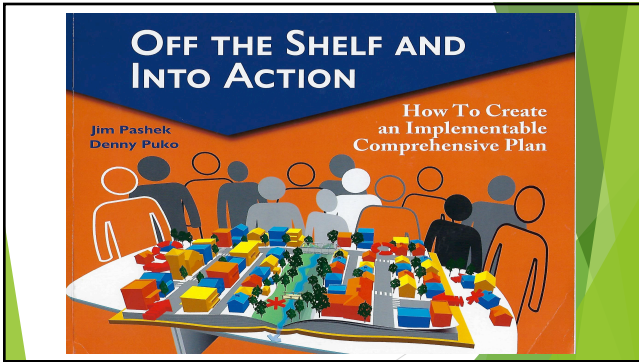
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Form-Based Zoning

- ▶ Controls building form first..... building use second.
- ▶ Moves away from the conventional "Euclidean" zoning practices.

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Benefits of a Form-Based Code

1. Eliminates the Drawbacks of Euclidean Zoning
2. Provide Developers With Flexibility
3. Revitalize Urban Neighborhoods
4. Help Local Businesses to Thrive
5. Help Create More Walkable Neighborhoods
6. Promote More Affordable Housing

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Before: typical existing conditions produced by the conventional zoning system.

Form-based code: new standards for the public realm & private development.

After: potential private development following new form-based standards.

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Cluster Development

- ▶ Purpose of cluster development:
 - ▶ promote integrated site design that is considerate to the natural features and topography
 - ▶ protect or preserve important natural features, prime agricultural land, and open space
 - ▶ encourage cost saving on infrastructure and maintenance
 - ▶ by decreasing the number of roads that need to be plowed during the winter months
 - ▶ by decreasing distance that utilities need to be run
 - ▶ create more area for open space, agricultural operations, forestland, and recreation

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Planned Residential Development (PRD)

- ▶ Encourages creative residential development.
- ▶ Promotes more economical and efficient use of land while providing for a compatible blend of housing types, amenities and community facilities.
- ▶ Preserves natural scenic qualities and open areas.
- ▶ The development is often held in single ownership.
- ▶ Must be a minimum lot size, typically 10 or more acres.

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Common Types of Land Use Ordinances

- ▶ Subdivision and Land Development Ordinances (SALDO)
- ▶ Zoning Ordinances
- ▶ Building Codes
- ▶ Property Maintenance Codes
- ▶ Nuisance Codes

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Subdivision and Land Development Ordinances

- ▶ Municipal Ordinance
 - ▶ County Planning Commission and ACT 247 requirement
 - ▶ Approval body; Planning Commission or Governing Body
- ▶ County Ordinance
 - ▶ Approval body; County Planning Commission or Governing Body

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Zoning Ordinances

- ▶ Municipal
 - ▶ Regulates land use in a single municipality
 - ▶ Governing Body appoints Zoning Officer
 - ▶ Governing Body creates a Zoning Hearing Board
 - ▶ ZHB Solicitor must be separate from Municipal Solicitor
- ▶ Joint Municipal
 - ▶ Based on an adopted Joint Municipal Comprehensive Plan
- ▶ County
 - ▶ Regulates land use in all member municipalities
 - ▶ Governing Body appoints Zoning Officer(s), ZHB, and ZHB Solicitor

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Building Code

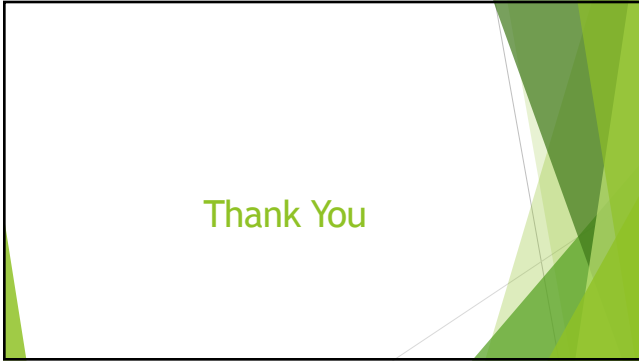
- ▶ In-House
 - ▶ Trained and Certified Local Code Inspector(s)
 - ▶ Appointed by Governing Body
- ▶ Multi- Municipal
 - ▶ Trained and Certified Local Code Inspector(s)
 - ▶ Intergovernmental agreement between participating municipalities
- ▶ 3rd Party
 - ▶ Contracted, certified outside agency

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Property Maintenance & Nuisance Codes

- ▶ Typically administered at the local, municipal level.

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