

IMPLEMENTATION

Active implementation is necessary in order for the comprehensive plan to be of value to the community. Although a plan prepared with accuracy, diligence, and community input and support has the potential to be instrumental in guiding the future development and direction of the community, this potential will not be realized if it is not implemented. Implementation cannot be accomplished by a single act or a single document. It is a series of public and private actions that must be initiated when feasible and timely. The success of such efforts requires the cooperation of Borough residents, business owners, and public officials and agencies.

THE PLANNING PROCESS

The completion of this comprehensive plan does not conclude the planning process for Lansdowne and East Lansdowne. Rather, it is the first in planning for future development and redevelopment and the provision of municipal services. The Boroughs should use a variety of methods to pursue an effective perpetual planning program, such as:

- Forming a joint planning committee to oversee implementation of the multi-municipal comprehensive plan.
- Entering into an Intergovernmental Cooperative Implementation Agreement to establish each Borough's responsibilities for their part of the plan.
- Establishing a process for consistency review to ensure that local ordinances are consistent with the multi-municipal comprehensive plan.
- Engaging in annual reporting to keep participants informed about the progress that each is making toward carrying out the plan.
- Reviewing the plan on a regular basis to ensure that changes in physical and social conditions and new developments are reflected and adequately addressed. The joint planning committee should formally review and update the plan as conditions warrant, or at least once every three years.

IMPLEMENTATION MEASURES

The provisions set forth in Article XI of the MPC make the multi-municipal comprehensive plan much more significant, both politically and legally, than comprehensive plans in Pennsylvania were in the past. Prior to the Year 2000 amendments to the MPC, comprehensive plans were purely advisory documents that

were largely ignored. Now they will play a much more important role in planning, land use and community development.

The implementation provisions make it possible for a multi-municipal plan to become reality if the participating municipalities each do their part by adopting “generally consistent” regulations. It is through consistent actions by each participating municipality that the plan takes legal effect. Ordinances enacted in conformity with the plan are likely to withstand legal challenge because legislature has directed the courts to look at the plan and implementing ordinances in the entire area of the plan, not just in the municipality whose ordinance is being challenged.¹

The following is a summary of the tools that the Boroughs can and should use to implement the multi-municipal comprehensive plan.

Zoning Ordinance

The municipal zoning ordinance is the principal tool for implementing the comprehensive plan and can provide the framework for the preservation and revitalization of communities. As noted in Chapter 9 – Land Use, current zoning provisions do not provide for the right mix of uses in the Boroughs’ commercial areas and do not adequately address urban design issues. New regulations are needed to impose character-defining design standards, provide for an appropriate mix of uses in commercial areas, preserve and enhance community character, and provide incentives for private sector redevelopment.

Zoning ordinance revisions are essential if the Boroughs enter into an Intergovernmental Cooperative Implementation Agreement (see *Intergovernmental Cooperative Implementation Agreements* section of this chapter) as the MPC requires that each participating municipality enact consistent ordinances to implement the multi-municipal plan within two years of the plan’s adoption.

Subdivision and Land Development Ordinance

A subdivision and Land Development Ordinance (SALDO) used in concert with a zoning ordinance ensures that developments are accomplished in a manner that allows for the maximum protection of the environment, adjacent uses, and the public. The SALDO is applicable when dividing land into two or more parcels, developing property, and laying out streets and utilities. This ordinance controls development features such as street widths, grades and curves, driveways, sight distances, lot design, sewage disposal, storm drainage, and recreational areas for new developments or additions/alterations to existing development.

¹ *Planning Beyond Boundaries: A Multi-municipal Planning and Implementation Manual for Pennsylvania Municipalities*, 10,000 Friends of Pennsylvania, 2002.

The Boroughs currently use the County's current ordinance as neither has their own. Because of the Boroughs' built-out nature, there is very little subdivision and land development activity. However, the Boroughs should be concerned with regulations for both residential and non-residential infill development at the size and scale that is appropriate. In view of these possibilities, the Boroughs must decide if the County's ordinance is acceptable or if the Boroughs should prepare its own ordinance based upon the County's SALDO. Delaware County will have an updated SALDO available for adoption by municipalities by the end of 2004. The Borough should monitor this effort to determine the extent to which the new County ordinance will include provisions that address their expected subdivision and land development needs.

Official Map

Article IV of the MPC enables municipalities to prepare an official map. This map is intended to show public lands and facilities, including:

- Public streets, watercourses and public grounds, including widenings, extensions, openings or closing of same;
- Existing and proposed public parks, playgrounds and open space reservations;
- Pedestrian ways and easements;
- Railroad and transit rights-of-way and easements;
- Flood control basins, floodways and flood plains, storm water management areas and drainage easements;
- Support facilities, easements and other properties.

When a municipality creates an official map showing locations of existing and future streets as well as other public areas, it reserves this land for future public use. If by virtue of the official map, a landowner is denied reasonable use of his property, he can apply for a special encroachment permit that would allow him to build on the site. If a landowner notifies the municipality of his intention to develop a site identified on the official map, the municipality has one year to acquire the site or the reservation of that land becomes invalid. The official map is therefore an important but seldom-used tool that can help municipalities plan the location and layout of future roads and public areas.

When consistent with a municipal SALDO, zoning ordinance, and comprehensive plan, an official map can give strength and validity to the Boroughs' wants and needs for future growth. In this manner, the Boroughs could take proactive measures in shaping important components of their future development, in contrast to simply reacting to developers' proposals.

Capital Improvements Program

The Capital Improvements Program (CIP) and capital budget are another method useful for implementing the comprehensive plan. The CIP is designed to provide a multi-year program for scheduling capital projects and purchases. These items include outlays for purchase of land, buildings, major equipment and renovations for large, relatively

expensive items or projects. Examples of capital improvement projects are storm and sanitary sewers, street improvements, recreational projects, construction or substantial building renovations, and the purchase of equipment such as fire trucks and police vehicles. Items designated in the first year of a six (or more) year period then become the capital budget for that year. The ranking of a given project should be based upon the following criteria:

- Consistency with the comprehensive plan recommendations
- Fulfillment of a pressing need
- Extent of service
- Urgency of the project, i.e., how many citizens would be inconvenienced if the project is not done
- Savings that will accrue as a result of the project
- Relationship with other projects in the Borough or abutting municipalities
- Economic impact
- Public support.

Capital programming is a process designed to anticipate what community projects are needed over the next several years. Projects may be completed in phases and last for several years. The Boroughs must determine what projects should be started immediately, those that should begin the following year, and those that may commence in two or three years. In setting these priorities, it is important to remember that many projects take several years to complete. By ranking projects, the Boroughs can budget money to spread their cost over a number of years or, under other circumstances, make large purchases (e.g. real estate) in advance of actual use to avoid higher costs later. In short, this process lends a large degree of flexibility to purchasing and budgeting.

Another benefit of establishing a formal CIP is that by demonstrating this planning and budgeting process, chances for obtaining federal and state funding are often improved. Funding agencies are more likely to loan or grant money to a community that documents need and carefully plans for future improvements.

In order to establish a capital programming process, the Boroughs should appoint a committee responsible for the evaluation and prioritization of capital projects. Borough Councils, appropriate members of other local boards, the borough managers and borough engineers should work together in selecting and prioritizing projects for the capital improvements program.

Many of the policies established in the comprehensive plan need to be considered in the operating budget. Facility maintenance, code enforcement, housing rehabilitation, traffic control, zoning administration, and other activities required to achieve the goals and objectives set forth in the plan are funded annually in the Boroughs' operating budgets.

Presently the Boroughs do not have a formal, documented capital improvements program and budget. They simply consider mid-range and long-range projects during the course of formulating the annual budget. In order to improve planning municipal projects and

purchases and improve local financial conditions, the Boroughs should take the following steps:

1. Implement a formal capital improvements program and budget designed to establish a long-range program to select, schedule, prioritize, and budget major capital projects.
2. Form a committee responsible for the planning, evaluation and prioritization of capital projects. This group should include members of borough council and planning commission, the Borough engineer, Borough manager and other appropriate officials.
3. Promote multi-municipal cooperation, coordination and purchase of services, products, and capital improvements to reduce costs.

Citizen Involvement

Shaping the growth of a community requires active citizen participation. The Boroughs should therefore place great importance on the opinions of their residents, civic groups, and business community. The development of this comprehensive plan is a step in that direction.

Our system of law emphasizes private rights. Therefore, it is the duty of private groups and citizens to act constructively in community affairs. Participation in local government issues including the planning process must be a positive effort as criticism alone is not sufficient. Citizens offering constructive alternatives to local proposals are vital to the effective operation of municipal government. Each person who is concerned with the future of the Boroughs should educate themselves about the problems and challenges facing their borough and the project area. The comprehensive plan should be used in this informational process. It provides background studies that contain important statistical data and makes recommendations for land use, transportation, and community facilities based on the data. The comprehensive plan is, however, only a tool to guide development policy. For it to be successfully implemented, this plan must have the support of the area residents.

Code Enforcement

Code enforcement activity represents another method of implementing this plan. The various codes used by the Boroughs have an important role in assuring that new construction, rehabilitations, and conversions are constructed with proper materials and appropriate construction methods. The primary responsibilities of the local code enforcement officer (CEO) are to inspect all building components of new construction, additions, alterations, and the repair of structures.

The code enforcement program to a great extent establishes the effectiveness of the zoning ordinance. Even if a zoning ordinance is well conceived and crafted, the true test

of its effectiveness lies in its administration. Good enforcement procedures are likely to result in optimum compliance.

Regional Code Enforcement

Adopting ordinances for the enforcement of building and housing codes is a decision to be made by the municipal governing bodies. Once that municipal decision is made, a regional approach to delivering this service should be explored. Lansdowne Borough is currently operating a joint code enforcement program with Yeadon Borough. The regional approach has multiple benefits for participating municipalities. It can provide sufficient workload for a full-time inspector allowing smaller municipalities to work together to employ a full-time, qualified inspector. Larger municipalities working together in a regional code enforcement program can provide the workload to justify employing specialists for plumbing and electrical inspections and major plan reviews, as well as having several general building inspectors available so the office is not closed when one inspector is ill on vacation. A multi-municipal code enforcement program can also improve consistency.

The introduction of the Uniform Construction Code (see *Uniform Construction Code (Act 45 of 1999)* below) will also affect how the Boroughs administer code enforcement. Under Act 45, code enforcement officers (CEO) are required to meet strict regulations with regard to training and certifications in order to perform inspections and issue permits. This will inevitably result in higher costs for the Boroughs either for training or to hire qualified third party agencies to obtain a UCC construction permit, all necessary inspections and a certificate of occupancy. By administering a regional code enforcement program the Boroughs could save money by sharing the services of a qualified CEO(s) or pooling resources for training expenses. A joint code enforcement program can be provided under an Act 180 agreement or a COG.

Uniform Construction Code (Act 45 of 1999)

This new, statewide building code establishes minimum regulations for most new construction, including additions and renovations to existing structures. The building codes adopted through Act 45 will consist of most of the International Code Council's 2000 code series. This series includes the International Building Code (IBC) and the International Residential Code (IRC) and replaces what are commonly known as the BOCA and CABO building codes respectively. The Pennsylvania Department of Labor & Industry (L&I) has been designated as the lead agency to facilitate implementation of the code and prepare the requirements regulating training, certification and administration.

Local governments have a number of options in administering the UCC. If a local government chooses to provide code services for residential structures (one and two-family), the municipality must still provide for non-residential code services using the variety of options available to them. The Department of Labor & Industry does not have the obligation to automatically provide code services for non-residential structures in

municipalities that wish to deal only with residential construction. However, a municipality may still "contract" with L&I to provide non-residential inspection and plan review services pending a mutually acceptable agreement and availability of personnel at the Department.

Under the current proposed regulations, if a local government chooses not to administer the UCC, that municipality will no longer have the right to issue building permits. In that case, a contractor or building owner would have to retain a certified third-party agency (for one- and two-family homes) or go to L&I (for all non-residential structures), to obtain a UCC construction permit, all necessary inspections and a certificate of occupancy.

The proposed training and certification regulations "grandfather" current code officials, whether directly employed by a municipality or working under contract with a municipality. Note that residential code officials may continue to work for three years and non-residential code officials may continue providing inspections and plan reviews for five years, but they must register and also obtain an accessibility certification before handling accessibility code requirements. All "grandfathered" individuals must still obtain the required certifications by the conclusion of the applicable "grandfather" period.²

IMPLEMENTATION AGREEMENT

Based on Article XI of the MPC, one of the principal benefits of an adopted multi-municipal comprehensive plan is the authority to distribute land uses among the entire plan area so that each individual municipality does not need to provide for all legitimate uses.

Prior to the year 2000 amendments to the MPC, municipalities participating in a joint comprehensive plan were required to adopt a joint zoning ordinance before all uses could be distributed within the area covered by the joint plan. Presently, the MPC does not require a joint zoning ordinance to enable this distribution, although the participating municipalities may adopt such ordinance, if they desire.

However, the municipalities need to adopt an Implementation Agreement for the purpose of agreeing on the details involved in implementing the plan. The agreement needs to list the responsibilities of each participant in carrying out the plan. Within two years of plan adoption, the participants must also enact ordinances that are consistent with the plan's recommendations. The acceptance of the implementation agreement and the adoption of consistent ordinances and actions lend legitimacy to the plan (see Appendix H for a sample Implementation Agreement).

² Governor's Center for Local Government Services, Department of Community and Economic Development [online], (<http://inventpa.com>).

The Pennsylvania Intergovernmental Cooperation Law and the MPC govern the content of intergovernmental cooperation agreements such as the Implementation Agreement. The Intergovernmental Cooperation law requires that intergovernmental cooperation agreements contain the following:

1. Conditions of the agreement.
2. Duration of the agreement term.
3. Purpose and objectives.
4. Manner and extent of financing.
5. Organizational structure necessary to implement the agreement.
6. Manner in which personal or real property shall be acquired, managed, licensed or disposed.

In addition the MPC states that implementation agreements shall:

1. Establish a process by which participating municipalities will employ to achieve general consistency between the plan and the various ordinances of the participating municipalities within 2 years.
2. Establish a process for review and approval of developments of regional significance proposed in participating municipalities.
3. Establish role and responsibilities of participating municipalities in implementing the plan, including provision of infrastructure services and affordable housing.
4. Require a yearly report by participating municipalities to the county planning agency and by the county planning agency to the participating municipalities.
5. Describe any other duties and responsibilities agreed upon by the parties.³

³ *Planning Beyond Boundaries, A Multi-municipal planning and Implementation Manual for Pennsylvania Municipalities*, 10,000 Friends of Pennsylvania, 2002.