

APPENDIX 7

PLANNING TOOLS FOR IMPLEMENTATION

Zoning Ordinance

Zoning is a method a community may use to regulate the use of land and structures. It is initiated by the adoption of a zoning ordinance designed to protect the public health, safety, and welfare and to guide growth.

When zoning was first utilized, its primary purpose was to prevent a property owner from using his or her property in ways which were a nuisance or actually harmful to neighboring property owners. However, over the years the scope of zoning has expanded. Municipal governments and the courts no longer look upon zoning only as a “negative” tool to keep certain land uses out of a neighborhood, they also recognize its value as a “positive” tool for encouraging certain development and for creating an attractive community. In addition, zoning now frequently attempts to control development in areas subject to flooding, to preserve natural features (i.e., wetlands, forest, aquifers) and historic features and to save farmland.

The zoning ordinance is composed of two parts, the text and the zoning map. The text of the ordinance contains the community development objectives and the necessary technical provisions to regulate the use of land and structures and to establish bulk, height, area, setback and other standards. The zoning map delineates the boundaries of the specific districts or zones created in the ordinance.

From: *Zoning, Planning Series #4, PADCED*

Form-Based Codes

Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes, presented in both diagrams and words, are keyed to a *regulating plan* that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in land-use types. Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory.

Form-based codes are drafted to achieve a community vision based on time-tested forms of urbanism. Ultimately, a form-based code is a tool; the quality of development outcomes is dependent on the quality and objectives of the community plan that a code implements.

Form-based codes commonly include the following elements:

- *Regulating Plan.* A plan or map of the regulated area designating the locations where different building form standards apply, based on clear community intentions regarding the physical character of the area being code.
- *Public Space Standards.* Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, on-street parking, street trees, street furniture, etc.)

- *Building Form Standards.* Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.
- *Administration.* A clearly defined application and project review process.
- *Definitions.* A glossary to ensure the precise use of technical terms.

Form-based codes also sometimes include:

- *Architectural Standards.* Regulations controlling external architectural materials and quality.
- *Landscaping Standards.* Regulations controlling landscape design and plant materials on private property as they impact public spaces (e.g., regulations about parking lot screening and shading, maintaining sight lines, insuring unobstructed pedestrian movements, etc.).
- *Signage Standards.* Regulations controlling allowable signage sizes, materials, illumination, and placement.
- *Environmental Resource Standards.* Regulations controlling issues such as storm water drainage and infiltration, development on slopes, tree protection, solar access, etc.
- *Annotation.* Text and illustrations explaining the intentions of specific code provisions.

From: Definition of Form-Based Codes, Form Based Codes Institute.

Form-based codes place a primary emphasis on building type, dimensions, parking location and façade features, and less emphasis on uses. They stress the appearance of the streetscape, or public realm, over long lists of different use types. These codes have the following characteristics:

- **Zoning Districts** - Form-based codes are defined around districts, neighborhoods and corridors where conventional zoning districts may bear no relationship to the transportation framework or the larger area.
- **Regulatory Focus** - Form-based codes de-emphasize density and use regulation in favor of rules for building form. They recognize that uses may change over time, but the building will endure.
- **Uses** - Form-based codes emphasize mixed use and a mix of housing types to bring destinations into close proximity to housing and provide housing choices to meet many individuals' needs at different times in their lives.
- **Design** - Greater attention is given to streetscape and the design of the public realm, and the role of individual buildings in shaping the public realm. Form-based codes recognize how critical these public spaces are to defining and creating a "place."

→ **Public Participation** - A design-focused public participation process is essential to assure thorough discussion of land use issues as the code is created. This helps reduce conflict, misunderstanding and the need for hearings as individual projects are reviewed.

Modified from definition by Paul Crawford, AICP for the Local Government Commission

Historic Preservation Zoning

Historic preservation provisions can be incorporated by local governments into municipal planning and zoning through the authority of the Municipalities Planning Code (MPC). Some of the techniques that have been used as part of a local government's zoning ordinance include demolition ordinances, historic zoning overlays, zoning bonuses for the preservation of specific historic resources, and protection of landscape features such as scenic vistas and historic roads.

Placing historic properties within the framework of a local government's planning and zoning make sense and allows local communities to move beyond the preservation of an individual property or historic district and look at the historic everyday landscapes in their region. By incorporating historic preservation into the zoning ordinance, municipalities are in a better position to balance the preservation of resources with development.

The first critical step in protecting historic resources is to include them in the comprehensive planning process.

A historical and architectural survey or inventory may be necessary. The next step is for the public to identify those resources that the community envisions preserving for the future. The local government should incorporate those preservation tools, such as a historic zoning overlay, zoning bonuses to provide an incentive to keep these features on the landscape, and other incentives including special provisions for in-house businesses or bed-and-breakfasts.

From: Land Use In Pennsylvania: Practices and Tools An Inventory, Governor's Center for Local Government Services.

Subdivision and Land Development Ordinance

The subdivision and land development ordinance is the most commonly used development control mechanism in Pennsylvania. It is, indeed, the most basic of land use regulations. Subdivision is the creation of new property lines while land development involves construction of public or private improvements. Land is one of our most valuable natural resources and its division or development creates a major portion of our physical surroundings. Also significant is that the way we divide and develop land today will be a very permanent part of our daily lives in the future.

Any valuable resource must be used as reasonably and economically as possible. An important power of local government is to plan for and guide the way we use our land resources. The major purposes of subdivision and land development regulations are: to provide adequate sites for development and public use; to maintain reasonable and acceptable design standards; and to coordinate public improvements with private development interests. In an era of decreasing municipal revenues and increasing development pressures, municipalities can use the subdivision and land development process

to ensure that initial costs of required site improvements be borne by developers and not placed on the municipal budget.

Subdivision and land development controls may be viewed as an “ounce of prevention.” They offer the municipality a degree of protection against unwise, poorly planned development. With the proper ordinance provisions, the community ensures placement of public improvements such as road, water, sewer and drainage systems. Further, by requiring review and inspection reports from the municipal engineer, local officials guarantee that public improvements are properly designed and constructed.

A subdivision and land development ordinance does not control which uses are established within the municipality nor where a use or activity can or cannot locate; rather, it controls how a use or activity relates to the land upon which it is located. This type of ordinance cannot dictate in which area of the municipality that a given residential, commercial or industrial development should be placed. Location, density and use are the province of zoning.

The administration of a subdivision and land development ordinance involves the local planning commission and/or governing body (dependent upon the local ordinance), the developer, solicitor, municipal engineer, development designer and even the county planning commission, as well as many others not mentioned here. Working together, they all can help ensure a high quality subdivision or land development, one that will be acceptable to the municipality, to the developer and to the future occupants of the development.

From: *Subdivision and Land Development in Pennsylvania, Planning Series #8, PADCED*

Capital Improvements Planning

Capital Improvements planning should be considered for programmed transportation improvements. Capital improvements planning includes financial analysis of past trends in the community, present conditions, and a projection of the community's revenues and expenditures, debt limit, and tax rates, to determine what the financial capabilities of the municipality are. It also includes a capital improvements program which establishes a system of priorities. The final element is the capital budget which lists the schedule of improvements over a 5-year period on the basis of the community's financial capacity and availability of grant money.

In the capital improvements program, capital expenditures are separated from Operational expenditures. Operational expenditures are those for administration, payroll, employee benefits, maintenance and similar functions, and are short term. Capital expenditures are for assets which have a substantial value compared to the total municipal budget and are expected to provide service for a number of years. The construction of a road is an example of a capital expenditure.

The capital improvements program schedules the purchase of capital items in a systematic manner rather than allocating a large amount of money for all expenditures in one year. Based on the assessment of future needs, future expenditures are planned so that the municipality can anticipate major expenditures prior to the budget year. The program is based on identified capital needs, goals for capital acquisitions, and a priority list of all proposed capital expenditures.

A time frame is established for the capital improvements program. Five-year programs are typical. Every year the schedule for capital improvements must be revised and updated as necessary, based on the current municipal priorities. For each project included in the program, estimated costs must be established and a budget prepared.

Benefits of capital improvements programs include the following:

- It ensures that projects will be based upon the ability to pay and upon a schedule of priorities determined in advance.
- It helps ensure that capital improvements are viewed comprehensively and in the best public interest of the municipality as a whole.
- It promotes financial stability by scheduling projects at the proper intervals.
- It avoids severe changes in the tax structure by the proper scheduling of projects and facilitates the best allocation of community resources.

Specific Plans

The Municipalities Planning Code (MPC) enables municipalities that have participated in a multi-municipal plan to adopt specific plans. As part of the intergovernmental cooperative agreements, municipalities can choose to adopt specific plans individually or jointly. The MPC defines a specific plan as:

“a detailed plan for non-residential development of an area covered by a municipal or multi-municipal comprehensive plan, which when approved and adopted by the participating municipalities through ordinances and agreements, supersedes all other applications.”

A specific plan is a tool that can be used by municipal governments for the systematic implementation of a comprehensive plan. It establishes a link between the policies of the comprehensive plan and development proposals in a specifically defined area. Provisions of a specific plan shall include type, location and intensity of land uses, the design capability of infrastructure, the standards for preservation of natural resources, regulation of land development, and financing of capital improvements. A specific plan can be used to define the exact location most appropriate for economic development activities to, particularly the village or commercial areas found on the Future Land Use Map, and protect it through ordinance that would supersede all other ordinances.

Specific plans do not create additional planning or permitting requirements. All data collection involved in creating a specific plan is information required as a prerequisite for approval and recording of a final subdivision or land development plan. The specific plan facilitates the planning and permitting, without having to wait for a development application. When an appropriate development proposal occurs, permitting will move directly to the final plan, because all requirements for a preliminary plan (such as sewer, stormwater, sediment and erosion, highway occupancy) will have already been met.

The MPC indicates:

Participating municipalities shall have authority to adopt a specific plan for the systematic implementation of a county or multimunicipal comprehensive plan for any nonresidential part of the area covered by the plan. Such specific plan shall include a text and a diagram or diagrams and implementing ordinances which specify all of the following in detail:

1. The distribution, location, extent of area and standards for land uses and facilities, including design of sewage, water, drainage and other essential facilities needed to support the land uses.
2. The location, classification and design of all transportation facilities, including, but not limited to, streets and roads needed to serve the land uses described in the specific plan.
3. Standards for population density, land coverage, building intensity and supporting services, including utilities.
4. Standards for the preservation, conservation, development and use of natural resources, including the protection of significant open spaces, resource lands and agricultural lands within or adjacent to the area covered by the specific plan.
5. A program of implementation including regulations, financing of the capital improvements and provisions for repealing or amending the specific plan. Regulations may include zoning, storm water, subdivision and land development, highway access and any other provisions for which municipalities are authorized by law to enact. The regulations may be amended into the county or municipal ordinances or adopted as separate ordinances. If enacted as separate ordinances for the area covered by the specific plan, the ordinances shall repeal and replace any county or municipal ordinances in effect within the area covered by the specific plan and ordinances shall conform to the provisions of the specific plan.

Certified Local Government (CLG) Program

This program was created in 1980 under the National Historic Preservation Act and is administered by the Pennsylvania Historical and Museum Commission. The Certified Local Government Program provides additional benefits to municipalities interested in historic preservation. Once certified, the local government is then eligible for:

- Direct participation in the federal historic preservation program,
- Greater access to historic preservation funds,
- Greater level of information exchange with the State Historic Preservation Office (SHPO),
- Access to technical assistance and training from the SHPO, and
- A higher degree of participation in statewide preservation programs and planning.

This program was established to allow local governments to participate directly in the national historic preservation program and to provide funding to local governments to carry out their historic preservation responsibilities (survey, inventory, designation and protection of their historic resources). To achieve CLG status in Pennsylvania, a municipality applies to the Bureau for Historic Preservation. All

states are required to set aside 10% of their federal historic preservation grant funds to CLGs. These grants are presently offered as a ratio of 60% funding from the Pennsylvania Historical and Museum Commission (PHMC) and 40% match from the CLG.

Critical requirements for CLG designation are:

- adopt and enforce appropriate legislation for designation and protection of historic properties,
- establish a qualified historic preservation commission,
- enact a system for surveying historic properties,
- enact a public participation component as part of the local program,
- adequately perform duties and responsibilities delegated through the certification process,
- provide continuing in-service historic preservation training for HARB and Historical Commission members (8 hours training annually per member),
- a good faith effort to appoint HARB members with appropriate professional qualifications for historic preservation backgrounds,
- submit an annual report of the municipality's historic preservation activities, and
- enforce the historic district ordinance.

Corridor Planning

A transportation corridor plan is both a description and a vision of what the corridor is, what it should be and what the corridor may be in the future. The plan may include an inventory of the corridor's characteristics, problems, assets and components that make the corridor unique. By building upon the inventory, a plan is developed which establishes recommendations for managing existing or potential concerns associated with safety, land use access, mobility, capacity or aesthetics of a highway or roadway corridor. These recommendations may include changes to municipal policy or regulations, including revisions to the comprehensive plan, zoning ordinance, or subdivision and land development ordinance.

A corridor plan can also be created for green infrastructure. Such corridors could include stream valleys, hiking trails, or horse trails. The plan can be used as a tool for preserving historic or scenic qualities of local roads.

Corridor plans can be prepared by a single municipality to address local corridor concerns, but ideally are prepared by a group of municipalities to address regional corridor issues. The plan can be used for traffic management issues, to establish access management policies before development creates traffic management problems. The plan can also be used for managing existing traffic conditions.

From: *Land Use Planning In Pennsylvania: Practices and Tools An Inventory, Governor's Center for Local Government Services*

Sewage Facilities Plan (Act 537)

The Pennsylvania Sewage Facilities Act (Act 537 as amended) was enacted to correct existing sewage disposal problems and prevent future problems that pose a threat to public health and safety, as well as to the environment. To meet this objective, the law requires all municipalities to develop and implement a Comprehensive Official Sewage Facilities Plan that addresses present and future sewage disposal needs. The Plan is commonly referred to as an “Act 537” Plan. The Plan, and any revisions, must be approved by the Pennsylvania Department of Environmental Protection (DEP).

Act 537 Plans contain information regarding the geology, existing potable water supplies, soils and natural features of the planning area. The Plan also describes the planning history of the area, Act 537 Plans contain information regarding the geology, existing potable water supplies, soils and natural features of the planning area. The Plan also describes the planning history of the area, existing sewage facilities, and the population and wastewater flow projections of the planning area. Finally, the Act 537 Plan looks at wastewater management alternatives, evaluates those alternatives and selects a course of action appropriate for the needs of the municipality. Additionally, municipalities with individual approved Plans should update the Plan if they have on-lot septic system malfunctions, contaminated wells, or a need to upgrade a sewage treatment plant or extend sewer lines beyond the existing service area. Act 537 Plans should be consistent with, and based upon, the Comprehensive Plan.

From: *Planning and Implementation Tools*, York County Planning Commission.

Recreation Plan

A municipal or multi-municipal Recreation Plan identifies both short-term and long-term recreation, park and open space goals and objectives of the community. Such Plans can either be part of a Comprehensive Plan or a stand-alone document.

The planning process typically includes citizen involvement, an inventory of existing conditions and facilities, an analysis of issues and community needs, and specific recommendations that set forth actions, priorities and costs. The Pennsylvania Department of Conservation and Natural Resources (DCNR) sets forth guidelines for what should be included in a Recreation Plan. These guidelines can be used to assess whether the recreation element in an existing Comprehensive Plan qualifies as a Recreation Plan. The Dedication of Recreation Land Map contained in this report shows only those municipalities which have an adopted stand alone Recreation Plan.

It should be noted that Article 5, Section 503(11)(iv) of the MPC requires that a municipality have an adopted Recreation Plan as a prerequisite to requiring the dedication of recreation land in a Subdivision and Land Development Ordinance (SALDO). To be in compliance with the MPC and avoid a legal challenge, municipalities which require dedication for recreational purposes but lack an adopted Plan, should prepare and adopt a Plan.

From: *Planning and Implementation Tools*, York County Planning Commission.

Landscaping

In general, landscaping provisions are a tool within the SALDO, but may be part of a Zoning Ordinance. Such requirements are above and beyond the typical street tree and buffer/screening requirements. Landscaping requirements may be applicable in parking lots, the interior of lots, and within new developments. Landscaping provisions vary from municipality to municipality. Some local provisions are minimal or nonexistent, while others are extensive.

Some local ordinances also contain provisions regarding the number, type and size of plantings, installation requirements, and maintenance, plus some require the submittal of a landscaping plan. A landscaping plan is a plan associated with a subdivision, land development, or parking facility plan which identifies how the ordinance requirements will be met.

Landscaping not only enhances the aesthetic quality of a development, but can also reduce runoff, reduce particulate air pollution, deter erosion, allow for infiltration of surface water, reduce the quantity and improve the quality of stormwater runoff, serve as a visual/physical barrier, reduce noise and glare, and provide a cooling effect.

From: *Planning and Implementation Tools*, York County Planning Commission.

Street Trees

Provisions for the planting of street trees are contained in either the municipality's zoning ordinance or SALDO. Street trees are beneficial as they can have positive impacts on a municipality's economy, health, safety, and energy conservation.

Street trees are a start to developing a healthy urban forest which consists of the tree canopy above and the plant life below. These urban forests help to clean the air. Green space and tree canopies reduce heating and cooling needs and absorb large amounts of pollutants such as carbon dioxide, nitrogen monoxide, and sulfur monoxide. Studies have shown that urban forests can also help build cohesive communities and have positive economic impacts as well. According to the National Association of Home Builders, developed lots with trees sell for an average of 20-30% more than similar lots without trees. A number of municipalities in York County require the planting of street trees for different types of development. Some municipalities require street trees to be planted whenever a new road is constructed, while others only require the planting of street trees when a residential development meets a certain threshold or at the discretion of the governing body. Some common standards include a recommended tree planting list or statement that only native trees are permitted, maintenance requirements, and planting standards such as spacing, minimum size, and setback requirements.

In order for a community to get the most benefits from their street trees, a municipality should have an inventory of their trees, an organized program for the removal and pruning of the trees, municipal and private funding sources and supporting ordinances.

From: *Planning and Implementation Tools*, York County Planning Commission.

Flexible/Shared Parking

To reduce impervious surface and lessen the impact of point source pollutants, some municipal Zoning Ordinances allow for Flexible or Shared Parking. Shared/Flexible Parking takes advantage of the fact that parking spaces for certain uses are only used part-time, such as houses of worship. Some parking facilities may have a significant portion of unused spaces and utilization patterns that follow a predictable cycle.

Shared Parking occurs when arrangements are made by one facility to use another facility's parking at certain times to take advantage of different peak parking demand periods. Efficient sharing of spaces can allow some parking regulations to be reduced significantly. Some parking lots are seldom or never full, even during peak periods.

Flexible Parking improves upon general parking standards by providing, where appropriate, flexibility based on certain considerations, such as geographic location, transit accessibility, type of land use mix, type of occupants, walkability, density, etc. Depending on the above listed characteristics, the number of spaces required is reduced based on applicability of identified factors. Some municipal ordinances allow a percentage of required parking to be held in reserve (unpaved) or use a pervious surface for a percentage of the parking, until it is proven that the additional parking is needed. Other ordinances may allow on-street parking spaces to count towards off-street parking requirements in certain situations.

In some instances, regulations in municipal ordinances allow for shared parking but require the combined minimum amount of parking spaces for each use. This approach negates the purpose and most of the benefits of shared parking. When parking spaces are shared between uses, the total number of spaces required should ideally be less than what is required for all uses using the shared parking area.

From: *Planning and Implementation Tools*, York County Planning Commission.