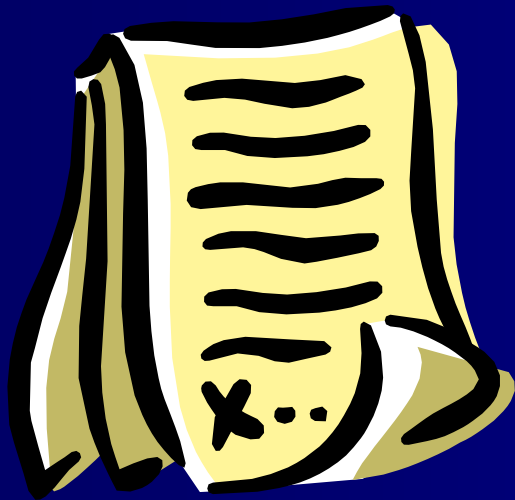


Planning Beyond Boundaries

Multi-municipal planning strategies Part 2



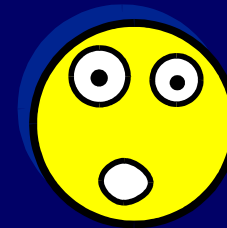
Implementation agreements



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

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

Yes, BUT:



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

Agreement content

- Required by PA ICL:
 - Duration, powers, structure, more.
- Required by MPC:
 - Consistency review
 - Process for DRIs
 - 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 being 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.



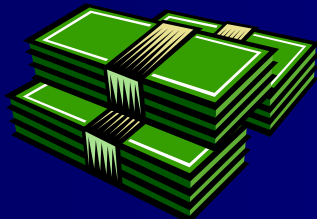
Arguments for tax sharing

- 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

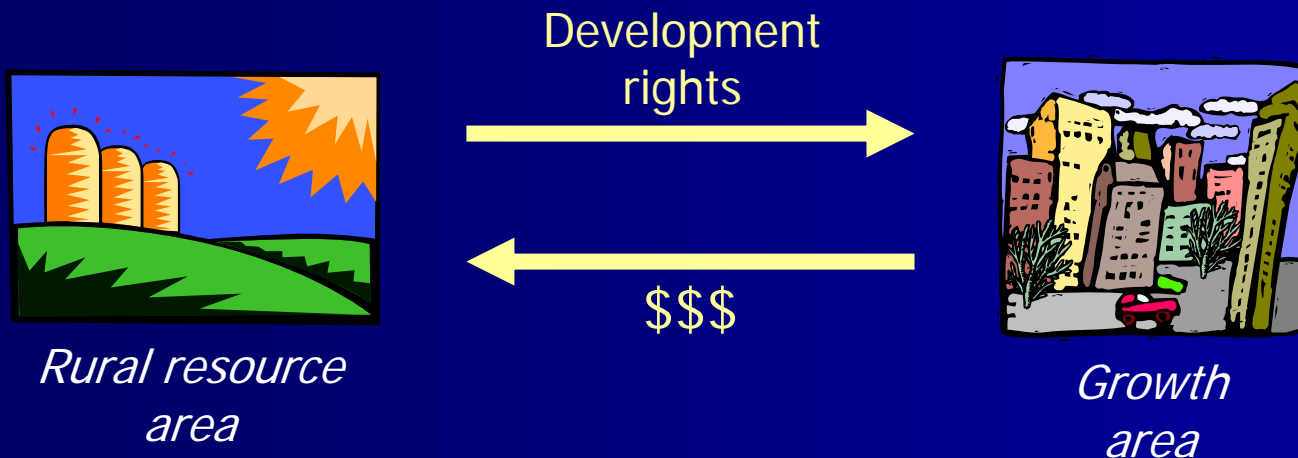


■ What land or development?

- The entire municipality
- Certain categories of development (commercial, industrial)
- Certain parcels

Transfer of development rights

- 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

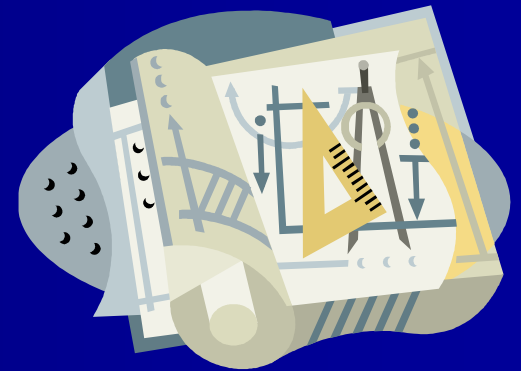


*Santa Monica, CA
Civic Center draft
specific plan*

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

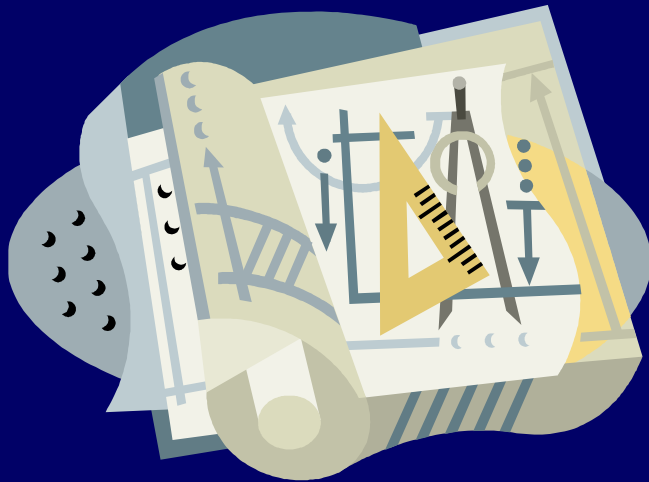
- Defined area:

- 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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