Planning Beyond Boundaries

Multi-municipal planning strategies
Part 2
Implementation agreements

- To implement plan and provide necessary legal authority & effect
- Different from and in addition to planning agreements
- May be more than one
Yes, BUT:

Participating municipalities could not use the unique tools and authorities given multi-municipal plans by the MPC.

Can a multi-municipal comprehensive plan be implemented without implementation agreements?
Agreement content

- Required by PA ICL:
  - Duration, powers, structure, more.
- Required by MPC:
  - Consistency review
  - Process for DRI's
  - Roles/responsibilities
  - Yearly reporting
  - Amending process
- Optional by MPC:
  - Designation of growth, future growth & rural resource areas
- Cooperative implementation agreements are enacted by ordinance
Who enters agreements?

- Participating municipalities
- County
- Authorities & special districts

Why involve parties other than the municipalities?

Agreements bring various parties into more formal partnerships to implement the plan.
Consistency review

- Required element of a cooperative implementation agreement
- Ties implementing ordinances & actions to the multi-municipal plan
- Keeps multi-municipal partnership together after plan is done
Consistency of what?

- The adopted multi-municipal plan and:
  - Zoning ordinances
  - Subdivision & land devel. ordinances
  - Capital improvement programs
  - Official maps
  - Specific plans

- Conforming ordinances must be adopted by participating municipalities within two years.
Suggested structure & process

- **Structure:**
  - Joint committee, commission, or review board
  - Rep from each participating municipality
  - Possible rep from county or other parties to the agreement

- **Process:**
  - Submission of proposed ordinance or action
  - Review committee findings & decision, in writing, including options for correction
  - Dispute resolution, if necessary
DRI plan & review process

- Agreement must establish a process
- Host municipality retains DRI approval powers
- However, process may include:
  - All partner municipalities
  - Joint review committee
  - County
  - Public
**DRI review limitations**

- Cannot deny DRI application that meets zoning and S&LD requirements of the host municipality.

- Cannot subject applicant to more than one approval process.
Agreement must set implementation roles and responsibilities for the following:

- **Infrastructure** – Water, sewer, roads, etc.
  - Building, financing, schedule
- **Affordable housing**
  - Zoning uses & densities
  - Public programs & funding
- **Purchase of property, ROWs**
  - Open space, rec, infrastructure
- **Other**
Yearly report

- Infrastructure
  - Progress via implementing actions in meeting growth area needs

- Residential, commercial & industrial development
  - For assessing if uses are adequately accommodated area-wide and if housing for all income levels is being provided.
Amending a multi-municipal comprehensive plan

- Multi-municipal plan must be reviewed at least every 10 years - amendments may be in order.
- Implementation agreement must specify process for amending the plan and redefining growth, future growth & rural resource areas.
- Process is same as for single-municipality plan.
- One municipality cannot unilaterally amend the plan.
- Withdrawal of a municipality may trigger need for amendment.
Area-wide zoning

- The MPC directs zoning hearing boards and courts to consider the availability of zoning for uses throughout the entire area of a multi-municipal plan.

- Multi-municipal plans should include a “plan for the accommodation of all categories of uses within the area of the plan.”

- Accommodate uses within a “reasonable geographic area.”
Implementing the zoning plan

- **Option 1 – Joint municipal zoning**
  - One ordinance enacted by each municipality
  - May have joint zoning officer & joint zoning hearing board

- **Option 2 – Separate zoning ordinances**
  - Each enacts and administers own ordinance
  - Generally consistent with multi-municipal plan
Tax and fee sharing

- May be established by cooperative agreement by municipalities implementing a multi-municipal comprehensive plan.
Arguments for tax sharing

- Alleviates fiscal disparities that lead to worsening conditions in some parts of the community.
- Can help achieve desired development project – “deal maker”.
- No municipality loses taxes. Taxes can grow for all.
- Can lessen competition between neighboring municipalities for tax ratables.
Forms of tax sharing

- **What is shared?**
  - Tax revenues, (most logically, *growth in real estate tax revenues*)
  - Percentages are set

- **What land or development?**
  - The entire municipality
  - Certain categories of development (commercial, industrial)
  - Certain parcels
MPC Section 1105 allows development rights to be transferred between different municipalities participating in a multi-municipal plan.
Conditions for multi-municipal TDR

- Written agreement
- TDR provisions incorporated in zoning
- Zoning ordinances generally consistent with multi-municipal plan
- Plan designates growth areas and rural resource areas
- TDR provisions follow MPC 619.1
Specific plan

- To implement a development proposal in a defined area

- To provide more certainty to a municipality and a developer and reward the complying developer with a fast-track to final approval
Specific plan authority

Text, diagrams, and implementing ordinances

- Adopted via same MPC-prescribed procedures as for comprehensive plans and land use ordinances
- Must be consistent with multi-municipal plan
- Complying developer gets fast-track approval
Specific plan area

- Defined area:
  - One or many parcels
  - A development, an industrial park, a downtown

- Development:
  - Non-residential
  - New development, infill, or redevelopment
Content of a specific plan

Required “in detail”:

- Land uses & infrastructure
- Streets, roads & other transportation
- Standards for density & utilities
- Standards for natural resources, open spaces & agriculture
- Implementing regs & capital financing
Other areas of inter-municipal cooperation

- UCC administration
- Police & fire
- Recreation & trails
- Transportation
- Water & sewer
- Public works
- Economic development

- DCED Shared Municipal Services grants
- DCNR C2P2 grants
- PennDOT planning grants and TIP processes
- DEP Act 537 grants
Help and information

Governor’s Center for Local Government Services

- Land Use Planning & Technical Assistance
- Grants
- Education programs
- One-on-one assistance

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