

ERIE COUNTY LAND USE PLAN



Adopted by
ERIE COUNTY COUNCIL
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and the
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**This Plan was prepared
as a primary element to the
Erie County Comprehensive Plan,
per Article III, Section 301(a)(2) and (7) of the Pennsylvania
Municipalities Planning Code,
Act 247 of 1968, as amended.**

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County of Erie, Pennsylvania**

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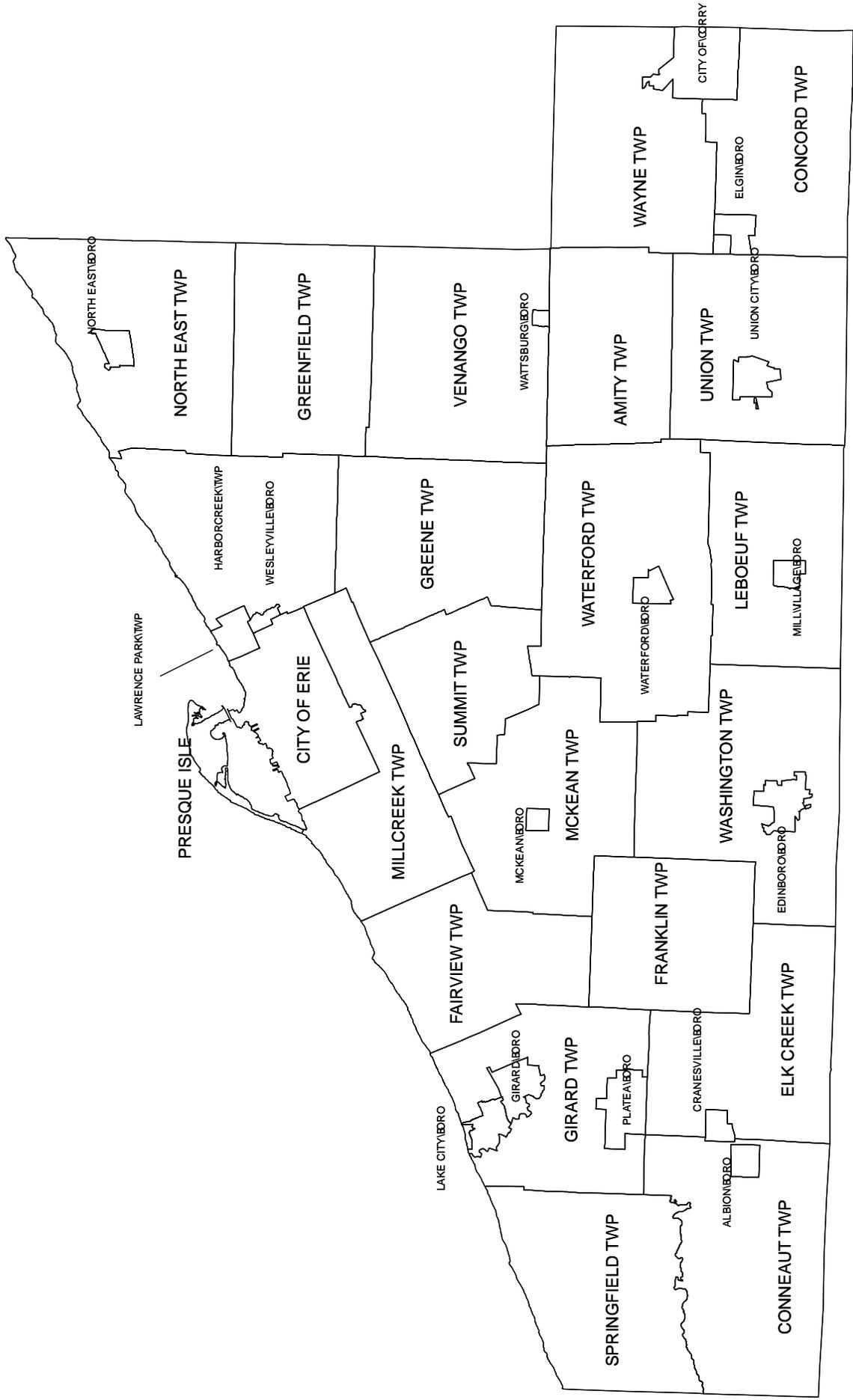
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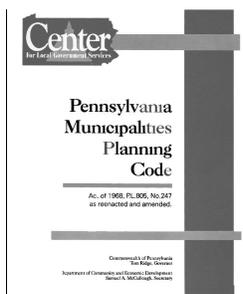
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ERIE COUNTY MUNICIPALITIES



ERIE COUNTY LAND USE PLAN

Land planning is the keystone of a comprehensive plan. And, it is an issue that increasingly engages our citizens. In a citizen survey conducted as part of the Erie County Comprehensive Plan effort, most respondents (94 percent) reported Erie County was a good place to live and 86 percent rated its physical attributes (Environment and Scenic Beauty) as good to excellent. County citizens valued woodland and open space preservation, along with long-range planning, giving these top priorities. Furthermore, the Erie County Citizen Survey of March 2002 showed that County voters supported land use regulations, especially when tied to the protection of property or the quality of life. In addition to these issues, two others received near universal support: job creation and the revitalization of cities and boroughs. All of these policy matters are tied to the Land Use Plan.



Another factor has made the Erie County Land Use Plan specially important. In 2000, the Pennsylvania General Assembly enacted sweeping changes to the Pennsylvania Municipalities Planning Code (MPC) which encourages consistency between county and municipal plans as well as their land use controls. At the same time, the Code clearly indicates that the role of the county plan is to set broad policy and guidelines for municipalities.

That is the goal of this Plan, to provide the broad guidelines which encourage sensible growth patterns. The emphasis is on broad goals. Viewing its role as a partnership, the County believes that detailed land use planning is a function of local government. The goals of this Plan can be summarized as:

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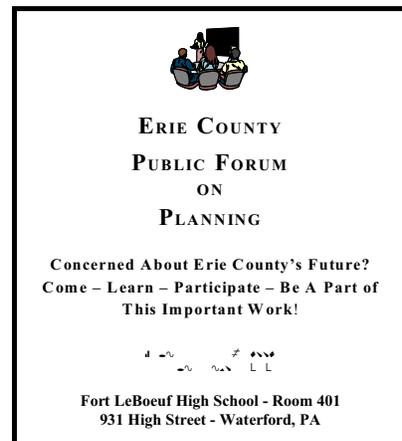
- Protecting the Erie County quality of life as found in open spaces, farmland, and residential neighborhoods.
- Promoting the revitalization of existing urban places, be they cities, boroughs, or villages.
- Promoting economic development activities which create good jobs.
- Suggesting sensible development guidelines.

Introduction: Just twenty years ago, serious land use plans and controls were focused on large urban centers, boroughs, and growing suburban townships. Today, that picture is changing. Even residents in the most rural areas now realize that changes to their land use patterns can permanently transform cherished communities. As a lady at the Citizens' Forum at Northwestern Middle School (5/23/02) observed, "I moved here because it was quiet and rural. I want to keep those qualities." Furthermore, suburban governments have come to the realization that more is not always better. Frequently, as population increased, patterns of growth and development did not result in the fiscal security that was previously expected. New growth brings with it an increased demand for services and infrastructure as well as an increase in property tax assessment. Sometimes the services cost more than the new taxes. Generally, suburban growth is primarily low-density residential. Most studies in the field have demonstrated that such development often requires more in services than it returns in taxes (for a summary, see "Costs of Community Services Studies: Making the Case for Conservation," American Farmland Trust, 2002). The results vary, but these studies generally indicate that for each dollar of low-density residential taxes collected, roughly \$1.50 in service costs (municipal, schools, public safety, etc.) are incurred. In Pennsylvania, this fact is often obscured, as there are three bodies which both tax and provide services to residents. The budgets of the county, school district, and municipality may be distinct, but the cumulative effect is felt by the property owner.

Even older urban communities are now rethinking their policies in order to emulate successful patterns from their own past, rather than opting for suburban standards.

Perhaps the biggest changes in land use planning are being proposed and/or endorsed at a grass-roots level. Over the last several years, land use policies have become an issue for everyone. In 1999, the Commonwealth held a series of 53 Land Use Forums. These Forums were attended by nearly 4,000 citizens and elicited comments from a wide variety of people. The 10 Erie County Citizen Forums, conducted in 2002, saw over 100 in attendance. These ranged from avowed environmentalists, as seen in the Erie, Millcreek, and Harborcreek meetings, to those from Waterford concerned with private property rights. Perhaps the most energetic input was from a group of high school students gathered from all across Erie County at a May 2002 session.

In the preparation of the Erie County Comprehensive Plan, both a citizens survey and a series of public meetings also provided evidence that land use is important to our County residents. (See the Erie County Citizen Survey Report for further information.)



These initiatives have one common theme: How can growth be accommodated while preserving the very qualities that are important to our citizens?

Good examples of these changing times are the current innovations in land use thinking. For example, a recent land use model in Pennsylvania, entitled “Growing Greener,” is not the product of a few technicians or selected political leaders. It was generated by and received extensive citizen support. A parallel effort is the national “Growing Smarter” movement. There is an increased recognition at all levels that land use policies are important in

protecting the basic quality of life. Both of these initiatives have one common theme: How can growth be accommodated while preserving the very qualities that are important to our citizens?

The Land Use Plan: What exactly is a Land Use Plan and what role does it play? According to Article III of the Pennsylvania Municipalities Planning Code, a land use plan is defined as the following:

“301.(2) A plan for land use, which may include provisions for the amount, intensity, character, and timing of land use proposed for residence, industry, business, agriculture, major traffic and transit facilities, utilities, community facilities, public grounds, parks and recreation, preservation of prime agricultural lands, floodplains, and other areas of special hazards and similar uses.”

Certainly, this is a rather all-inclusive statement. A less legalistic definition could be summarized by declaring that a Land Use Plan is the official policy of a jurisdiction relative to future growth locations of residential, commercial, industrial, and public land uses. Also, the Land Use Plan often identifies land areas where any development would be unwise, such as in floodplains, wetlands, or on steep slopes. The popular concept of the Land Use Plan is a multi-colored map of a community which graphically depicts these concepts. Sometimes, but not often, this is further enhanced by an indication of timing.

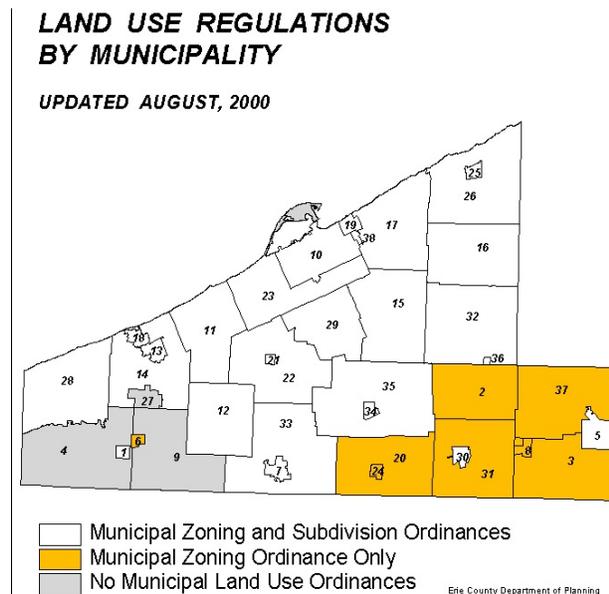
The Erie County Land Use Plan contains the following elements:

- Section 1 - Introduction
- Section 2 - Current Land Use Practices in Erie County
- Section 3 - Existing Land Use
- Section 4 - Recommended Land Use Definitions and Standards
- Section 5 - The Land Use Plan - Future Land Use Map
- Section 6 - Implementation

The Future Land Use Map is only part of the Plan. The narrative element of the Plan does the following:

- Describes existing conditions
- Provides definitions of the proposed land uses
- Clarifies timing
- Suggests development standards
- Relates the Land Use Plan to land use controls

That last function is an important one. The Land Use Plan alone is not a legally enforceable regulation. It is a policy. In Pennsylvania, land use policies are translated into law, primarily by using two land use controls: the zoning ordinance and the subdivision and land development ordinance. A graphic shows the application of land use regulations in Erie County.



Zoning is a control which divides land area into separate districts or “zones.” The zoning map identifies the location of various districts. The text portion of the ordinance provides a list of uses for the individual district, sets forth lot sizes, setbacks, allowable coverage, and covers a variety of other standards. Zoning is concerned with the use and intensity of development within districts. In Pennsylvania, there are three categories possible. Permitted uses are those allowed “by right” if the development meets yard and bulk requirements. Special exceptions and conditional uses have additional guidelines and are subject to special approval procedures, either by the

zoning hearing board or the governing body. These guidelines historically have not primarily been aimed at either design or the quality of development. That approach is now changing. An example of this new thinking is the Traditional Neighborhood Development (TND) enabled by changes to the Municipalities Planning Code in 2000. Thus, the subject matter of zoning is not static. It continually changes.

And, these changes also occur as municipal officials are prompted by citizens to address and incorporate more of their concerns into zoning regulations. When these new demands conflict with a developer’s wishes, the courts often become the final arbiter. The resulting

case law further defines the appropriate subject matter and extent of zoning regulations. Thus, zoning is in a constant state of dynamic change as citizens, developers, the General Assembly, and the courts continually impact on this regulation. Local officials need both planners and lawyers when they consider this regulation.

Subdivision and land development ordinances are the second primary device. For years, these were the familiar “subregs,” which enumerated a set of rules governing the division of land and the design/construction of public improvements. The chief concerns were lot size and layout, sewage disposal, roads, and related issues. These regulations did not attempt to geographically direct where the development was to occur, but were meant to insure that wherever it did take place, the subdivision met acceptable standards. Historically, the goals of subdivision regulations were simple. First, they were intended to assure the public that new lots would be buildable. Second, they allowed municipalities to set standards for new roads, water lines, and sewer extensions that would ultimately pass into public ownership.

In recent years, that scenario has been slowly evolving. Certain activities known as land developments are now covered by subdivision regulations. Once more, the land development element of this control does not influence location, but it can guide the development of single parcels. It regulates development standards which typically include parking, traffic access, building footprints, and landscaping. A generation ago, the control of land development may have appeared excessive. That is no longer the case. A typical “big box” retailer can easily convert six-plus acres of farmland to buildings and parking lots. Development issues involved relate to storm drainage, traffic, lighting, and noise. It is not unusual that these very serious issues impact suburban municipalities with limited experience in dealing with large-scale development.

These two basic land use controls are the primary means used to translate the policies of the Land Use Plan into enforceable regulations. A third device also exists. This is the Official Map. This option focuses on possible future public actions where new roads, parks, etc. may be located, though it also may include wetland and floodplain elements.

In Pennsylvania, such regulations are principally controlled by local municipal government. The County of Erie does have Subdivision and Land Development Ordinance Regulations; however, these only apply to the twelve municipalities which have not adopted their own ordinances. There is no County zoning. (See prior inset, Land Use Regulations.)

Erie County: Erie County is hardly exempt from development issues. In recent decades, it has seen a significant amount of low-density urbanization. Shopping centers, industrial complexes, and houses have taken over landscapes that many remember as rural enclaves. Some of those changes have been necessary, perhaps even inevitable. Yet, is the County

really experiencing true growth? Census figures do not support that contention. Many of the developments during the recent past have primarily relocated residents, businesses, and jobs from one place to another within Erie County. Often the residential changes have been to low-density developments. Some of these shifts are purely a reflection of market forces, and land use controls cannot change market forces. The marketplace is a strong, typically irresistible, force. Conversely, some land use changes may have resulted from municipalities which may have been too accommodating in their quest for growth. Results of the Citizens Survey and Forums generally express a very cautious attitude in accommodating new development.

Many of the developments during the recent past have primarily relocated residents, businesses, and jobs from one place to another within Erie County.

Regardless of the reasons, much of the land in the Erie Metropolitan Area has taken on the characteristics of unmanaged development. Acres of shopping centers, parking lots, and low-density housing developments have been erected with little thought given to open space, efficient utility planning, storm drainage, or traffic consequences.

The challenge for the Erie County Land Use Plan is to offer policies and land use practices which can prevent or mitigate the unwanted effects of low-density development on the County’s rural resource areas, without hampering economic viability. It also must be inclusive – local officials must be able to “buy in.” Finally, this effort must be accomplished within the framework of the Pennsylvania Municipalities Planning Code.

In this land use matrix, the County does have special qualities it offers. The County is more removed from situations which may cloud land use issues. The County can look at regional and “big-picture” issues with greater ease than individual municipalities. Yet, any County policy can only truly be made effective through local land use controls.

The MPC provides that local ordinances and regulations take precedence over county ordinances or regulations. But, recent changes to the MPC have strengthened the link between municipal land use controls, municipal comprehensive plans, and the county plan.

This County perspective also means that Erie County cannot hope to solve problems or provide land use policy leadership without the full participation of its constituent municipalities. The Pennsylvania Municipalities Planning Code provides the ultimate authority for land use controls to local governments. The MPC provides that local ordinances and

regulations take precedence over county ordinances or regulations. But, recent changes to

the MPC have strengthened the link between municipal land use controls, municipal comprehensive plans, and the county plan.

Consequently, this Erie County Land Use Plan is dedicated to a local-county partnership – a partnership to preserve Erie County’s best physical attributes and provide a mechanism to enable citizens and elected leaders to make informed, intelligent decisions on future growth. It is only by partnership and cooperation that this vision can be realized. Partnership is necessary for the realization of the Plan, which is really about the future of this County.

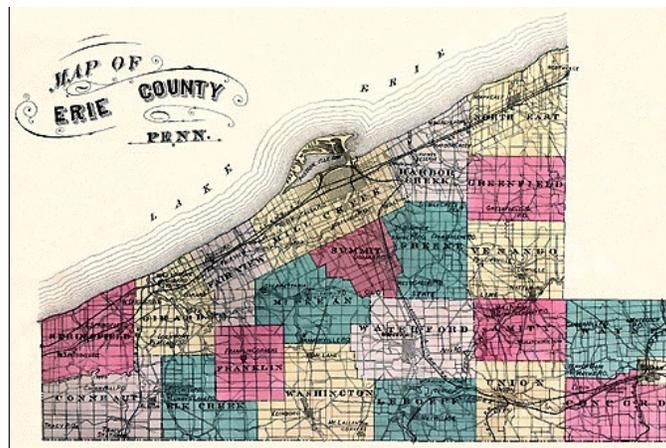
One final observation is in order relative to the Pennsylvania Municipalities Planning Code. That law gives wide planning authority to all of Pennsylvania’s local governments, municipal and county. However, there are limitations. This Plan specifically acknowledges the limitation placed on the Comprehensive Plan as set forth by Sections 301(a)(6) and 301(b) of the Code. Basically, these restrictions deal with State primacy in certain areas, water resources, and specifically requires the following statement:

- (1) Lawful activities such as extraction of minerals impact water supply sources and such activities are governed by statutes regulating mineral extraction that specify replacement and restoration of water supplies affected by such activities.
- (2) Commercial agriculture production impact water supply sources.

CURRENT LAND USE PRACTICES IN ERIE COUNTY

This section of the Land Use Plan examines current land use controls in Erie County. Its purpose is to provide a planning benchmark. Certainly, local governments in the County must believe such regulations are important—nearly all have adopted some type of ordinance.

Land use planning began in Pennsylvania during the Colonial period. It often was seen in one of two forms. One form of land use planning involved regulations prohibiting various nuisance uses in or near towns. The other option was more traditional, the form of town plans. These plans laid out streets, public buildings, cemeteries, parks, and individual building lots. Local examples of such plans are Waterford (1794) and Erie City (1795), both laid out by Andrew Ellicott and William Irvine at the request of the Commonwealth.



Contemporary land use controls began in the first quarter of the past century. Zoning-like laws were enacted in Pittsburgh in the early 1920s. Locally, Erie City was the first community in the County to exercise land use control. The City adopted its first subdivision ordinance in 1929 and its first zoning law in 1937. In the early days, each municipal class (townships, boroughs, and cities) followed planning legislation that was included in their respective municipal code. This approach changed dramatically with the adoption of the Pennsylvania Municipalities Planning Code in 1968, which remains the governing statute law controlling planning and land use to this day. Major revisions of that law took place both in 1988 and in 2000.

Historically, the link between comprehensive plans and zoning has been somewhat tenuous in Pennsylvania. In fact, prior case law stated that the creation of a zoning map was, in fact, a sufficient comprehensive planning function to meet the requirements of the Planning Code. Yet, in recent years, there has been an increasing realization that a formal comprehensive plan is a necessary pre-requisite for a zoning ordinance. That policy was formalized by Act

68 in 2000, which states the zoning ordinance shall be generally consistent with the comprehensive plan. Today, in Erie County, 37 of its 38 communities have comprehensive plans, while 35 have zoning ordinances. What is particularly interesting is the fact that most of the plans are less than 20 years old. In fact, 22 plans have been significantly updated or adopted since 1990. Similarly, most zoning ordinances have undergone re-adoption or revision over the past decade.

Subdivision regulations are not as widespread. Still, 26 out of 38 municipalities in Erie County do have them. Where there is no local ordinance, the 1998 Erie County Subdivision and Land Development Ordinance applies.

A third land use control option used within the County is the Official Map. This device is primarily used to designate future public use areas within a community. The Official Map may delineate where proposed roadways, parks, or other public facilities are to be located. Other issues, especially relating to floodplains, wetlands, and stormwater management areas can also be mapped. Though not a direct land use control in the traditional sense, the Official Map can have an obvious impact upon future development patterns of a municipality. This is a rather new concept in Western Pennsylvania. To date, 5 Erie County municipalities have availed themselves of this option.

Zoning: Of the 35 zoning ordinances in Erie County, 16 are used by cities, boroughs, and Erie County’s only first class township, and the balance for rural or suburban townships of the second class. Given the number and variety of such regulations, it makes little sense to prepare an individual analysis of each, but it will be helpful to at least summarize their key features. Furthermore, an overview of the all important density and yard features should provide a useful insight into what guidelines would be acceptable in this Plan.

Urban Residential Practices: The single-family district is typically the most restrictive of the residential zoning districts. These restrictions are evidenced in two ways. First, the typical ordinance limits uses to one-family dwellings and related activities. Second, this district normally requires larger lot sizes resulting in relatively low densities. In the urban places of Erie County, individual requirements vary, but the average range of lot and yard requirements are as follows:

Lot Size 7,200 to 10,000 square feet

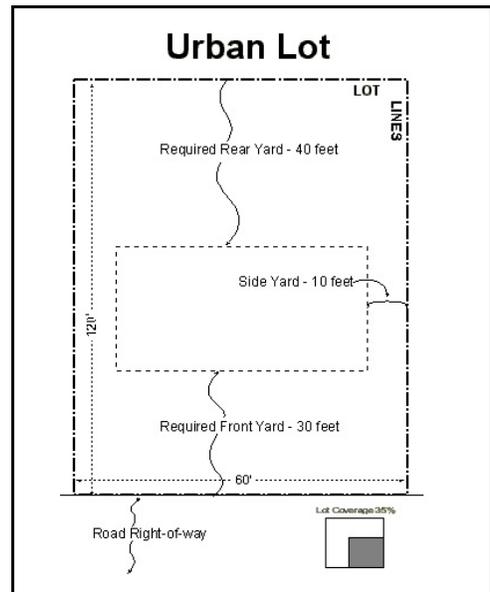


Figure 1

| | |
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| Lot Width | 60 to 80 feet |
| Front Yard | 30 to 35 feet |
| Side Yard | 10 feet |
| Rear Yard | 20 to 40 feet |

Graphically, these can be better visualized by Figure 1.

This “typical” Erie County urban lot would result in a density of about 6 dwelling units per net residential acre (about 19 people living in an area measuring about 208 feet on each side). Individual community practice does vary however. For example, Erie City allows for higher densities, while the Borough of Edinboro opts for lower ones. However, the cited lot standards represent a reasonable urban average in Erie County.

How does this local practice in Erie County compare to others? National sources report slightly higher density in urban or “central city” settings. Two standard reference books, URBAN LAND USE PLANNING (Kaiser, et. al.) and SITE PLANNING (Lynch and Hack) report eight units per acre as the average urban density for single-family dwellings.

Though Erie County’s urban areas have relatively uniform standards in their single-family zones, they are not as consistent when they address higher density residential uses. Most ordinances have at least three residential districts. These normally include a single-family district, followed by a medium density (often two-family) zone and finally a higher density (multi-family) designation. The difference from the single-family district is not restricted to the density of development. It extends to permitted uses. Typically, the medium- and high-density zoning districts also allow for a greater variety of uses. This is not just a variety of housing types (duplex, apartment, townhouse, etc.), but extends to other uses. Home occupations, offices, some service businesses, and similar enterprises are not uncommon. It must be stressed, though, that these non-residential uses are typically controlled by extra restrictions.

In the two-family (usually designated R-2) district, the differences become immediately apparent. More conservative jurisdictions may require lot sizes in the 10,000 square foot range for a two-family unit (about 8 dwelling units/net residential acre), while other municipalities permit smaller lots. For example, Cranesville Borough specifies a duplex density of 5.4 units per acre, while in Erie City, the permitted density could be as high as 14.5 dwelling units per acre. Overall, municipalities in the County have an average range of 8 to 12 dwelling units per acre.

For multi-family districts (R-3), the densities vary even more dramatically. Places like Lake City Borough maintain a modest level, about 6 to 8 dwelling units per acre. Conversely, in

older urban settings, that factor can, and does, radically increase. Both Wesleyville Borough and the City of Erie allow multi-family development in excess of 40 units per net acre. True, these developments often house smaller families, but they do allow intense development, even when measured by the national standards previously quoted.

In summary, it can be fairly stated that Erie County's urban municipalities have rather mixed philosophies relative to residential development. Most are on the low, or conservative side when it comes to the single-family home. Obviously, in the "R-1" residential district, the individual home is protected by requiring larger lots and restricting uses. However, in districts intended for two-family and multi-family developments, the local land use practices are much closer to national density norms.

Many of Erie County's boroughs and cities experienced most of their commercial and manufacturing development in a bygone era, a time where people walked to shop or work, or rode a bus.

In the commercial and industrial districts, the urban zoning regulations display their vintage. Many of Erie County's boroughs and cities experienced most of their commercial and manufacturing development in a bygone era, a time where people walked to shop or work, or rode a bus. In that time, there was little thought given to on-site customer parking, drive-throughs, or employees owning cars. It is not unusual to see an ordinance require commercial lots as small as 2,000 to 3,500 square feet or,

perhaps, have no minimum lot size at all. For industrial uses, many still follow a 7,500 square foot lot standard, although a few do now require minimum lots of 1 to 2 acres in size. Whether or not such traditional standards are appropriate today is subject to argument. In some instances, it is merely a rational attempt to accommodate a built environment. In other circumstances, these regulations may be primarily the result of following antiquated standards that are not beneficial today. Regardless of the reason, these are the typical, contemporary, zoning practices in Erie's urban places.

Suburban Residential Practices: The next category found in most ordinances deals with variations of residential districts. These vary in name, but can typically be categorized as Suburban Residential – a low- to medium-density residential district. Once more, a typical lot is presented. Suburban residential lots vary from 10,000 to 25,000 square feet. The typical lot has a density of about 3.4 homes per net residential acre, significantly lower than urban practice. Typical yard requirements vary, but front yards of 35 feet, side yards of 10 to 15 feet, and rear yards of 30 to 40 feet are the norm (see Figure 2).

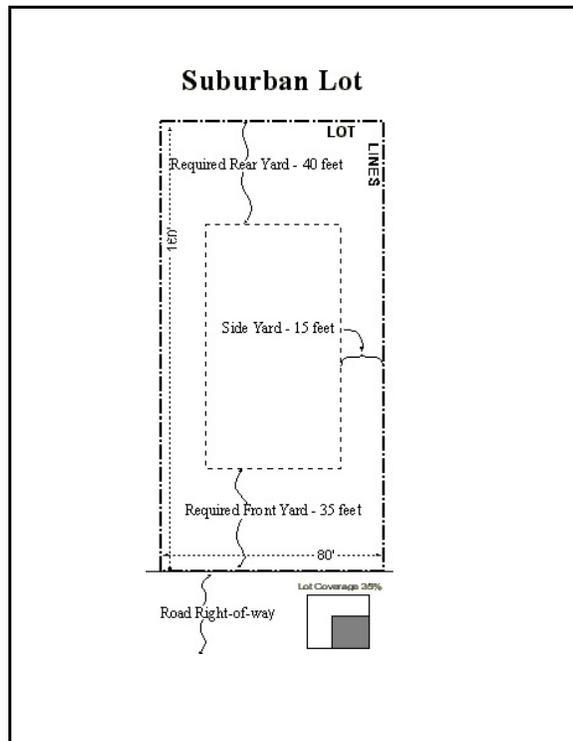


Figure 2

Rural Residential Practices: In most township zoning regulations, there is a provision for “Rural Residential,” “Agricultural,” or “Conservation” Districts. Such areas allow for agricultural uses, while also functioning as low-density residential districts. These districts primarily require a lot size of 1 to 2 acres and set generous lot dimensions. A lot width of 150 feet to 200 feet is common, as are front and rear yards of 50 feet. Side yards 15 to 30 feet wide are required (see Figure 3). Typically, lot coverage is around 10 percent.

In some communities, these larger lots can be decreased to 20,000 to 25,000 square feet if water and sewer facilities are available. In a few instances, the presence of such utilities makes no difference. These designations bring with them differing lot sizes. Given the current environmental regulations, a lot with an on-site septic system will normally be one acre in size.

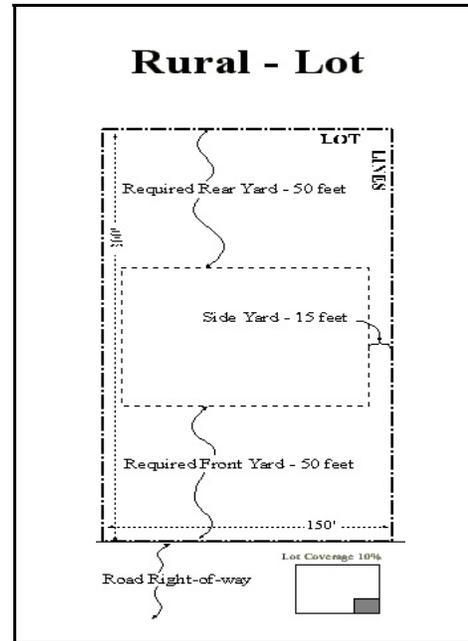


Figure 3

Business and Industrial District Practices: In rural and suburban areas, commercial and industrial zones are typically fewer in number and less complex than those found in urban ordinances. For example, Erie City has four commercial zones and two industrial zones, along with special “Waterfront” districts. Outlying rural areas have fewer categories of commercial or industrial zones. Greene, McKean, North East, and LeBoeuf Townships each have only one commercial and one industrial district. In developing suburban areas, there are more options. Harborcreek has three separate commercial zones and Millcreek has four commercial classifications, along with three industrial designations. Obviously, there is a direct relationship between the number and complexity of zoning provisions and the historic intensity of development in a municipality.

In terms of lot configuration, areas of 10,000 to 20,000 square feet for commercial districts are typical. Front yards of 50 feet, side yards of 20 feet, and rear yards of 30 to 50 feet are normal. These values are not constant; however, as some ordinances allow commercial uses on small lots (5,000 square feet), others require 1 to 2 acres. The more rural areas are more auto-oriented; consequently, commercial lots are usually sized to accommodate on-lot parking.

In terms of industrial zoning, larger lot requirements are the norm. One- to two-acre minimum lot size requirements are frequent, with an occasional five-acre standard. A few ordinances decrease to half an acre, but, overall, rural/suburban municipalities recognize the

need for larger industrial lots. This larger size is similarly reflected in setback requirements. Front and rear yards of 50 feet are not unusual, and side yards of 20 to 50 feet are frequent.

The issue of buffer strips, green belts, and similar devices to protect residential uses which border commercial or industrial development is complex and varies by ordinance. However, the concept of buffering is included in most local controls.

Zoning Map Practices: The zoning ordinance may be the device that describes uses, densities, detailed regulations, and procedures, but the zoning map geographically places them. The plate COMPOSITE LOCAL ZONING DISTRICTS, displays how the 35 zoned municipalities of Erie County allocate their land uses via their generalized zoning maps.

In review, this plate is quite interesting. It reflects the historic development and transportation patterns of Erie County. Higher-density zones in Erie County are clustered along the Lake Plain and in older urban places. These development decisions have been heavily influenced by:

- Water and sewer facilities
- Railroads
- Major traffic routes

Though this plate is generalized in nature, certain patterns are evident. First, residential districts tend to be widespread in nature and generally work outward from a dense core to lower-density suburbs. One exception to this practice is North East Township where valuable grape vineyards have caused exception to this pattern.

Industrial land is both clustered and linear. The influence of rail corridors is easily traced. From North East, to Harborcreek, Lawrence Park, Erie, Millcreek, Fairview, Girard, and even Lake City, the “Lake Shore” rail line is apparent.

While industrial land is only partially linear, retail zoning is nearly entirely street/road-oriented. Some retail zoning follows old downtown development, but most are also aligned with traffic routes. Developments along Routes 5, 6, 8, 20, 97, and 99 are all apparent. However, the most obvious example is Route 19. From Presque Isle Bay to south of Waterford Borough is found this ribbon of red. The impact of traffic on retail activity is quite evident. As roads are enlarged and made more convenient, retailers are attracted. The improvements to upper Peach Street may have started as a quick access from the Erie urban core to I-90, but they have resulted in a mega-retail area.



The Millcreek Mall is the prime Erie County example of the transportation and land use interplay. Its location was ideal for both local and regional shoppers. The mall is a draw from

Mercer to Ashtabula to Warren and beyond.

Yet, it is quite interesting to note that road access does not guarantee development. A quick glance at the Existing Land Use plate shows that commercial land development is no where near the capacity of commercial zoning districts.

Last to be examined in the hierarchy of land uses are the Agriculture/Conservation zones. These are generally rural areas that are undeveloped land or farmland. They are clear evidence that locally elected officials (like their constituents) prize and wish to preserve rural aspects of Erie County.

Subdivision and Land Development Regulations: While zoning practice in Erie County includes a wide variation in format and design, there is a much greater consistency in the approach to subdivision regulations. Generally, these regulations have six principal divisions:

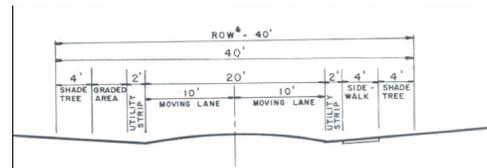
- Administration/Enforcement: Defines how subdivisions are processed, approved, and how penalties are assessed.
- Definitions: Include general interpretation and the meaning of important terms.
- Plan Standards: Define survey criteria, placement of monuments, plat requirements, and other related items.
- Improvements and Design: Include critical elements such as roads, water, sewer, and storm drainage, as well as related public improvements. Non-public design includes lot layout, blocks, and sidewalks. Both design and construction standards are normally stated. This section also covers inspection procedures, acceptance of improvements, and bonding options.
- Blocks and Lots: In Erie County, all but three local municipalities have zoning ordinances. Consequently, zoning regulations regulate lot design
- Mobile Home Parks: Criteria for design and construction.

- Land Development Standards: Single lot land development criteria.

The first three elements listed above do not have an impact on actual development design. Rather, they form an administrative framework to process subdivision and land developments.

The “Improvements” sections do affect subdivision design. A review of various ordinances produced the following generalizations:

Roads: A 50-foot right-of-way for local roads is nearly universal; however, cartway requirements vary from 20 to 36 feet. Typically, townships favor uncurbed streets 20 to 24 feet wide. Urban areas seem to be more concerned with curbs and wider pavement areas that can accommodate on-street parking.



Sewage: Sewage disposal (on-lot, community, public) is universally governed by the Pennsylvania Department of Environmental Protection(PA DEP)/Erie County Department of Health regulations. In general, major subdivisions within 1,000 feet of an existing public sanitary sewer system are required to extend to and connect to that system.

Water: PA DEP is the regulating agency for the approval of public systems. In general, major subdivisions within 1,000 feet of an existing public water system are required to connect to that system.

Storm Drainage: Older ordinances set forth general design requirements. In recent years, 22 municipalities in the Lake Erie Drainage Basin have adopted a Stormwater Management Ordinance which governs this element.

Sidewalks: Sidewalks are normally required in cities and boroughs, and the urbanized townships where lot densities warrant the same. Density is measured in terms of lot size and width. Smaller, narrower lots are often required to have sidewalks.

Mobile Home Parks: The minimum size of the park is usually set at 5 acres, while individual lots are generally 5,000 square feet each. Interior road design depends upon on-street parking regulations.

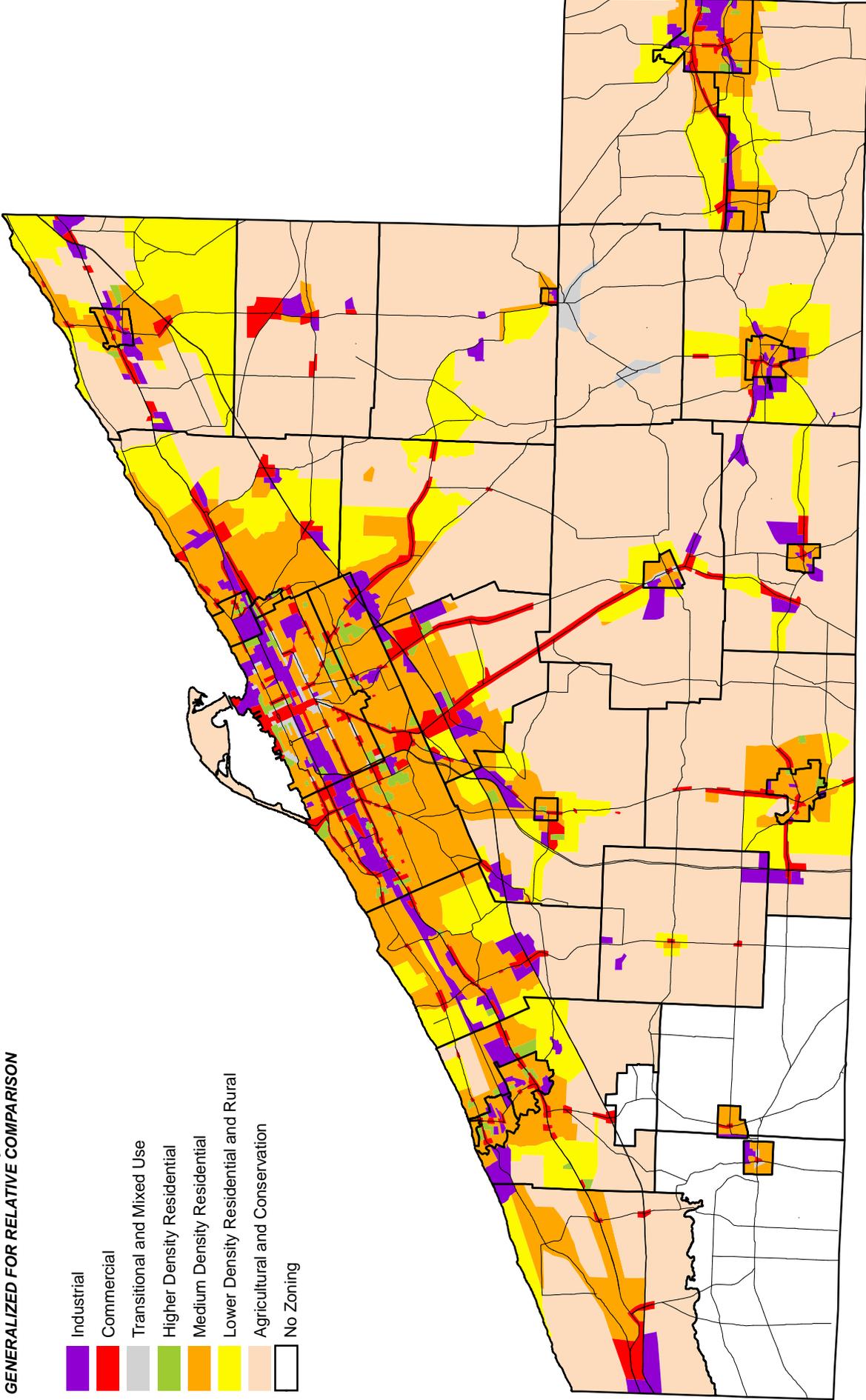
Land Development Standards: These standards are used to govern development on a single lot; ten local municipal ordinances now include such provisions. The County of Erie's ordinance applies to an additional twelve municipalities which have not adopted local regulations. Examples of development which require a land development plan include, but are not limited to, shopping centers, office complexes, and industrial parks.

All in all, local and County subdivision regulations are relatively homogeneous.

COMPOSITE LOCAL ZONING DISTRICTS ERIE COUNTY, PA

GENERALIZED FOR RELATIVE COMPARISON

-  Industrial
-  Commercial
-  Transitional and Mixed Use
-  Higher Density Residential
-  Medium Density Residential
-  Lower Density Residential and Rural
-  Agricultural and Conservation
-  No Zoning



EXISTING LAND USE

Truly, land use is the primary building block of the comprehensive planning process. All levels of government acknowledge the importance of land use issues. As noted in the publication PENNSYLVANIANS SPEAK: Sound Land Use Forums Report (January 2000 PA Center for Local Government Services),

“Pennsylvania’s foremost environmental challenge in the 21st century will be to promote responsible land use.” Forward, page I.

But, good land use planning cannot exist without an accurate picture of the current situation. Hence, the importance of determining the existing land uses within the County is the purpose of this section. The following presents, in a capsulized form, current land use patterns in Erie County.

Fortunately for the Erie County Land Use Study, prior reports allow for comparisons and analysis. In 1978, the ERIE COUNTY LAND USE PLAN UPDATE was prepared. That plan produced numerical data on land use as well as publishing two Existing Land Use maps. These were presented for two separate areas. One included the Erie Urban Area; the second represented the balance of the County. There are some minor differences in the land uses categories covered by the two maps; they are minor. These maps are very helpful in comparing land use changes they have taken place over the past quarter of a century.

The 1978 Plan includes acreage by land use. In 1978, acreage was measured by a planimeter. This was a hand-operated device which took skill and patience to operate. In 2002, all mapping was done by geographic information systems (GIS). Areas are outlined electronically and computed by the ArcView GIS software.

Though land use data was gathered by municipality, it is presented in an aggregate Countywide fashion in this report. This approach is consistent with Erie County’s policy of presenting a general land use policy, not a detailed one.

Process: The Existing Land Use plate which accompanies this report is based upon various sources. Primarily, the Land Use map’s genesis is from a series of aerial photos completed in 1991 for Erie County’s Enhanced 911 system. These orthophotos were produced from a controlled flight which yielded highly accurate results. For this land use mapping, the 1 inch equals 400-foot scale series was used. The photos were scanned into the County’s GIS system. The detailed photos were then interpreted, land use areas defined, and coded.

In a few instances, the actual use could not be determined through photo analysis and field examinations were needed. The second source of land use data was from recent municipal planning studies. This included eleven municipalities. Results were incorporated into the GIS program. Finally, the resulting copies of the draft Existing Land Use maps were sent to local officials for their review and final corrections.

A Caveat: Before reading this section and comparing maps which demonstrate the changes between 1978 and the present, a few observations are in order. The first is that land use data – as important as it may be – is only one of the various analytical tools which communities use for planning. When viewed alone, the Erie County land use maps and data could easily lead to some erroneous conclusions. By sheer change, one could easily assume the following:

- There has been a significant increase in population
- Activity in the commercial and industrial sectors has been significant with much real growth.

Of course, much of these assumptions would be wrong. By referring to the 2003 Erie County Demographic Study (the year 2000 Census), and the Erie County Housing Plan (2001), a more balanced picture emerges. In 1980, the County's population was 279,780; in 2000, the County's population as 280,843. A population change of less than 1 percent – yet, the changes in land use are substantial.

Much of the apparent increase in residential land use is a direct result of low-density suburbanization patterns. Residents are leaving older urban places, such as Erie City, and relocating to more suburban and rural areas, but often not too far removed from job and shopping. This accounts for the development in the suburbs of Fairview, Harborcreek, Millcreek, and Summit Townships. The City of Erie, itself, presents a special challenge. A revitalizing Bayfront and Downtown have resulted in growth and development in those areas. New residential areas are also seen along the City's southern perimeter. Yet, overall, Erie City lost 15,406 residents between 1980 and 2000.

The suburban/rural growth was generally at a much lower density than the urban locations. A single suburban dwelling might be placed on a lot from 10,000 square feet to over one acre in size versus the 7,200 square foot size parcel which is typical in the Cities of Erie and Corry. At the same time, household size is shrinking. These two trends result in the population density of new growth being one fifth (or less) of former levels. For example, in Erie City, a net residential density of 17 persons per acre was still typical in 2000, while new suburban developments are likely to have about 5 persons per acre.

The same pattern is true in commercial use, though it is difficult to be as precise in comparisons. Traditional downtown retail development was in multi-storied buildings, with reliance upon mass transit, elevators, and public, shared parking. Lot coverage was often 100 percent. New retail is single-story, usually single tenant with perhaps only one third of the lot covered with structures; the balance being on-site parking. Consequently, commercial uses, especially retail, will consume much more land now than they did even a generation past. The situation for industrial buildings is perhaps even more difficult to judge. Over 100 years ago, light manufacturing could be multi-story (i.e., the Lovell complex in Erie), though heavy industry needed large, high, single-story buildings (i.e. Bucyrus-Erie). Contemporary industrial construction is typically one-story masonry and only 16 to 18 feet high. As is the current practice in retail development material, structures very often cover only about one third of a lot. The balance is used for parking, loading/unloading, and landscaping.

Erie Countians should realize that their development patterns are hardly unique. Similar low-density development is pervasive in Pennsylvania as well as nationally. Several recent studies have shown that other Metropolitan Statistical Areas (MSAs) in Pennsylvania, Ohio, and New York exhibit tendencies very similar to Erie County. The Rochester (New York), Glen Falls (New York), Mansfield (Ohio), and Altoona (Pennsylvania) MSAs are all cases in point (see “Smart Governance - Smart Growth” - Kathryn A. Foster, University of Buffalo, 2000 - Draft).

The admonition then is to view this data in relation to other facts about Erie County, while it is also important to realize that the new growth patterns experienced in Erie County are, in fact, typical for the Midwest and Eastern states.

Current Development Patterns: In order to make the narrative more easily understood, this portion of the Erie County Land Use Plan is divided into two primary sections. The first presents an overview of current land use patterns. The second provides an analysis of the County in geographic sections. This allows for more detailed comments. It also facilitates comparisons in land use from the 1978 study to this effort – approximately 25 years.

While the later portion of this section focuses upon a visual analysis of changing land use patterns in Erie County, the following table presents these changes in a numerical fashion. As was noted in previous sections of this chapter, the techniques used to measure in this report differs from that used a generation ago. The manual approach is subject to greater error. In addition, in the prior report, there was a greater possibility of accidental omissions. Consequently, the total land use area coded is some 14 square miles greater in 2001-2002 survey than in 1978. An apparently significant figure, but, in reality, a difference of only 1.8 percent. Though interesting, the raw numbers are not always as important as the changes and trends in land use.

**TABLE 1
LAND USE COMPARISON - IN SQUARE MILES
1978-2002
ERIE COUNTY**

| | 1978 | 2002 |
|--------------------------------|-----------------------|------------------------|
| Residential | 46.88 (5.9%) | 68.85 (8.6%) |
| Commercial | 6.16 (0.8%) | 7.99 (1.0%) |
| Industrial | 3.74 (0.5%) | 6.85 (0.9%) |
| Public/Institutional | 9.95 (1.3%) | 13.79 (1.7%) |
| Recreational | 11.62 (1.5%) | (See #1) |
| Agricultural | 352.24 (44.6%) | 213.6 (26.5%) |
| Open, Wooded, Vacant and Water | 307.95 (39.0%) | 434.6 (54.2%) |
| Roads and Highways | 27.87 (3.5%) | 25.3 (3.1%) |
| Other Transportation(2) | 6.68 (0.8%) | 3.45 (0.4%) |
| State Land Games(3) | 16.20 (2.1%) | 28.69 (3.6%) |
| Totals | 789.3 (100.0%) | 804.12 (100.0%) |

(1) In 2002, recreational land was included with Public Institutional.

(2) Major airports and rail lines

(3) In 1978, this category included only State Game Lands; in 2002, all State-owned land was included. The most notable shift was Presque Isle (about 5 square miles) from Recreation to State Lands.

Source: Land Use Surveys - see text.

A final note: Some of the land use coding categories have changed over time. Generally, any such changes could be accommodated by simply combining some categories.

What are the implications from these numbers?:

- In 1980, the residential density for Erie County was approximately 9.3 persons for every developed residential acre.
- In 2002, the residential density for Erie County was about 6.4 persons per every developed residential acre.
- Commercial areas increased modestly (though some of this is masked by the conversion of some older retail areas to other uses).
- Industrial land increased significantly.
- Agricultural land dropped by approximately one third, while vacant land increase by almost the same ratio.
- The apparent negative change in roads and highways is probably due to measuring techniques rather than a real drop in area.
- The drop in the Other Transportation category is probably the result of rail line and rail yard abandonments.

County Land Use: In viewing the Existing Land Use plate, certain overall observations can be made. First, it is readily apparent that Erie City remains the development center of the County. Development radiates outward from the City. A second observation focuses on the attraction of the Lake Plain. Most developed land in Erie County is found north of I-90, in a strip from North East to the Girard-Lake City axis. A second development corridor is found along I-79 in the McKean, Washington, and Edinboro areas. Next are the rural development centers (i.e., Corry, Union City, Waterford, and Albion-Cranesville), which are all focused on one or two major highways. Finally are the patterns of suburban residential development. In the immediate Erie suburban area, land use patterns show nearly continuous ribbons of residential use along nearly all roads. In the more rural areas, and in the prime farmlands such as North East, more traditional land use patterns still prevail. To a large extent, these patterns represent a more limited number of residences along rural, secondary roads. In Erie County, development is obviously influenced by both transportation and utility (sewer and water) networks. Plates in the accompanying Erie County Public Utilities and Community Facilities Plan demonstrate this fact. By comparing current water and sewer

resources to current land use, it is quite obvious that neither zoning nor road access alone drives new development. Water and sewer facilities are needed.

Geographic Areas: While prior sections provided a quick overview of Erie County, this section examines the County by different geographic segments.

The Center Core Area: Generally, this area includes the City of Erie, Wesleyville Borough, and Fairview, Harborcreek, Lawrence Park, and Millcreek Townships.

Current Patterns: This is the most intensely developed area of Erie County. The City of Erie is nearly “built out,” as is a good portion of Millcreek. Wesleyville and Lawrence Park exhibit a similar pattern. Though Fairview still retains significant open space, it, too, is now widely developed. The Route 5 corridor area is essentially residential. Although it has some open space, the region between I-90 and Route 20 is also increasingly built up. Development patterns south of I-90 are not as intense, but the pattern of suburbanization is apparent. The frontage properties on many rural roads present nearly continuous strips of residential use.

Comparisons with 1978 are interesting. Erie City exhibits four interesting characteristics:

- Overall development patterns of residential, commercial, and industrial use have stayed relatively constant.
- Erie’s downtown has become much more oriented to institutional use, rather than retail.
- Industrial developments have expanded into previously undeveloped spaces in the traditional industrial corridors or clusters (e.g., 12th Street, 33rd/McClelland, the east Bayfront, etc.).
- True open areas are dwindling. The few that remain are clusters along the City’s eastern and southern boundaries.

Wesleyville and Lawrence Park have demonstrated no dramatic changes since the mid-1970s.

Patterns in Harborcreek tend to be more focused. The immediate Lake Shore area (Route 5 to Lake Erie) is extensively developed, as are the older, traditional residential areas south of Route 20 off Saltsman Road. Much open space and farmland remain in Harborcreek’s southern and eastern fringes, but, once more, a pattern of near continuous residential development along road frontages is obvious.

In Harborcreek, change has focused on the following:

- Commercial use on Buffalo Road (Route 20) has increased, in terms of frontage as well as depth. This expansion appears to be non-stop, with a just-announced Wal-Mart to be built immediately east of the Harborcreek Township complex.
- Commercial activity at both I-90 interchanges has increased, most notably at Station Road.
- Residential development has two characteristics – much “infill” has occurred along Lake Road (Route 5) and the Saltsman-Ridge-Station-Hannon Road areas. This often has been occurring in existing subdivisions or in new single-family developments. In more rural places, new residential growth has been following a pattern of residential development on frontage lots.

Millcreek: Of all municipalities in Erie County, this township has likely seen the most dramatic land use changes:

- Commercial growth has expanded, especially near the I-79 interchange. The Millcreek Mall has expanded, as have commercial uses along Route 19-Peach Street. Route 20 and Route 5 near the Peninsula have also seen commercial growth.
- Residential growth is ubiquitous and is evidenced by intense infill and new subdivisions. Though a few pockets of “road frontage” residential development are evident, they are the exception, not the rule.
- Significant industrial development has occurred along the Route 5-Railroad corridor.
- Areas of open space are nearly exclusively located along the extreme western and southern borders of the township.

Fairview: In 1978, Fairview was composed of a borough and township. In 1998, it consolidated into a single municipality. Growth in Fairview has been primarily residential. The most intense residential development has occurred along the Route 5 corridor. This has been primarily infill development. Over the balance of Fairview, there has been considerable road-front residential growth. An industrial park was developed at Route 98 and I-90. Due

to an extension of water and sewer lines along Route 98 to this industrial park, it can be assumed that new development soon will occur along this corridor.

Lake Front - East: A review of current land use in this sector, which includes North East Borough, North East Township, and Greenfield Township, shows a rural pattern with significant agricultural activity. Commercial and industrial uses are primarily focused along Route 20 and the rail corridor, with a concentration in the Borough. There is a similar pattern of strip residential development found elsewhere in the County. Once again, this appears most intense along Lake Erie, north of Route 5. However, there is a difference in the rest of North East Township, north of Sidehill Road. That is where active farms (usually grape vineyards) are found; “road frontage” residential intrusions are not as pervasive.

From 1978 to the present, the development patterns have changed, but only modestly. Perhaps the most evident new development is at the Route 20/I-90 interchange area. Otherwise, growth appears more incremental. In southeastern North East Township and in Greenfield Township, the land use changes found were primarily new residential strips along existing roads and new commercial uses at the Route 89/I-86 Interchange.

Lake Front - West: This area includes Springfield and Girard Townships as well as the Boroughs of Girard and Lake City. In this sector, development is focused in Girard and Lake City Boroughs. Other development nodes are along Route 20 and Route 5. Some is relatively new, such as the Imperial Point Mobile Home Park. Other development includes road frontage residential. The new commercial development along Route 20 on the Girard Borough-Township line is the most significant change.

In comparing 1978 with the present, much of the same pattern of agriculture is seen. The Imperial Point development is evident, but most of the balance of the area demonstrates a pattern of low-density residential growth. However, that characteristic becomes less evident in the rural southern portions of the area.

Southern Tier - East: This area includes Venango, Amity, Union, Wayne, and Concord Townships, along with the Boroughs of Wattsburg, Elgin, and Union City, and Corry City. Historically, most intense development has been centered in the urban areas of Corry and Union City. Overall population in this area has been stable to declining. Consequently, current development patterns show only modest changes from those of 1978. Certainly, the pervasive residential strip development is apparent even here, though it is not as intense as that found in the growth areas of Erie County. Some significant industrial growth is occurring on the Corry-Wayne border. Also, a large commercial tract is developed along Columbus Avenue (Route 6) near the Warren County boundary.

The Center Core South: This area is quite large, including the Townships of Greene, Summit, McKean, Washington, LeBoeuf, and Waterford, and the Boroughs of McKean, Edinboro, Mill Village, and Waterford.

Overall, the development patterns in the Center Core South demonstrate spillover growth near the Erie Urban Area. Summit Township, in particular, shows large commercial developments, especially in the Route 19 and I-90 area, and also in the Route 97 and I-90 sector. Once south of the immediate urban influence, land use patterns exhibit a more classic suburban strip development pattern typical in the County, except in some of the Edinboro-Washington area. Here, more intense residential development is seen along with strip commercial, especially along Routes 99 and 6N.

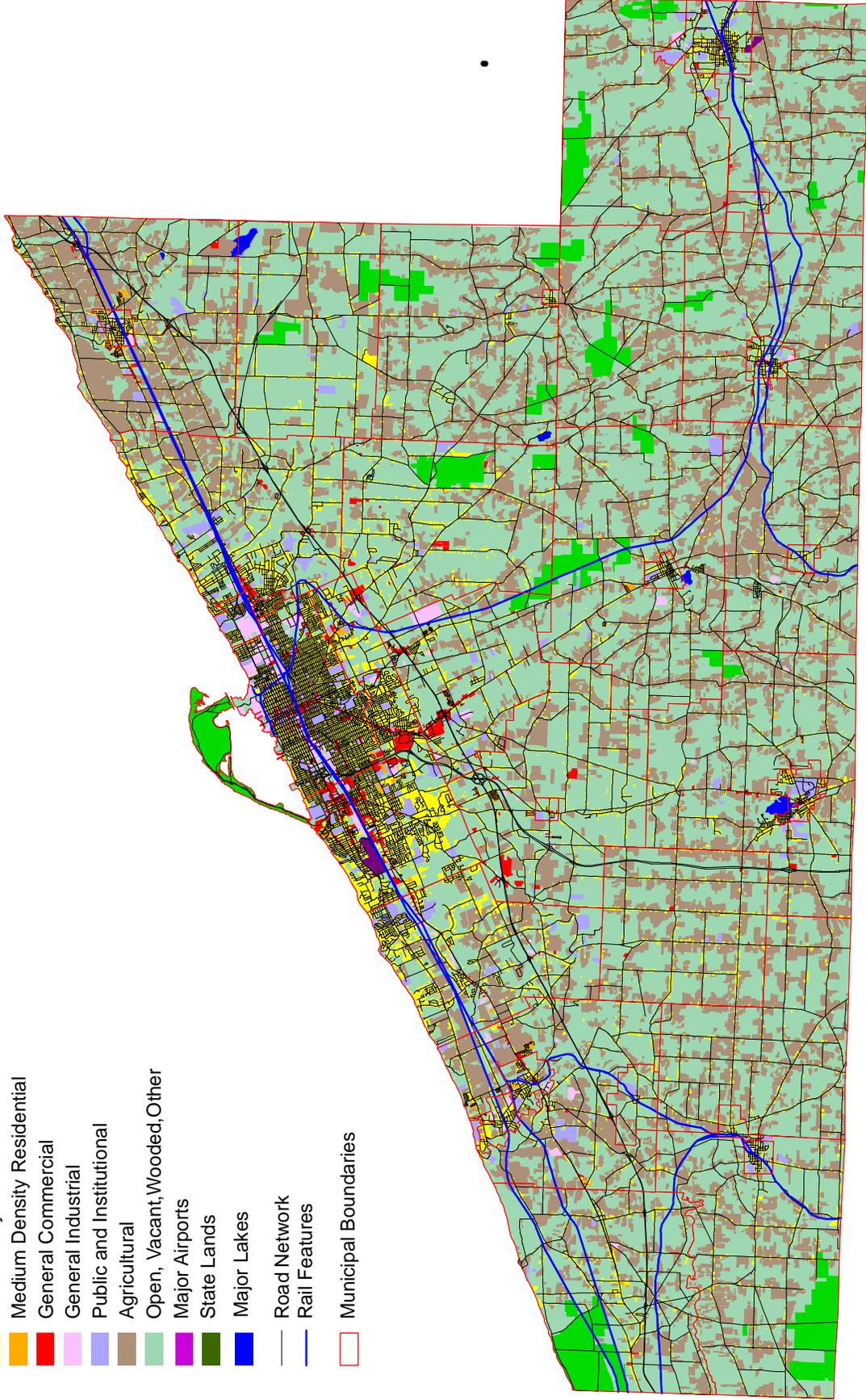
In comparing the 1978 land use to contemporary patterns, the explosion of commercial in the Summit Township area along portions of Route 19 and Route 97 can be seen. Development along Oliver Road at Five Points as well as pervasive strip residential development is apparent everywhere. This pattern is apparent throughout Waterford and McKean Townships as well as portions of Washington Township. However, in Washington Township there is more evidence of formal subdivision development, especially near Edinboro Lake and off Route 6N west of the Borough. Patterns of development in LeBoeuf remain light. This township is noted for farming, especially potatoes and cabbage, and agricultural use seems to be surviving. Little change was noted in Mill Village or McKean Boroughs.

Southern Tier - West: This sector includes Franklin, Elk Creek, and Conneaut Townships, along with Albion, Cranesville, and Platea Boroughs. Similar to the Southern Tier - East, this is predominantly a static to low growth area. However, the construction of the State Correctional Institution-Albion in Conneaut Township has stabilized the area, which previously had been on the decline due partially to the devastating 1985 tornado. Overall, the Albion-Cranesville region is the only area of intense land development. The balance of the area shows a low-density residential-farm characteristic similar to the 1978 patterns. Although some residential strip development has been experienced (for example, Crane Road), such changes have been comparatively slight. It is interesting to note this quiet, low-growth pattern was desired by some participants at the Citizens Forum in this area.

Erie County, Pennsylvania

Existing Land Use

- Low Density Residential
- Medium Density Residential
- General Commercial
- General Industrial
- Public and Institutional
- Agricultural
- Open, Vacant, Wooded, Other
- Major Airports
- State Lands
- Major Lakes
- Road Network
- Rail Features
- Municipal Boundaries



THE PLAN

The Land Use Plan consists of three elements. First, there is a Statement of Policy. This is primarily drawn from the Comprehensive Plan's Statement of Community Development Objectives which, itself, is drawn from a survey of the registered voters of Erie County (the Erie County Citizens Survey - March, 2002) and the Citizen Forums. The second element is the Plan's Land Use Regulations; the third element is the Future Land Use Plan.

STATEMENT OF POLICY

As previously stated, the Land Use Plan is a plan of partnership. Roughly, nine-tenths of the land and 98 percent of the County's population is covered by local zoning ordinances. Enacted by locally elected officials, these are the "de facto" components of land use policy in Erie County.

This Plan is predicated upon a County-municipal partnership founded upon the following guidelines:

1. Erie County is a very good place to live, and land use regulations should only enhance that quality.
2. Scenic beauty, the environment, natural and cultural resources are all important and must be preserved.
3. Recognizing the first two policies, this Plan also recognizes that Erie County's economic health is vital to:
 - Creating good, head-of-household, jobs; and
 - Providing the tax base needed for governmental, public safety, and recreational services.
4. Physical development is long term; as such, land use plans and controls must also look at long-term impacts and provide guidance for quality development.
5. The preservation of forest land, natural habitat, open space, and agricultural land is important for the citizens of Erie County today and will be tomorrow.

6. The preservation of existing neighborhoods is a priority.
7. The revitalization of existing urban places is a policy mainstay.

Finally, Erie County should ask only for good development through better development practices as it moves into the twenty-first century. Good development practices do not necessarily mean expensive development. But, they do infer that public improvements will be of sufficient quality to last, and there must be a consideration for good design as well as construction standards.

LAND USE REGULATIONS

In June of 2000, the State General Assembly enacted two of the most significant changes to the 1968 Pennsylvania Municipalities Planning Code since the comprehensive amendment of Act 170 of 1988. One of these laws, Act No. 68, required the county to publish advisory guidelines to “promote general consistency with the adopted county comprehensive plan.” (Section 301.4) The purpose of this section of the Erie County Land Use Plan is to provide such guidelines.



This section is divided into three general elements. First will be definitions, next zoning standards, and finally subdivision standards. Similar definitions can help to prevent the confusion which some developers have experienced as they move from one municipality to another. The last two elements will be further broken down into two categories. These categories can be classified as recommended and standard approaches. Recommended options are drawn from “Smart Growth” and “Growing Greener” sources. The County believes they offer the most innovative options to both promote high-quality growth and preserve the quality of life. Both of these goals were given clear priorities by County residents. However, some communities may prefer traditional approaches. These traditional provisions are included in the County’s Land Use Regulations section, and they are based upon local practice.

DEFINITIONS: Article I, Section 107 of the Planning Code, contains approximately 70 definitions. These include such key terms as agricultural operation, conditional use, consistency, developer, land development, lot, mobile home, and prime agricultural land, as well as many others. As the Planning Code is the sole source of planning and land use authority in Pennsylvania, the County will consider these definitions, or close approximations of them, as part of these guidelines. These definitions were established by law, but are subject to periodic revision by the General Assembly of the Commonwealth of Pennsylvania. Consequently, they will not be reproduced here, but can be easily obtained from the County, the Pennsylvania Department of Community and Economic Development, or the Commonwealth’s internet site.

The Planning Code is the sole source of planning and land use authority in Pennsylvania.

There are other definitions which are used in land use regulations beyond those legislatively mandated. These are included on the following pages. The ensuing list is not meant to be comprehensive in nature. By design, it is limited to key words or phrases. Words or phrases

not contained in this Plan or in the Planning Code will not be considered as part of the guidelines.

As a technical note, the County Planning staff can assist local municipalities with land use terminology. In addition, there are various publications of the American Planning Association as well as such standard references, such as “THE NEW ILLUSTRATED BOOK OF DEVELOPMENT DEFINITIONS,” Maskowitz and Lindbloom (Center for Urban Research – Rutgers), available for review at the Erie County Planning Office.

ERIE COUNTY LAND USE CONTROL DEFINITIONS

Accessory Structure: A subordinate structure, incidental to, and located on the same lot as, the principal building, and used for an accessory use.

Bed and Breakfast: A residence offering, for pay, overnight or short-term lodging and breakfast for transient guests.

Building: Any combination of materials forming any structure which is designed, intended or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind.

Building Setback Line: The line within a property defining the required minimum distance between any building to be erected and an adjacent right-of-way, property line, easement, and/or other feature.

Cartway: The improved surface of a street right-of-way which is available for vehicular traffic, including parking lanes but excluding shoulders and drainage swales.

Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street centerlines.

Commercial Amusement (Indoor): A facility which offers various indoor recreational opportunities for its patrons, including such games as: pool, billiards, bowling, video games and similar pursuits.

Commercial Amusement (Outdoor): A facility which offers various outdoor recreational opportunities for its patrons, including motorized race tracks, amusement parks, batting cages, miniature golf and similar pursuits.

Convenience Store: A retail establishment of limited size, designed for the sale of sundries, groceries and gasoline (and sometimes diesel fuel or propane).

County: The County of Erie, Commonwealth of Pennsylvania.

County Council: The County Council of the County of Erie, Commonwealth of Pennsylvania.

County Engineer: A licensed professional engineer in the Commonwealth of Pennsylvania, appointed by the County Planning Department to provide services as required to administer this Ordinance.

County Health Department: The Erie County Department of Health of the County of Erie, Commonwealth of Pennsylvania.

County Planning Commission: The Erie County Planning Commission of the County of Erie, Commonwealth of Pennsylvania.

County Planning Department: The Erie County Department of Planning of the County of Erie, Commonwealth of Pennsylvania.

Cul-De-Sac: A street open to traffic at one end and terminating at the other in a vehicular turnaround.

Day Care Services (Day Care): Provides out-of-home care for part of a twenty-four hour day to children under sixteen (16) years of age, or adults requiring such care, excluding care provided by relatives and excluding day care furnished in places of worship during religious services. This Ordinance identifies three levels of Day Care Services:

- Family Day Care Homes: Facilities in which day care is provided at any one time to four (4), five (5) or six (6) clients who are not relatives of the care giver.
- Group Day Care Homes: Facilities in which care is provided for more than six (6) but less than twelve (12) persons, at any one time, where the care areas are being used as a family residence. [Care of six (6) to twelve (12) persons where the care areas are not used as a family residence will be considered a Day Care Center.]

- Day Care Centers: Facilities in which care is provided for seven (7) or more persons, at any one time, where the care areas are not used as a family residence.

Day care for less than four (4) persons will not be considered as Day Care Services.

Detention Pond: An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

Drainage Facility: Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

Dwelling Unit: A dwelling used by one family or household.

Dwelling Type: (See below)

- Single Family - A detached single dwelling unit occupying the building ground to roof.
- Two Family - Two dwelling units, in a single structure.
- Multi-Family - Three or more dwelling units, with the units stacked one above the other or attached side to side.
- Detached - Each dwelling unit has open space on all sides.
- Semi-Detached - One side of each dwelling unit is a party wall in common with an adjoining dwelling unit.

Environmentally Sensitive Areas: Environmentally sensitive areas shall include areas with slopes of over fifteen percent, floodway areas, unstable soils or geology, riparian buffers, natural heritage areas and wetland areas. This determination shall be made based on information available from submitted subdivision plans, topographic maps, soils reports, the Erie County Comprehensive Plan, Erie County Conservation District, United States Geologic Survey, the Pennsylvania Department of Environmental Protection or other sources.

Essential Services: Services and utilities needed for the health, safety and general welfare of the community such as underground, surface or overhead electrical, gas, telephone, cable,

steam, sewerage and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located.

Flag Lot: A lot that has an L-shaped or flag configuration with one side abutting a street. Such configuration typically has a larger lot width along the rear property line.

Gross Leasable Area: The sum of the gross horizontal areas of a building or structure (excluding vehicular parking lots) from the exterior face of exterior walls or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor to ceiling height is less than six (6) feet.

Height of Building: The vertical distance measured from the average level of finished grade along all the exterior walls of the building to the highest point of the roof and to the highest point on any structure which rises wholly or partly above the roof.

Lot Area: The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding space within any street right-of-way, but including the area of any easement.

Major Subdivision: Any subdivision which fails to meet the requirements for qualification as a Minor subdivision.

Minor Subdivision: A subdivision having ten (10) lots or less, which has all lots fronting on an existing street, and which does not include or require new sanitary sewer and/or water main extensions, or the public dedication of streets or alleys.

Marker: A metal stake placed to designate the boundary and/or corners of lots in the subdivision of land for the purpose of reference in a land and property survey and to facilitate the sale of lots.

Monument: A concrete, stone or other permanent object placed to designate boundary lines, corners or property, and rights-of way of streets and utilities, for the purpose of reference in a land and property survey.

Natural Heritage Area: An area of ecological significance, documented in a Natural Heritage Inventory, including one or more of the following classifications: Natural Area (NA), Biological Diversity Area (BDA), Dedicated Area (DA), Landscape Conservation Area (LCA), Other Heritage Area (OHA).

Parking Space: An open space or space in a private garage or other structure with an effective length of at least eighteen (18) feet and a uniform width of at least nine (9) feet from the storage of one (1) automobile and accessible from a public way.

Permitted Uses: Any use allowed in a district, which is subject only to the general restrictions of this Ordinance.

Personal Care Home: Are facilities which offer food, shelter and personal assistance for a period of more than twenty-four (24) consecutive hours for four (4) or more adult residents who are not relatives of the operator and where the residents do not require hospitalization or nursing facility care.

Plan, Final: A complete and exact subdivision or land development plan (including all required supplementary data) prepared for official recording as required by statute ad this Ordinance.

Plan, Preliminary: A plan (including all required supplementary data) indicating the proposed layout of the subdivision or land development to be submitted to the County Planning Department and the local municipality for consideration, as required by these regulations.

Plan, Sketch: An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and general layout of the proposed subdivision or land development.

Professional Office: The office or studio of a physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician, teacher or similar occupation.

Recreational Development: A subdivision or land development designed to provide camping, temporary parking for recreational vehicles or other active recreational facilities. Examples of such facilities include campgrounds, resorts, swimming pools, golf courses and similar facilities.

Recreational Vehicle: A vehicle primarily designed as temporary living quarters for recreation, camping or travel, whether self-powered or towed. Examples of recreational vehicles include travel trailer, camping trailer, truck camper and motor home.

Replot: The change of a lot line between two (2) abutting existing parcels not intended to create a new parcel and where such lot line change is in full compliance with any local zoning and/or subdivision ordinance as well as related ordinances, rules and regulations of the County. A replot which involves the creation of new lots or involves more than two (2) lots shall be treated as a subdivision.

Retail Business: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Riparian: Adjacent to or on the bank of a river or stream, or sometimes a lake.

Rooming House: A dwelling having three (3) or more sleeping rooms for rent to persons not related to its other occupants. The term “rooming house” includes the term “boarding house.”

Self- (Mini) Storage Facility: A structure or structures containing separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Shoulder: The portion of a roadway (cartway) between the curb or other drainage facility and the travelway intended for emergency and parking use.

Sight Distance: The extent of unobstructed vision, in a horizontal or vertical plane, along a street.

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, land, alley, viaduct and any other ways or strips of land used or intended to be used by vehicular traffic or pedestrians whether public or private and including the entire right-of-way.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivision Administrator: A person, employee or agency designated by the municipal governing body to administer the Subdivision and Land Development Ordinance.

Swale: A low-lying stretch of land characterized as an elongated depression, usually vegetated, which facilitates the transport of surface water runoff.

Watercourse: A permanent stream, intermittent stream, river, brook, creek, or a channel, drain, or ditch of water, whether natural or man-made.

Yard: An open space that lies between a building or buildings and the nearest lot line. The minimum required yard set forth is to be unoccupied and unobstructed from the ground upward except as may be specifically provided in the Ordinance.

Yard, Front: A yard between the front lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot.

Yard Line: A line within a lot defining the minimum distance between any building or structure or portion thereof, and an adjacent lot line. Such line shall be measured at right angles from and parallel to the corresponding lot line.

Yard, Rear: A yard between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot.

Yard, Side: An open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line.

Zoning Officer: The Zoning Officer of the municipality, or his authorized representative.

ZONING ORDINANCE STANDARDS

Zoning regulations originally grew out of an effort to control tenements, sanitation and commercial developments in New York City. In the 100-year history of zoning, this land use control typically focuses upon:

- The use of land by type
- The intensity of that use as described by:
 - Density
 - Lot size
 - Setbacks
 - Structure height
- Peripheral concerns such as fences, signs and other items
- Administration

In Erie County, the typical zoning ordinance normally has from seven to nine sections. A normal format contains:

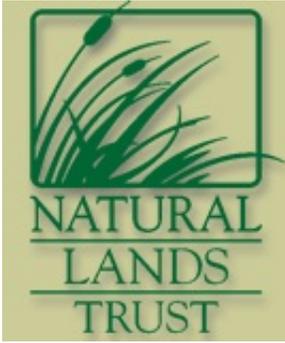
1. General Provisions
2. Definitions
3. Zoning Districts
4. Supplemental Regulations
5. Administration and Enforcement
6. The Zoning Hearing Board
7. Amendments

Some ordinances may cover such issues as signs, special exceptions/conditional uses, or historical areas by separate sections rather than inclusion in Supplemental Regulations.

The Plan will not offer any guidelines on General Provisions, the Zoning Hearing Board, or Amendments. These topics are primarily governed by the language in the Planning Code. Those matters not contained in the Code are normally legal “boilerplate,” such as the repealer, date of adoption, location of the official zoning map, etc. The County sees no need to set a specific standard for such items.

However, there is one exception to the just-mentioned policy, that concerns the “Statement of Community Development Objectives.” Here, the County has no desire to dictate local policy. Yet, these guidelines do urge that the Objectives either refer directly to a locally adopted comprehensive plan or contain a series of objectives that are clearly linked to the specific goals of the municipality.

PREFERRED PRACTICES



As previously noted, Erie County is presenting options in land use controls. The Preferred Practices lean heavily upon published guidelines from the Natural Lands Trusts/DCNR; the American Planning Association; various publications from other states, especially Virginia, and similar sources. Based upon these recommendations, the Preferred Standards have been fashioned in a manner consistent with local needs and with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

Of all of these sources, Erie County found that the concepts set forth in the “Better Models” booklet of Virginia represented the most positive approach. The “Background” section of this source points out that all too often the issue of growth is not a discussion, it is a debate. And, it is almost always cast in absolute terms—progress versus preservation; growth versus no growth; cities versus suburbs. “Better Models” observes that these debates are unproductive; that growth is “both inevitable and desirable,” yet, promises that communities can grow without destroying beauty, history, or livability. This Plan embraces that same philosophy. Though this option is under the “Zoning” section of the Land Use Regulations section, its philosophy also extends to subdivision and land development guidelines.

1. Conserve Erie County’s natural and scenic assets. This goal is clearly consistent with the wishes of Erie County citizens (see Community Development Objectives and Citizens’ Survey).
2. Maintain a clear edge between town and countryside.
3. Build livable communities.
4. Preserve historic resources.
5. Respect local character in new construction.
6. Reduce the impact of the car.

Not each of these principles are fully applicable to all situations in Erie County. Yet, they offer an excellent framework for this element of the Plan.

Principle 1 - Conserve Natural and Scenic Assets: There are various strategies that Erie County and its constituent municipalities can use to realize this goal.

- The most obvious zoning approach to conserve natural and scenic assets is to consider the Growing Greener approach. This technique can be particularly helpful in growing suburban or rural townships.

This technique can be included as an option under the zoning ordinance. Growing Greener is presented as an option to the developer, but as a permitted use. In this fashion, the developer realizes that special hearings before the governing body or the zoning hearing board are not required. This technique also entails a new thought process for both the municipality and the developer.

Under “Growing Greener,” a development is first analyzed to determine its net density. That is the number of lots the parcel would yield exclusive of non-buildable land. The traditional zoning density for that district is then applied to determine the net yield of the land.

Then the developer is presented with various density and development options from estate lots to enhanced conservation development. By opting for conservation development, the developer is given density bonuses where his yield, in terms of home sites, is increased. Depending upon the option taken, the number of homes permitted can double. The “payback” to the community is the conservation of views, open space, or environmentally important land and ultimately higher tax valuations. It is recommended that Growing Greener subdivisions locate only in Designated Growth Areas, Future Growth Areas, and Villages (see the following Future Land Use Plan section).

The zoning option has already been embraced by some Erie County townships (Washington), but should only be undertaken after the governing body, the planning commission, citizens, and developers have discussed and come to understand its concepts. The Growing Greener approach cannot easily be discussed in a few paragraphs. To best understand it, the DCNR “Growing Greener” handbook should be consulted. (See also the Conservation Subdivision in “Subdivision Standards.”)

- Low-Density Zoning-Conservation Districts—usually 1 to 2 acres per use. This would be similar to the Rural Residential, Agriculture, or Conservation Districts already used by many townships in Erie County (see the previous Current Land Use Practices section).

- For those municipalities that are especially concerned with preserving rural scenic areas and vistas, there are additional land use controls which may be considered:
 - Signage Control: Generally in Pennsylvania, signs, including billboards, cannot be banned (one exception is the Pennsylvania Scenic Byways designation). However, they can be controlled relative to size and location, as long as these controls are reasonable.
 - Designation of key “viewsheds.”
- Protect Riparian Areas: Riparian areas are lands found along rivers and streams; sometimes lakes are included. This is not a common practice in Western Pennsylvania land use, but is followed in other areas. This can involve some very detailed regulations or be as simple as banning development within a specified distance from stream banks. Such regulations can be included in zoning ordinances (see also Natural Resources Preservation Plan). The purpose of such regulations is to establish buffers, which can trap sediment and pollution in runoff.

Principle 2 - Maintain a Clear Edge Between Town and Countryside: One of the primary complaints of low-density development is the fact it blurs the transition from urban to rural. And, as many people in Erie County wish to preserve the scenic rural areas, the obvious issue is how to accomplish this end. One technique this Plan recommends, encouraging infill strategies. There are many reasons to encourage infill strategies. Primary among these is the fact that infrastructure is already present, so new utility/road investment is not necessary. A second primary benefit is the presence of transportation alternatives. This reduces the dependence on personal autos. Infill development can be facilitated by the following:

- Flexible urban zoning
- Traditional Neighborhood Development zoning
- Erie County Agricultural Conservation Easement Program

Principle 3 - Build Livable Communities: This is a simple concept really, but an important one. The choice of where people live is essentially a marketplace function. The consumer wants the most for his, or her, money. There are several elements involved in this choice: schools, taxes, personal safety, amenities, the home, the neighborhood, and the overall

perception of the community. Land use planning can affect the quality of development issues by using the following tools:

- Growing Greener: The Growing Greener approach conserves attractive physical resources of an area and fits the development to them (see prior discussion).
- Traditional Neighborhood Development (TND): A new option (since 2000) for zoning. This allows communities to mix land uses and set design standards for quality development. It can be very effective in older urban places looking to rejuvenate mixed-use neighborhoods.
- Strengthen Downtowns: Some of the problems of downtowns are purely economic, not land use. However, land use regulations can have a positive impact on downtowns:
 - Allow and encourage multi-use developments in the downtown.
 - Where appropriate, introduce design criteria into downtowns to encourage attractive developments. (Where possible, link grant funds and tax abatement programs to such regulations.)
 - Re-examine signage regulations. Often, urban signage developments are the most restrictive.
 - Provide for greater flexibility for parking (shared parking benefits) requirements while encouraging good environmental design (lighting, landscaping to decrease runoff, etc.).
- Re-examine commercial zoning
 - Create land use strategies to enhance the longevity of future strip malls and the reuse of existing developments.
 - Put lineal (length limits) on strip malls to encourage greater depth. Shopping is usually enhanced by clustering a variety of uses around a core.
 - Provide parking lot access and landscaping provisions to promote attractive design.
 - Allow a greater mix of uses in existing strip malls which are in decline. This would include services business (especially health), office uses, and even selected light industrial use (sic. light assembly).

Principle 4 - Preserve Historic Resources: Land use regulations can do much to positively preserve historic areas. Well thought out and administered regulations can do much to enhance a neighborhood and stabilize its property values. As was stated in the beginning of this Plan, such policies should not look to stir debate, but to encourage the development of cooperative solutions. It is just as important to provide for a variety of adaptive reuses as it is to provide design criteria (see also the Historic Preservation Plan).

Land use regulations can do much to positively preserve historic areas.

Principle 5 - Respect Local Character in New Construction: This policy is somewhat difficult in Pennsylvania where design review is not a common activity. Certainly, in historic districts and in a “Traditional Neighborhood District,” communities can exercise design review. In this way, the design of new structures can be fit to a neighborhood. Nationally, even chain stores, noted for their uniform appearance, have redesigned a facility to place a store in a desirable location that exercises design review.

This policy may be more difficult to utilize in suburban locations, but it is by no means impossible. For some years, communities in the Pittsburgh area have required site and design review without specific MPC authorization. The approach can be successful if:

- Expectations are reasonable
- Some objective written guidelines exist
- Offer pre-application meetings
- Clear landscaping guidelines exist
- Signs are controlled
- Billboards are allowed with sensible controls

Principle 6 - Reduce the Impact of the Car: One of the basic elements of contemporary design, be it urban, suburban, or rural, is to emphasize people over autos. See the following Other Development Options for Better Communities section also.

THE TRADITIONAL APPROACH

This portion of the guidelines offers suggestions relative to standard zoning districts and the core uses for these districts. It must be stressed that the exact names of these districts are not critical, relative to the issue of consistency with these guidelines. Nor will a precise litany of uses be critical. However, the types of uses and intensity will be the key guidelines for County consistency reviews.

Rural Residential: Sometimes referred to as a Agricultural or Conservation District. This district is, by design, also a low-density zone. Sewer and water facilities are on-lot, and intense use is not anticipated or encouraged. Agriculture is a permitted use with low-density residential permitted also. Basic uses are:

- Agriculture
- Churches
- Single-Family Dwellings
- Public Parks and Open Recreation Areas
- Communication Towers
- Gas and Oil Extraction with controls
- Mineral Extraction with controls
- Sawmills

Note: Agriculture is a big business in Erie County, generating \$80 to \$90 million in annual gross receipts. In some municipalities, farms are vigorous and self-sustaining; in other areas, agriculture is a part-time venture, and the family farm is threatened. To preserve the family farm, some rural municipalities may wish to allow more small business-types of operations in this zoning district. As long as larger lots and adequate distance separation is provided to nearby properties, the County will find this practice consistent with these guidelines.

In terms of agricultural uses, concentrated animal feeding operations (CAFOs) represent a unique issue. Any rural district which specifically allows CAFOs must adopt appropriate controls, such as set forth by “Planning and Zoning for Concentrated Animal Feeding Operations,” APA Report 482, to be consistent with these regulations. However, any such control may not conflict with 603(b) and 603(f) of the Pennsylvania Municipalities Planning Code.

In an effort to maintain the rural character of Rural Residential and Agricultural/Conservation Districts, concentrated developments should be located in Designated Growth, Future Growth, and Village Areas (see the following Future Land Use Plan section). Therefore, it is recommended that group water and sewer systems be located only in these three growth areas.

Residential Single-Family, Suburban Residential: These two districts are similar in use patterns, though distinct in density. They are both intended to function primarily as a place for single-family homes and complementary uses with few other uses permitted.

Uses

Single-Family Dwellings
Schools*
Churches*
Public Parks and Playgrounds*
Home Offices**
Family Day Care

*Note, these uses should be buffered from nearby residential uses.

**This use is in-home offices with little to no client visits and no real need for signage, similar to the no impact, home-based business (Act 43 of 2002).

Residential/Urban: This “R-1” District is primarily designed for boroughs, cities, and villages.

Uses

Single-Family Dwellings
Public Parks and Playgrounds
Churches
Family Day Care
Home Office/Home Occupations*
Schools*
Conversion Apartments*
Duplexes*

*With conditions to minimize potential negative effects of these uses.

Village/Residential, Limited Business: Similar to the previous district, this one is aimed at built-up urban places, large or small, especially those areas on or near major transportation corridors. In this district, some non-retail commercial uses are permitted. It is truly a mixed-use urban area. By not allowing retail or restaurants’ night-time activity, conflicts with residential uses are minimized.

Uses

Single-Family Dwellings

Two-Family Dwellings
Three- and Four-Family Dwellings
Day Care of all kinds
Small Offices for insurance, lawyers, accountants, etc.
Services, such as barber and beauty shops, limited medical/dental and other activities such as funeral homes
Personal Care Boarding Homes
Bed and Breakfast

Medium- and High-Density Residential: The districts are presented together because the only distinction is the density/intensity of use. In the Medium-Density District, many types of residential uses are allowed, along with complementary non-residential uses. For the High-Density Residential, all types of high-density residential development are appropriate.

Uses

Single-Family Dwellings
Duplexes
Three- and Four-Family Dwellings
Multi-Family, including “High-Rise” Apartments*
Parks and Playgrounds
Schools
Home Office/Home Occupation
All Kinds of Day Care
Churches

*In R-3, high-density residential districts only

Commercial Districts: For the purpose of this Plan, the following guidelines are set forth for three separate Commercial Districts. However, they need not all be present in a single ordinance to be judged consistently. Rather, the inclusion of such districts will be a function of the type of municipality. Some may include all basic types (i.e., larger and more urban places), while other, more rural, areas perhaps host only a single zone. These are General Commercial, Downtown Commercial, and Highway Commercial.

General Commercial: This district includes both a General Commercial District as well as Neighborhood Commercial areas. For smaller boroughs, it could even include a “downtown” of limited size. The main function of such districts is to provide for a variety of retail and service uses:

Uses

Retail Sales

Convenience Stores
Banks and Financial Services
Eating and Drinking Establishments
Personal and Professional Services
Medical and Dental Services
Automotive Services

Commercial Highway: This district would include all of the General Commercial uses, plus the following:

Uses

Drive-In/Through Facilities for Banks, Fast Food, Restaurants, and Related Retail
Building Supply Yards
Home and Garden Centers
Shopping Centers
Car Washes
Self-Storage Facilities
Motels
Malls and Strip Plazas

Downtown Commercial: This district is intended to function in dense urban centers. Lot sizes are usually minimal, front yards are often not required, and parking is provided by public facilities.

Uses

Retail of All Kinds
Personal and Professional Services
Medical and Dental Services
Offices
Restaurants
Hotels
Drive-In/Through Facilities*
Convenience Stores*

*With conditions

Industrial Districts: For the purpose of consistency with the provisions of this Plan, no specific use schedule will be delineated. In general, industrial, manufacturing, transportation, commercial offices, and wholesaling operations would be included. Industrial and office parks would be considered as controlled elements of such districts. “Light” and “Heavy” industry also can be considered as variations on this theme. In these zones, the County would regard retail, food and drink places, and residential uses as non-compatible.

SUBDIVISION ORDINANCE STANDARDS

The purpose of this section is to present guidelines for new subdivision regulations within Erie County. As noted in a prior section of this report, subdivision regulations are much more standardized in Erie County than zoning; consequently, this section will be much briefer than the portion on zoning.

Once again, there will be a preferred option presented. And that is the Conservation Subdivision approach. However, regardless of the approach used, the seven principal divisions of a subdivision ordinance should be included (see the previous Current Land Use Practices section). These are:

- Administration/Enforcement
- Definitions
- Plan Standards
- Improvements/Bonding
- Blocks and Lots
- Mobile Home Park Standards
- Land Development Standards

The Conservation Subdivision: One of the key elements for a Smart Growth–or Growing Greener–subdivision ordinance is to consider the Conservation Subdivision. The Conservation Subdivision attempts to accomplish what its name indicates—to conserve important features of the land. A detailed description of this approach can be found in the Growing Greener workbook jointly published by DCNR and the Natural Lands Trust, available for review at the Erie County Planning Office.

The Conservation Subdivision approach does require the municipality to do some preparatory work via their comprehensive plan. Environmentally significant areas such as floodplains, wetlands, steep slopes, prime farmlands, etc. should be identified. This fits into the “Four Step” approach to designing Conservation Subdivisions. This simple approach could also be adopted (in whole or part) for conventional subdivisions. It makes a great deal of sense. These steps are:

- Identifying Conservation Areas: Simply put, are there areas you cannot or should not build upon? Obvious impediments are floodplains and steep (15%+) slopes. But, this may also include woodlands, a historic site, or any number of features that should remain. The great advantage of this step is its flexibility. Certainly, some areas are unbuildable due to other regulations or physical constraints. However, some other elements can be simply optional concerns. The important feature is that both the municipality and the developer are asked to think of the site—in real terms—not simply as a paper plat with abstract criteria used for approval or denial.

- **Locate House Sites:** In the typical subdivision, the yield plan (i.e., after removing the roads, unbuildable land, etc. yields buildable land ÷ the minimum lot size = number of home sites) drives the process. In Growing Greener, the overall parcel still yields the same number of home sites, but they are placed in the optimum locations—where’s the best view?—do we want privacy?—what areas should be preserved?, etc. rather than being placed on arbitrary lots.
- **Aligning the Streets:** Once home sites are located, the streets can be located. This is an important concept. The location of the home locates the street—the street does not locate the home!
- **Draw in the lot lines**—the very last step in the process.

There are many other technical elements, policy issues, and questions relative to following the Growing Greener approach. Generally, the overall philosophy can be described as one that:

- Involves the municipality and the developer in a dialog before a formal plat is submitted.
- The municipal planning commission and local officials visit the site with the developer prior to plat submission.
- The sketch/preliminary plan is used as intended. That is a low-cost, concept approach, before extensive survey and engineering fees are incurred.

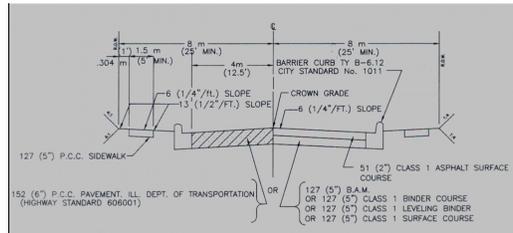
Growing Greener and Smart Growth may not be appropriate for all developments, nor for all municipalities. For some, however, it is. For others, read the workbook and take design concepts or processing approaches that make sense. Better neighborhoods do not just happen.

Traditional Subdivision Regulations: In its review of subdivision regulations, the County, once more, will expect such controls to be compliant with the MPC and contain the necessary processing and administrative standards. In reviewing the design standards, the following guidelines will be included:

- Roads: Local roads should have a 50-foot right-of-way. Urban roads should be curbed; while rural roads, can use berms and swales. Cartways from 20 (rural/suburban) to 36 feet (urban) would be acceptable, consistent with storm drainage concerns. Detailed design criteria (sight distance, curves,

intersections, spacing, etc.), which are similar to the Erie County Subdivision and Land Development Ordinance, will be considered consistent.

Typical Cross Section Residential Street



- Sewage and Water: Standards for on-lot and sewage collection and treatment systems should be consistent with the Erie County Subdivision Regulations and the Erie County Department of Health and/or Department of Environmental Protection standards.
- Storm Drainage: These standards should be consistent with criteria from the Erie County Stormwater Management Plan.
- Mobile Home Parks: Generally, a 5-acre minimum parcel size and mobile home lots of 5,000 square feet are considered standard. The County will review these regulations against Article XII of the County's Subdivision Regulations. However, the County will welcome enhanced standards for such developments as have been espoused by the Manufactured Home Institute and recent APA publications.
- Land Development Standards: At a minimum, the standards set forth by Article XI of the County Subdivision and Land Development Ordinance will be acceptable. However, municipalities are encouraged to examine more sophisticated models (see Appendix).

OTHER DEVELOPMENT OPTIONS FOR BETTER COMMUNITIES

Not all tools which promote sound land use and good community development practices can be conveniently inserted in a zoning ordinance or subdivision and land development ordinance. These concepts are presented in this Plan element:

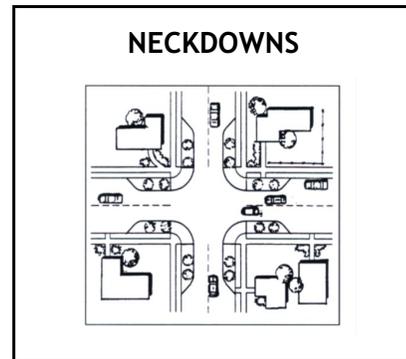
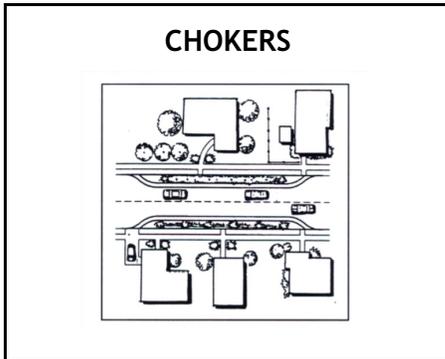
- Preservation of Farmland: The best permanent solution is the purchase of agriculture conservation easements. This is truly a partnership program already underway in Erie County. The Erie County Farmland Preservation Program involves farmers, municipal officials, County government, and the Commonwealth of Pennsylvania. It is one tool in the land use toolbox which offers long-term farmland preservation. Currently, the program operates, as follows, in Erie County (see the Erie County Agricultural Conservation Easement Program brochure for further information):
 - Farmers petition local government (normally a township) to establish Agricultural Security Areas (minimum of 500 acres per township).
 - The township establishes an Agricultural Security Area Advisory Committee. After reviews and hearings, the petition can be approved.
 - Under the Erie County Agricultural Land Preservation Board, development rights can be purchased (dependent upon Board priorities and available funds).
- Other conservation easement programs—not necessarily for farming land. In Pennsylvania, various easements can be purchased from the landowner to preserve desired land qualities from views to physical features. Trusts and land conservancies usually hold such easements.
- Tax benefits under Clean and Green. This program eases the tax burden placed upon farmland at the local level. It requires taxation to be in relationship to actual use rather than potential non-agricultural use. Qualifying lands are those in agricultural production, agricultural reserve, or forest reserve. A minimum of 10 acres is needed to qualify and must be capable of generating at least \$2,000 annual income. The program is a public policy in the preservation of farmland, forest land, and open space.



- **Tree Preservation and Planting:** This often is more of an issue in urban places than in rural communities. Boroughs or cities interested in tree preservation can appoint a Shade Tree Commission. Typically, this ordinance also contains rudimentary controls on tree removal, pruning, and planting (see Appendix). However, if needed, more sophisticated model ordinances are available.
- Streamlining and simplifying the development permit process in urban places. The usual complaint of developers in urban places is the number, complexity, and cost of permits as well as the time needed to obtain them. This problem can be so severe that it can cause developers to avoid urban locations—the very location where new development is needed.
- Providing for real estate tax benefits through various Local Economic Revitalization Tax Assistance (LERTA) legislation for commercial, industrial, and/or residential improvements. These excellent tools should be targeted to areas as was envisioned in the enabling legislation—brownfield areas and deteriorating older urban or village neighborhoods.
- Developing and maintaining clear “gateways” to developed areas. This will involve more thought than an occasional sign. Though an attractive sign format can be quite effective, serious communities should consider plantings and landscaping combined with signage for gateway use.
- Provide for greenways, trails, and similar amenities. Land use ordinances can aid in this endeavor. Subdivision ordinances can consider density bonuses for these features.
- **Reassess Road Standards:** Consider allowing for narrower streets in new residential subdivisions and allowing designs which discourage higher speeds in favor of pedestrian safety. The Growing Greener workbook has both standards and the rationale for alternative road design. See subdivision design guidelines.
- Consider traffic calming measures for shopping areas designed for pedestrian traffic. Traffic calming is a catch phrase that describes a number of possible design options used to slow, or control, traffic in residential neighborhoods or traditional downtowns. These options include:
 - Speed humps
 - Medial barriers
 - Textured pavement
 - Neckdowns (see illustration)

– Chokers (see illustration)

and numerous other options. More details can be found at the TrafficCalming.org web site or a book on such techniques published by the Institute of Traffic Engineers (Washington, D.C.). Sometimes, this can be instituted in a downtown street redevelopment plan. Also, design standards can be introduced in Traditional Neighborhood Development Ordinances or also in Subdivision and Land Development Ordinances.



LAND USES OF REGIONAL IMPACT AND SIGNIFICANCE



Section 301(7)(ii) of the Planning Code requires a county plan to “identify current and proposed land uses which have a regional impact and significance.” Such a task is difficult in Erie County, as it possesses many attractions which could qualify. In enumerating the current land uses of regional impact, the County examined them in a multitude of ways. It seemed obvious that the key element was impact. A State Game Land may be large, but may only have a limited impact. Conversely, Presque Isle State Park attracts millions of visitors (and cars) annually, and influences Erie County’s economy. Based upon regional impact, the following current land uses were identified:

- Downtown Erie Business and Entertainment District
- Edinboro University
- Erie International Airport/Tom Ridge Field
- Erie Zoo
- Gannon University
- General Electric Transportation Systems Division
- Hamot Medical Center
- Lake View Landfill
- Mercyhurst College
- Millcreek Mall Area
- Penn State-Erie, The Behrend College
- Presque Isle Bay and Waterfront District
- Presque Isle State Park
- Route 19/I-90 Interchange Area
- Saint Vincent Health Center

What criteria should be used to identify future land uses of regional impact? Erie County believes the following criteria should be used:

- ▶ Any development which generates (in a one-year period) 500 or more jobs at a single site.
- ▶ Any residential development with 200 or more dwellings to be constructed in a two-year period.
- ▶ Any recreational or tourist development that is expected to attract, on average, more than 1,000 patrons a day.
- ▶ Any municipal waste landfill or power plant.

As was stated in the Introduction of this report, the County views its land use obligation as a cooperative venture with local municipalities. The detailed control is the right and responsibility of municipal government. However, there are certain guidelines which the County believes are important.

All developments of regional impact should:

- ▶ Be located in a community with a zoning ordinance as well as a subdivision and land development ordinance. In addition, the land development options should contain provisions to allow an adequate review. (See Appendix for typical provisions.)
- ▶ Be located in an area with sewer and water facilities, with adequate capacity for the intended use.
- ▶ Be on a paved road with adequate capacity for the estimated traffic flow, and have good access to an arterial highway.
- ▶ Be in an area identified as a: Designated Growth Area, Future Growth Area, or Village.
- ▶ “Brownfield” sites will be preferred.
- ▶ Land uses of regional impact should not:
 - Be located in a Rural Resource Area
 - Have a negative impact on a Conservation Area
 - Be located in an Agricultural Security Area

THE FUTURE LAND USE PLAN

On the plate which follows this page is a graphic representation of the Erie County Land Use and Community Facilities Plan. It is designed for a 20-year period. This Plan represents a dramatic change from historic land use planning for Pennsylvania counties by fully embracing the innovations provided by Act 67 and Act 68 of 2000, which so dramatically modernized the Pennsylvania Municipalities Planning Code. This new approach does not attempt to overlay detailed local land use policy with a County-imposed model. Rather, it foregoes the traditional open space/rural, residential, commercial, industrial, and public with categories which address the density and intensity of use. And, because of this concept, this Plan serves two functions. First, it is a land use plan; and second, because it defines where growth is to occur over the next 20 years, it also serves as an important element of the Community Facilities Plan, primarily for the planning of future water and sewer services.

This Plan is also unique because it represents a true consensus. The Erie County Department of Planning not only conducted a citizen survey and had 10 Citizen Forums for general input, they also participated in 16 sessions with Erie County municipalities to review the Land Use and Community Facilities Plans.

As this approach uses specific terms, it is well they should be defined, and these definitions are set forth below:

Designated Growth Area: A region within a county that includes and surrounds a city, borough, or village, and within which residential and mixed-use development is permitted or planned for at densities of one unit to the acre or more; commercial, industrial, and institutional uses are permitted or planned for; and public infrastructure services are provided or planned.

Future Growth Area: An area outside of, and adjacent to, a designated growth area where residential, commercial, industrial, and institutional uses and development are permitted or planned at varying densities and public infrastructure services may or may not be provided, but future development at greater densities is planned to accompany the orderly extension and provision of public infrastructure services.

Village: An unincorporated settlement that is part of a township where residential and mixed-use densities of one unit to the acre or more exist or are permitted and commercial, industrial, or institutional uses exist or are permitted.

Rural Resource Area: An area described in a municipal or multi-municipal plan within which rural resource uses, including, but not limited to, agriculture, timbering, mining, quarrying, and other extractive industries, forest and game lands and recreation, and tourism are encouraged and enhanced, development that is compatible

with or supportive of such uses is permitted, and public infrastructure services are not provided except in villages.

Conservation/Public Recreation Area: These are major public-owned recreation facilities, such as Presque Isle State Park, State Game Lands, major parks, along with major stream corridors/floodplains.

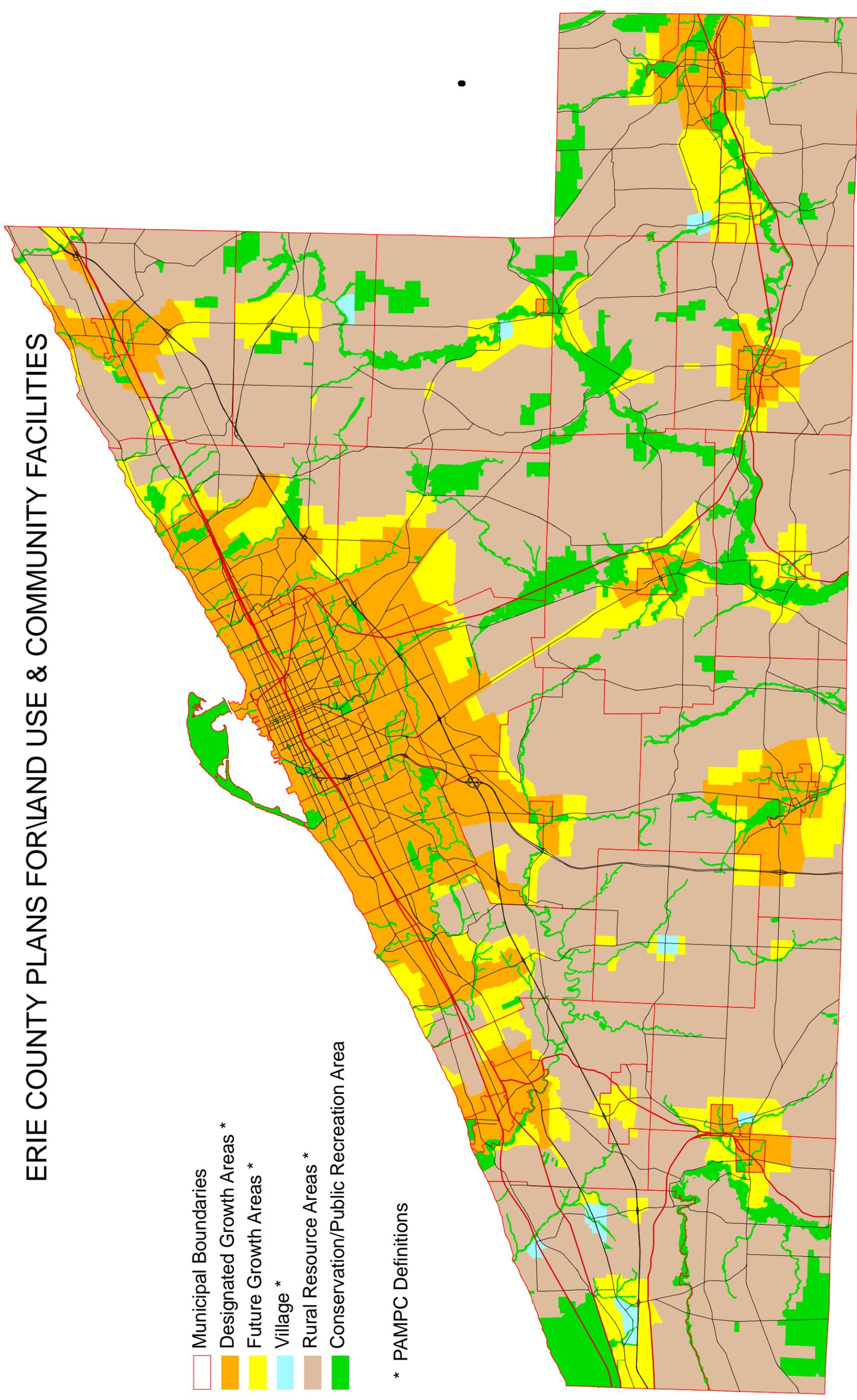
To a large extent, the map speaks for itself. The County's policy is quite straightforward:

- ▶ Current and future changes of land use to more intense uses from less intense uses, which occur within Designated Growth Areas and Future Growth Areas and Villages, will be considered consistent with the County Land Use/Comprehensive Plan.
- ▶ The rehabilitation, creation, or extension of community water and sewer facilities within Designated Growth Areas, Future Growth Areas, and Villages will be considered consistent with the County Community Facilities element of the Comprehensive Plan.
- ▶ Rural Resource Areas are, as described, areas for low-intensity uses and are primarily focused on open spaces, such as farming, timbering, forest lands, tourism, very low-density housing, and similar activities. Zoning and development consistent with this approach will be considered consistent with the County Land Use/Comprehensive Plan.
- ▶ Rural Resource Areas are not designated for service by community water and sewer facilities.
- ▶ Conservation/Public Recreation Areas are unsuited for intense development.
- ▶ Conservation/Public Recreation Areas generally do not need water or sanitary sewers systems.

ERIE COUNTY PLANS FOR LAND USE & COMMUNITY FACILITIES

-  Municipal Boundaries
-  Designated Growth Areas *
-  Future Growth Areas *
-  Village *
-  Rural Resource Areas *
-  Conservation/Public Recreation Area

* PAMPC Definitions



12,000 6,000 0 12,000 24,000 Feet



IMPLEMENTATION

The Planning Department of Erie County intends to implement this Plan using the following techniques:

- A. Review Procedures:** Under Article III of the Pennsylvania Municipalities Planning Code, the County is charged with: providing guidelines to promote general consistency with the county comprehensive plan [301.4(b)] and reviewing the comprehensive plans or amendments of local municipalities [301©) and 301.3]. These consistency reviews will be conducted in the same cooperative fashion that was followed in the preparation of this Plan. As the Land Use Plan is a key element of the Comprehensive Plan, the submission will be measured against the standards set forth by this Plan as specifically delineated in the Future Land Use Plan section. This practice will include the review of land use ordinances as well as appropriate elements of the comprehensive plans.
- B. Provide Standards for Uniform Practice:** The Land Use Plan identifies Preferred Practices and Standard Approaches to provide all local municipalities the widest latitude in preparing land use and related regulations. In addition, the County will provide model ordinances, selected standards, or ordinance provisions for the use of local municipalities. These will be changed over the years as land practice evolves.
- C. Keep Local Municipalities Informed of Changes to the Pennsylvania Municipalities Planning Code:** Over the past few years, the Pennsylvania Municipalities Planning Code has been subject to numerous changes. Some of these changes are quite prescriptive in nature, requiring specific actions. The County will advise local municipalities of key amendments, especially as they relate to land use ordinances. These changes will be sent to local municipalities and posted on the Planning Office's web site.
- D. Provide Technical Services:** For many years, the Erie County Department of Planning has provided technical services to assist local municipalities relative to planning efforts and the preparation of land use ordinances. That policy will continue, consistent with the personnel capacity of the office.

E. Promotion of Best Practices in Land Use: Historically, the Erie County Department of Planning has sponsored workshops on planning practice and techniques. This has brought well-known State figures (such as Tom Hylton), as well as those of national note (Randall Arendt and Myron Orfield), to Erie County so local officials could meet with leading land use experts. The County will continue this practice and provide an even greater focus on the technical aspects of planning in its efforts.



F. Developer Awards: The Erie County Department of Planning believes that the promotion of good development practices is critical in order to achieve excellence in Erie County. Examples of good developments must be publicly recognized. Consequently, the Erie County Department of Planning will invite the Builders Association of Northwestern Pennsylvania, the Greater Erie Board of Realtors, etc. to join with them in creating “Developer Awards” as noteworthy projects are proposed. Its sole and single purpose will be to seek out and publicly recognize developments which epitomize excellence in design.

All of these actions will begin upon Plan adoption and continue indefinitely into the future.

October 2003