



# THE INS AND OUTS OF MULTI-MUNICIPAL ZONING FROM CREATION TO IMPLEMENTATION

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# Speakers



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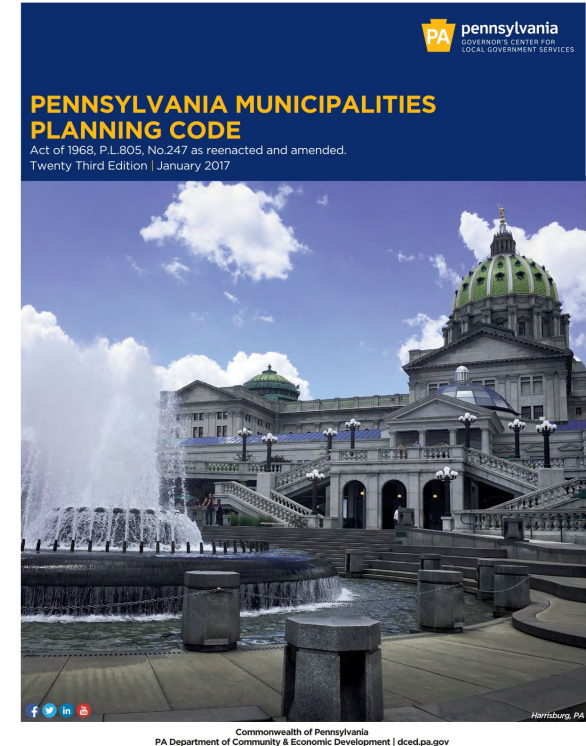
# Agenda

- **Overview of multi-municipal planning and zoning**
  - History
  - Why is it such a big trend?
  - Why is multi-municipal zoning unique?
- **Case Study: Writing a Multi-Municipal Zoning Ordinance**
  - Overview of the communities
  - The process
  - MPC requirements
  - Forming a Multi-Municipal Planning Commission
  - Lessons learned

# Background

## Zoning

- **Zoning is enabled by the Pennsylvania Municipalities Planning Code (MPC)**
  - The MPC enables municipalities to zone and spells out the requirements and process by which zoning should be done.
- **Primary form of land regulation**



# Background

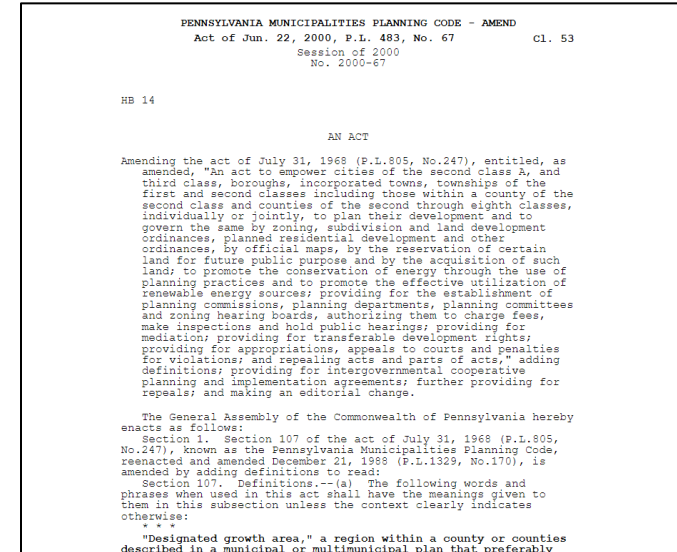
## Multi-Municipal Planning & Zoning

- **(1968)** PA MPC as originally adopted provides for joint *planning*, but not joint *zoning*
- **(1978)** Article XI-A was enacted and permitted joint zoning
- **(1988)** Article VIII-A was enacted, revising Article XI-A

# Background

## Act 67 & 68

- Passed in 2000
- Acts 67 and 68 amended the MPC to make it easier for municipalities to coordinate and cooperate in planning and zoning
  - Motivated by trends in regional planning and sprawl mitigation
  - Simplified the process



# Background

## PA MPC Requirements

- **Article VIII-A: Joint Municipal Planning**
  - Permits municipalities to zone jointly
  - Provisions, purposes, and classifications are the same as standard zoning
  - Main difference exist in the administration and adoption of the ordinance.
    - Formation of a Multi-Municipal Planning Commission
    - Deciding to form a joint Zoning Hearing Board (ZHB)
    - Deciding to share a Zoning Officer

# Background

## The Purpose of Multi-Municipal Zoning

- Consistency with the Area's Multi-Municipal Comprehensive Plan
- Facilitates administration and enforcement of the ordinance (common Zoning Officer)
- Coordinates development and helps to reduce conflict at municipal boundaries
- Opens additional funding opportunities



# BRAINSTORMING?

**WHAT ARE SOME OTHER  
PURPOSES FOR MULTI-  
MUNICIPAL ZONING?**

**OR BENEFITS ASSOCIATED  
WITH IT?**

**HAVE YOU CONSIDERED  
PURSUING MULTI-MUNICIPAL  
ZONING? WHAT'S STOPPING  
YOU?**

## **CASE STUDY:**

# **The New Brighton Area Multi-Municipal Zoning Ordinance And Joint Planning Commission**

# Municipalities Overview

- The process began with a joint RFP for a Multi-Municipal Comprehensive Plan and Zoning Ordinance
  - April 2020
  - Funding for the project was received from the PA Department of Community and Economic Development (DCED) and The US Department of Agriculture.
  - “Existing intergovernmental cooperation agreements have allowed the municipalities to achieve common goals by pooling scarce resources. The agreements have decreased the overall cost of administration, created opportunities for future grant funding endeavors, and have made other financial incentives available.”

# Municipalities Overview

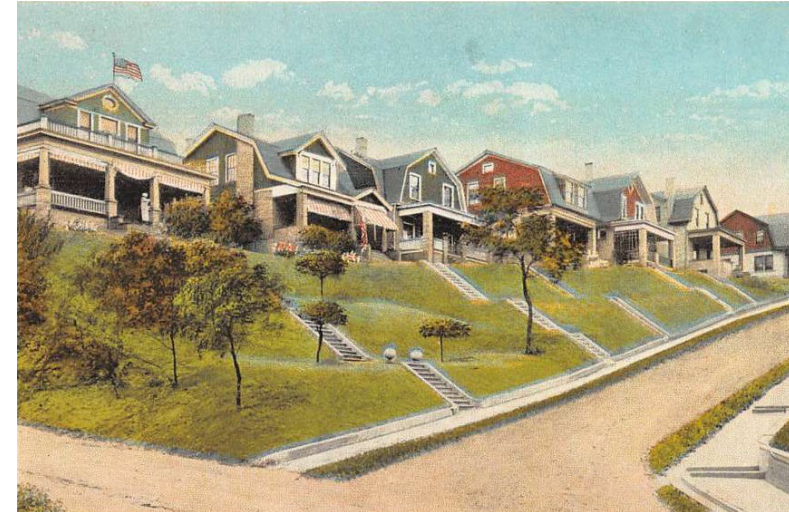
- **Fallston Borough**
  - Population: ~260 people
  - Land area: ~.5 square miles
  - Median household income: ~\$30,000
  - Rural, smalltown feel
  - Small lots at the center
  - Public sewer
  - Did not previously have zoning



Photo Credit: Google Maps

# Municipalities Overview

- **New Brighton Borough**
  - Population: ~6,000 people
  - Land area: ~1.2 square miles
  - Median household income: ~\$26,000
  - Administratively more equipped and frequently assists the other communities
  - Relatively dense development
  - Public sewer





# Municipalities Overview

- **Daugherty Township**
  - Population: ~3,080 people
  - Land area: ~9.9 square miles
  - Median household income: ~\$45,000
  - Very rural; spread out; mostly large lots; with some density at the core
  - Predominantly on-lot sewage



Photo Credit: Township Website

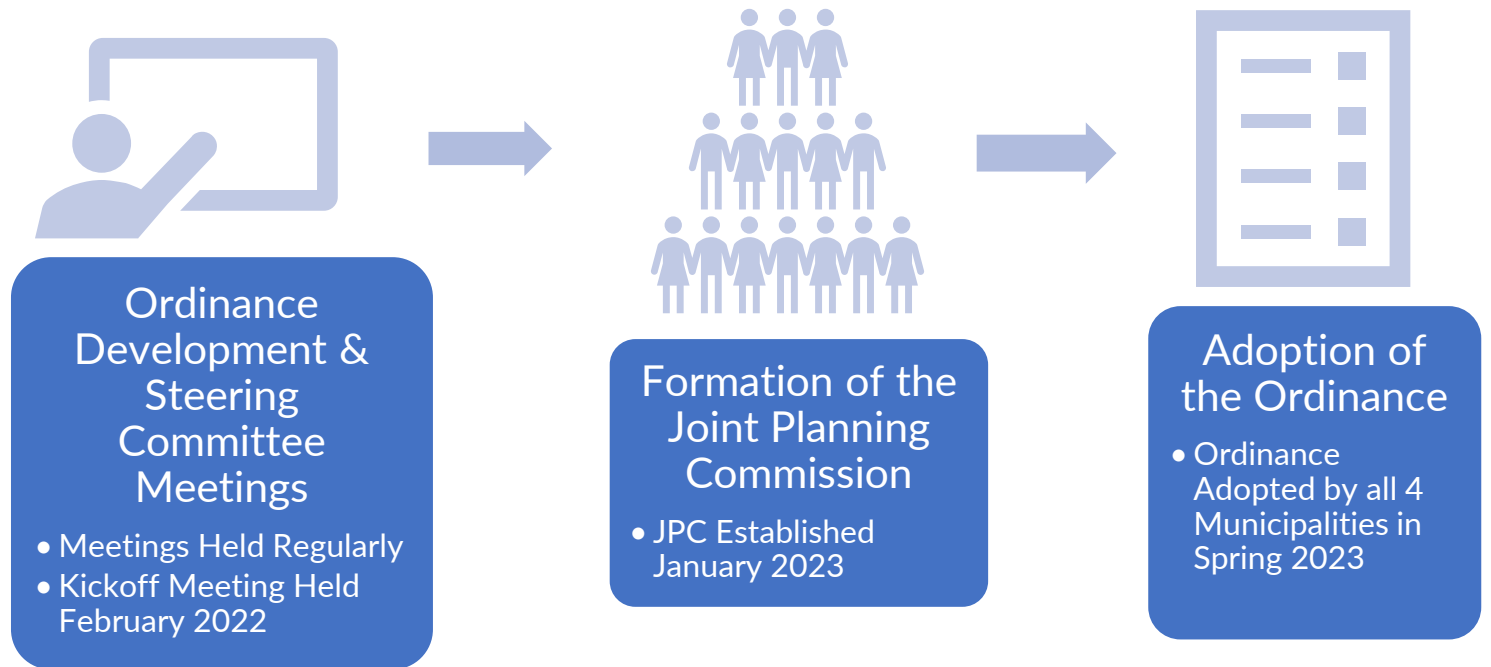
# Municipalities Overview

- **Pulaski Township**

- Population: ~1,300 people
- Land area: ~.7 square miles
- Median household income: ~\$28,464
- Rural, smalltown feel
- Small lots at the center, with larger lots as you move out
- Predominantly on-lot sewage



# Process Overview





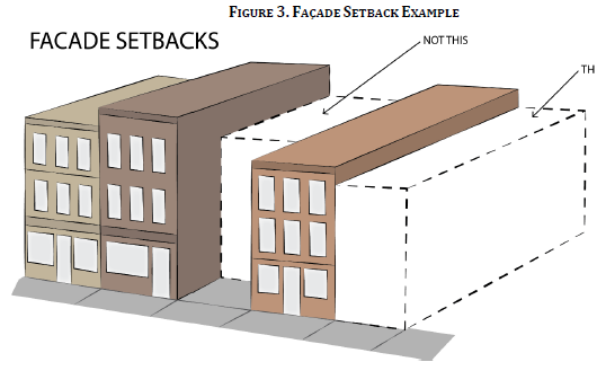
# Process Overview

- Several meetings were held with the Steering Committee to discuss and review elements of the Ordinance as it was drafted.
  - There were seven additional Steer meetings after the kickoff.
- Key topics and issues were discussed include:
  - Zoning Map
  - Uses Table
  - Bulk and Area Tables per Zoning District
    - Addressing sewer availability
  - Accessory Dwelling Units
  - Short-term Rentals
  - Planned Residential Developments
  - Administration
- Subsequent meetings held to review draft after JPC was formed
- Adoption in the Spring of 2023

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D. Percent Lot Coverage and Setback Relative to Adjacent Structures: New or expanded buildings should be setback from the street consistent with the character of the Central Business District, particularly those buildings immediately adjacent to it, as depicted in the following figure.



## E. Building Placement and Access

1. buildings shall not be accessed directly from the street and there shall be no parking in the front yard, particularly if alley access is available.
2. The façade of and principal nonresidential buildings shall be oriented or face towards a street or public or private open space designed as a green or a plaza that includes walkways for pedestrian circulation.
3. Mechanical equipment, such as air conditioning and heating systems, shall not be located in the front yard or in front of the building.

TABLE 24. CALCULATION OF MAXIMUM DWELLING UNITS PER SITE

Line #	Formula	Line #	Solution
1	Gross property area determined by survey	1	Acre
2	Area in existing streets and rights-of-way	2	Acre
3	Site area (subtract line 2 from line 1)	3	Acre
4	Maximum permitted site density in the zoning district	4	DU/Acre
5	Maximum dwelling units (multiply line 3 by line 4)	5	DU
6	Common open space	6	Acre
7	Environmentally sensitive areas not in common open space	7	Acre
8	Other areas designated for nonresidential use and existing and proposed street and utilities, including stormwater retention areas	8	Acre
9	Net site area (subtract lines 6, 7, and 8 from line 3)	9	Acre
10	Maximum permitted net site density in the zoning district	10	DU/Acre
11	Maximum dwelling units (multiply line 9 by line 10)	11	DU
12	Maximum dwelling units (take the lesser of line 5 or line 11)	12	DU

1. Net site density modifications. Net site density may be varied as permitted by the applicable Board of Supervisors or Council, upon consideration of the following factors:
  - a. The amount, location, and proposed use of common open space, including, but not limited to, the amount of land devoted to active recreation facilities and the quality of the recreation facilities or fees contributed to the applicable municipality in lieu of dedication by agreement with the developer.

## Article XI. Administration and Enforcement

## Section 1101. Administration

- A. For the administration of this Ordinance, a Zoning Officer shall be appointed by each municipality to serve for the municipality making said appointment.
  1. Each municipal Zoning Officer shall meet the qualifications established by the Joint Planning Commission.
- B. The municipal Zoning Officers shall administer and enforce this Ordinance including the receiving of applications, the inspection of premises, and the issuing of zoning, building, occupancy, and any other permits for their applicable municipality. No zoning, building or occupancy permit shall be issued by said Zoning Officers except where the provisions of this Ordinance have been complied with.

## Section 1102. Zoning and Building Permits

- A. No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the applicable Zoning Officer. All applications for zoning and building permits shall be in accordance with the requirements of this Ordinance, and unless upon written order of the applicable municipal ZHB no such zoning and/or building permit shall be issued for any building where said construction, addition, or alteration for use thereof would be in violation of any of the provisions of this Ordinance.
- B. Remodeling or improvement of existing buildings which does not alter the basic structure, create additional lot area coverage or change the use of the parcel or building is exempt from this specific requirement provided the estimated cost of such activities does not exceed 100% of the fair market value of the existing structure.
- C. There shall be submitted with all applications for zoning and building permits two (2) copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the exact size and location of the building on the lot, and accessory buildings to be erected, and other such information as may be deemed necessary by the applicable Zoning Officer to determine and provide for the enforcement of this Ordinance.
- D. One (1) copy of such layout or plot plan shall be returned when approved by the applicable Zoning Officer together with the permit to the applicant upon payment of a fee as predetermined from the applicable fee schedule.

## Section 1103. Occupancy Permit

- A. Completion of the authorized new construction, alteration, remodeling, change of use of building or land under the provisions of a zoning and/or building permit shall not be occupied until an occupancy permit has been issued by the applicable Zoning Officer. Written request to the applicable Zoning Officer shall be processed within two (2) weeks of receipt of the request for the proposed use provided the use is in conformity with the provisions of this Ordinance and other effective and applicable

Created based on a combination of the uses allowed by the existing ordinances, and the addition of some standard and more modern new use terms

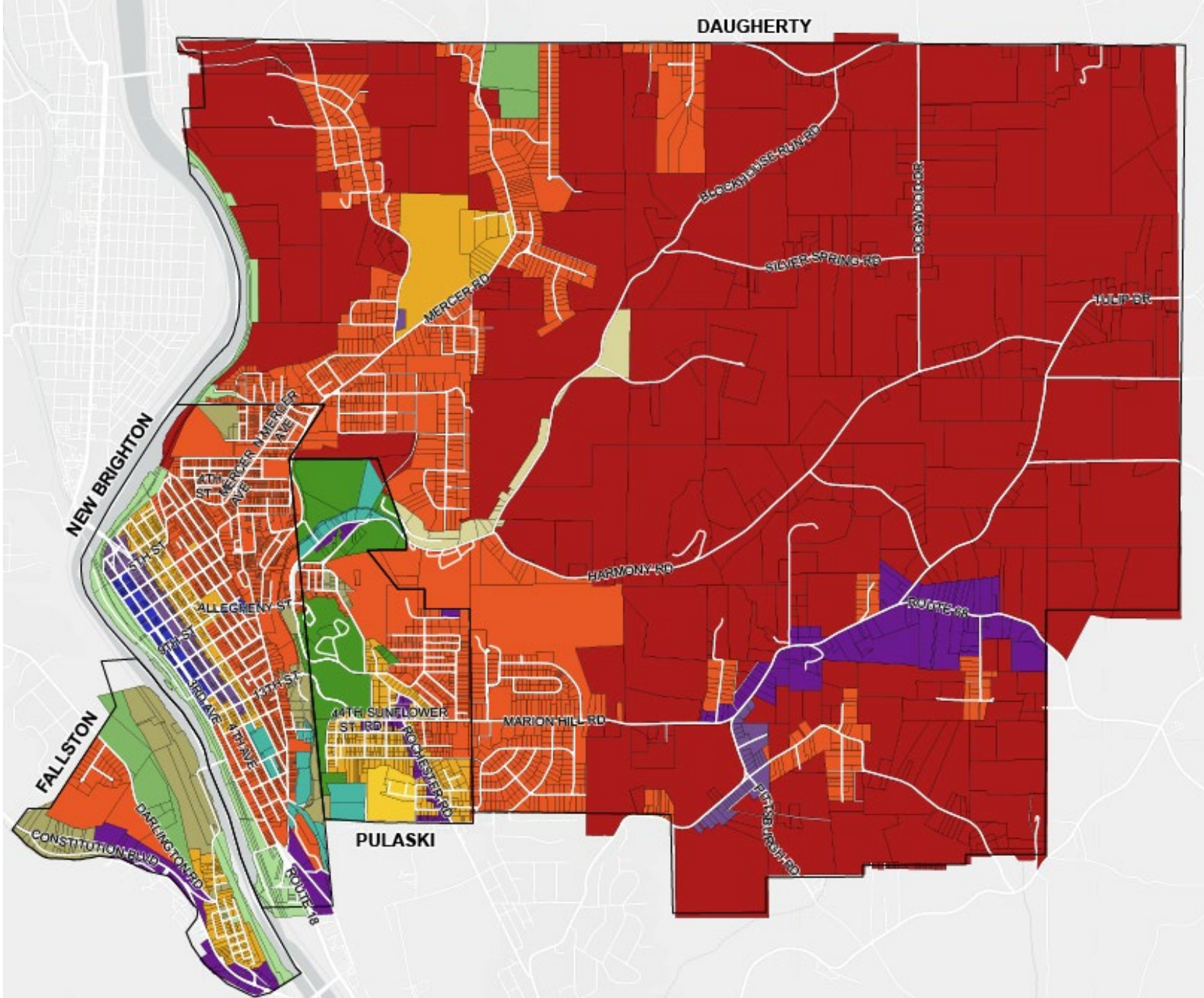
Table of Authorized Principal Uses

USE	R-R	R-1	R-2	R-3	MU	C-1	C-2	C-3	SU	M	P	PR	RR
P=Use Permitted By Right	C=Conditional Use	SE=Use by Special Exception			Blank Cell=Not Permitted								
Adaptive Reuse		C	C		C	C	C						
Adult-oriented Businesses								C	C	C			
Agricultural Operations	P	P	P					P	P	P			
Agritourism	P	P							C				
Ambulance Station		C	C		C	C	C	C					
Amphitheater						C	P						P
Amusement Arcade					C	P	P	P					
Amusement Park								C	C				
Animal Day Care						C	P	P					
Animal Grooming Facility					C	C	P	P	P				
Animal Hospitals and Veterinarian Services					C	C	C	P	P				
Art Gallery					P	P	P						
Arts and Craft Studio					P	P	P	P					
Asphalt/Concrete Plant									C	C			
Auditorium		C	C		C	C	C						
Bank/Financial Institution					C	P	P	P	P				
Barn	P	P	P					P	P	P			
Bed and Breakfast Inn	C	C	C		C	C	C		P				
Beverage Distributor						C	P	P		P			
Billboards								C					

# Principal Uses Table




# Zoning Map
















## Zoning Map for the Boroughs of Fallston and New Brighton and the Townships of Daugherty and Pulaski

Beaver County, Pennsylvania

### Legend

 Municipal Boundaries

#### Zoning District

-  R-R Rural Conservation Residential
-  R-1 Low Density Residential
-  R-2 Medium Density Residential
-  R-3 High Density Residential
-  MU Mixed Use
-  SU Special Use
-  C-1 Central Business District
-  C-2 Neighborhood Commercial
-  C-3 Highway Commercial
-  M Industrial
-  P Conservation/Preservation
-  PR Private Recreation
-  RR Riverfront Recreation

# Zoning Districts

## Fallston Zoning Proposed

R-1 (Development up on hill)

R-2 (most of Borough)

Mixed Use (part of Rt. 51 and for existing comm uses in R-2)

Industrial - along part of Riverfront

Riverfront Recreation?

Private Recreation - Golf Course/Country Club

## New Brighton Zoning Districts

R1 Residential

R2 Residential

C1 Light Commercial

C2 General Commercial

C3 Commercial/Industrial Campus

M Manufacturing

P Conservation

## Daugherty Township Zoning Districts

R-1 Rural Conservation Residential

R-2 Traditional Residential

R-3 Mixed Residential

C-1 Neighborhood Commercial

C-2 Highway Commercial

C-3 Industrial

S-U Special Use

## Pulaski Township Zoning Districts

R-1 One-Family

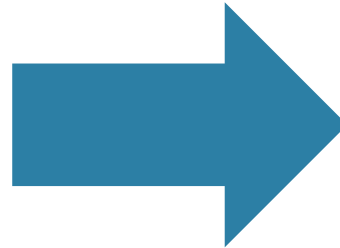
R-2 Two-Family

R-3 Multi-Family

C Commercial

M Industrial

S Conservation



<b>RR</b>	Rural Conservation Residential*
<b>R-1</b>	Low Density Residential*
<b>R-2</b>	Medium Density Residential*
<b>R-3</b>	High Density Residential*
<b>MU</b>	Mixed-Use*
<b>SU</b>	Special Use
<b>C-1</b>	Central Business District
<b>C-2</b>	Neighborhood Commercial
<b>C-3</b>	Highway Commercial*
<b>M</b>	Industrial*
<b>P</b>	Conservation/Preservation*
<b>PR</b>	Private Recreation
<b>RR</b>	Riverfront Recreation

# District Purposes

District	Purpose
<b>R-R</b> – Rural Conservation Residential	The purpose of the Rural Conservation Residential District is to provide for low density development in areas where the existing agricultural economy, open space, and rural character of should be preserved.
<b>R-1</b> – Low Density Residential	The purpose of the Low Density Residential District is to allow lower to medium-density residential development to occur in areas where public water and public sewers may or may not exist and/or are not anticipated within the near future.
<b>R-2</b> – Medium Density Residential	The purpose of the Medium-High Density Residential District is to provide areas for a variety of residential dwelling types with a moderate development intensity pattern with a mix of supplemental uses compatible with residential neighborhoods.
<b>R-3</b> – High Density Residential	The purpose of the High Density Residential District is to accommodate for higher-density, multi-family style housing units and associated development.
<b>MU</b> – Mixed-Use	The purpose of the Mixed Use District is to provide areas for a mix of residential and lower intensity neighborhood commercial facilities intended to serve the immediate area with goods and services. This District is intended to provide convenience opportunities that cater to the surrounding neighborhoods and community but is not intended to house facilities which are high impact and which may be more regional in their draw.
<b>C-1</b> – Central Business District	The purpose of the Central Business District is to provide for a variety of retail and commercial uses in the downtown area. While concentrations of commercial and service land use exist, the character of adjacent residential use and convenience of pedestrian and vehicular traffic shall be protected.
<b>C-2</b> – Neighborhood Commercial	The purpose of the Neighborhood Commercial District is to provide sufficient space for community-level commercial and service establishments and to promote stable commercial development for smaller-scale business and service uses.
<b>C-3</b> – Highway Commercial	The purpose of the Highway Commercial District is to provide areas with access to higher volume roadways and area that are separated from low density residential uses, for a variety of commercial and service-related uses.
<b>SU</b> – Special Use	The purpose of the Special Use District is to provide areas for a mix of low to moderate intensity land uses that are suitable along the Blockhouse Run Road corridor.
<b>M</b> – Industrial	The purpose of the Industrial District is to allow for a variety of commercial and industrial uses and economic opportunities relative to those uses.
<b>P</b> – Conservation/Preservation	The purpose of the Conservation District is to limit development and its impacts on areas with steep topography and environmental constraints.
<b>PR</b> – Private Recreation	The purpose of the Private Recreation District is to provide space for larger, privately-owned recreational facilities that can be used not only by area residents. The PR District offers a mix of indoor and outdoor recreational amenities including golf, fitness, tennis, swimming, paddle ball, and similar court sports.
<b>RR</b> – Riverfront Recreation	The purpose of this Riverfront Recreation District is to encourage recreational uses along the riverfront properties for the use and enjoyment of area residents.

# Bulk and Area Tables

- Created based on existing ordinance district regulations, with updates to create cohesive multi-municipal standards
- Sewered vs. unsewered lot requirements
- Lot size and setbacks to match existing community character

Bulk and Area Regulations R-R Rural Conservation Residential Zoning District		
	Single-Family	All Other Uses
Lot size (minimum)		
without public sanitary sewer and with an unpressurized system <sup>1</sup>	2 acres (87,120 sq. ft.)	2 acres (87,120 sq. ft.)
without public sanitary sewer and with a pressurized system <sup>1</sup>	1 acre (43,560 sq. ft.)	1 acre (43,560 sq. ft.)
with public sanitary sewer	½ acre (21,780 sq. ft.)	1 acre (43,560 sq. ft.)
Lot Width (minimum)	150 feet	150 feet
Height (maximum)	36 feet	48 feet
Front Setback (minimum)	50 feet	50 feet
Side Setback (minimum)	20 feet	25 feet
Rear Setback (minimum)	30 feet	40 feet
Lot Coverage (maximum)	25%	35%
Minimum Floor Area per dwelling unit	1,000 sq. ft.	1,000 sq. ft.

Bulk and Area Regulations C-2 Neighborhood Commercial	
Lot Size (Minimum)	
without public sanitary sewer and with an unpressurized system <sup>1</sup>	½ acre (21,780 sq. ft.)
without public sanitary sewer and with a pressurized system <sup>1</sup>	¼ acre (10,890 sq. ft.)
with public sanitary sewer	3,000 sq. ft.
Lot Width (Minimum)	30 ft.
Height (Maximum)	7 stories or 84 ft. <sup>2</sup>
Front Setback (Minimum)	10 ft.
Side Setback (Minimum)	5 ft.
Rear Setback (Minimum)	8 ft.
Lot Coverage (Maximum)	No maximum



# Parking Requirements

- Created based on existing ordinance requirements
- Updated to match added uses and modern standards
- Issues with distinct character and land development patterns of the four municipalities
  - Lot size restrictions
  - Differing willingness to allow parking within setbacks and rights-of-way
  - Different regulations for downtown area

TABLE 21. PARKING RATIOS

Land Use/Activity	Parking Ratios
	Minimum Vehicle Spaces
Adaptive Reuse	Determined as per parking needs analysis
Adult Oriented Business	1 per 200 sq. ft. of gross floor area
Agricultural Operations	None except 1 per 200 sq. ft. of gross leasable area of building used for sale of products produced on the premises
Agritourism	Determined as per parking needs analysis
Ambulance Station	1 per employee + 1 per 200 sq. ft. gross floor area
Amphitheater	Determined as per parking needs analysis
Amusement Arcade	Determined as per parking needs analysis
Amusement Park	1 per 600 sq. ft. outdoor recreation area
Animal Day Care	1 per 600 sq. ft. gross floor area + 1 per employee
Animal Grooming Facility	2 per grooming station + 1 per employee
Animal Hospitals and Veterinarian Services	1 per employee and 2 per exam room
Art Gallery	1 per 1,000 sq. ft. gross floor area
Arts and Craft Studio	1 per 200 sq. ft. gross floor area
Asphalt/Concrete Plant	Determined as per parking needs analysis
Auditorium	1 per each 2 seats in the main seating area
Bank/Financial Institution	1 per 300 sq. ft. gross floor area, 1 per employee, and 2 per drive-through lane
Barn	None
Bed and Breakfast/ Inn	1 per guest room and 1 per permanent resident
Beverage Distributor	1 per 300 sq. ft. gross floor area
Billboards	1 per site
Boarding House	1 per guest room + 2 per owner's portion
Brewery	Determined as per parking needs analysis
Bus or Truck Maintenance Facility	3 per repair bay and 1 per each employee
Business Services	1 per employee + spaces required to satisfy projected peak parking needs
Campground	Determined as per parking needs analysis
Car Wash	1 per 375 sq. ft. gross floor area, including service bays, wash tunnels, and retail areas
Care Facilities and Senior Housing:	
Assisted Living Facility	1 per every 3 rooms
Independent Living Facility	2 per dwelling unit
Life Care Community	1 per employee on peak shift and 1 per 3 beds or residents
Nursing Home	1 per 3 beds and 1 per employee on peak shift
Retirement Housing Facility	1 per 3 dwelling unit



# BRAINSTORMING?

**OTHER WAYS TO ADDRESS  
VARYING COMMUNITY  
CHARACTER?**

**DIFFERING LOT SIZES?**

**ACCESS TO PUBLIC UTILITIES?**

**PARKING?**

# Administration of the Ordinance

- A Multi-Municipal Planning Commission is created by ordinance, disbanding existing individual Municipal Planning Commissions
- The municipalities may choose to create a shared Zoning Hearing Board or maintain their own.
  - In this case, each municipality maintained their own.
- Each municipality will appoint a Zoning Officer, who shall meet the requirements of the Multi-Municipal Planning Commission
  - In this case, the municipalities shared a Zoning Officer.

# Formation of the Multi-Municipal Planning Commission

- Authority provided by the Pennsylvania Intergovernmental Cooperation Law
- Formed by intergovernmental agreement, enacted by ordinance, spelling out:
  - Structure of the Commission
  - Powers delegated to the Commission
  - How the Commission will be financed



Also serves as the basis for the bylaws

# Formation of the Multi-Municipal Planning Commission

- **Transitioning from consultant to community**
  - HRG assisted with the drafting of the ordinance, and organized and attended the first meeting.
  - Subsequent meetings were attended to discuss revisions to the draft Zoning Ordinance.
  - This created an expectation of HRG's presence and assistance, which had to be addressed and passed off to local municipal staff.

# Adoption Process

- Joint submission to the County for review. Each municipality made the draft available to the public separately.
- Joint public meeting with the Joint Planning Commission
- Separate public hearings, adoption, and resolutions
  - Advertising was drafted jointly to ensure consistency, but posted separately
  - Consistency in resolutions- effective upon date of other municipalities adopting\*

# Amending the Ordinance

- Amending the Ordinance is possible once it has been officially adopted.
- The steps and requirements for amending the Ordinance are outlined in the PA MPC. They do not significantly differ for a multi-municipal ordinance, because the ordinance is adopted individually.
  - All municipalities must agree to the amendment.
  - If a municipality wishes to amend on their own, they must repeal the intergovernmental agreement by ordinance. This cannot be done for the first 3 years.
- The ordinance has been adopted by each municipality and may be amended by each municipality, with the approval of the other municipalities.

# BRAINSTORMING?

## HOW TO IMPROVE THE PROCESS?

# Lessons Learned

- **Start out by determining if a multi-municipal zoning ordinance is really the right thing**
  - This will depend on the phase at which you get involved and the demands of the client
  - Do the financial benefits of funding and shared administration make up for the complications of coordination?
- **Try to understand the politics at play**
- **Shared uses - joint comprehensive planning**



# Lessons Learned

- Review and determine compatibility as a first step, before beginning the official process of starting to develop the ordinance
- Designate one municipal solicitor to be the main contact for legal feedback throughout the planning process

# Q & A?