

Maitland-Land Use Draft Overview

Municipal Capital Improvement

Article V-A (Municipal Capital Improvement) of the "Pennsylvania Municipalities Planning Code" deals with off-site **transportation impact fees**. Since its enactment, this article has been the subject of criticism from some municipal officials who believe it is too cumbersome and/or too expensive to implement. In this draft legislation Article V-A has been revised to incorporate suggestions from local officials. These changes are not limited to growth counties. The key elements of the amendments to Article-V-A are as follows:

- the governing body of the municipality may elect to have the transportation elements of the municipality's comprehensive plan (and maps) serve as a transportation capital improvements plan, and
- reduces from 40% to 25% the percentage of members of the advisory committee which shall be representatives of the real estate, commercial and residential development, and building industries.

Growth Counties

This legislation contains special powers for municipalities, school districts and counties which are experiencing a high rate of population growth. The theory is that this rapid rate of growth causes special problems for these jurisdictions. Public schools, police, emergency services, roads, intersections, traffic control, water, sewer and other infrastructure needs all suffer when growth occurs too rapidly. It is also difficult to preserve agricultural land or open space areas when these rapid growth pressures are present. Therefore, this legislation is intended to grant local officials in growth counties access to special powers to address these problems, but not affect other counties.

For the purposes of this legislation "growth county" is defined as any county that grew by 0.75% or more in each of the preceding three (3) consecutive fiscal years, as estimated by the Pennsylvania State Data Center/U. S. Census Bureau.

Authority. Municipalities and school districts in growth counties are empowered to enact ordinances or resolutions as authorized in this legislation.

- Initial ordinances or resolutions shall be in effect for at least three (3) years.
- Once a county's rate of growth falls below 0.75% for three (3) consecutive years as estimated by the Pennsylvania State Data Center/U. S. Census Bureau municipalities and school districts within the county can no longer adopt new growth county ordinances or resolutions, but may continue to administer and enforce existing ordinances or resolutions.
- Once a county's growth rate falls below 0.5% as estimated by the Pennsylvania State Data Center/U. S. Census Bureau for three (3) consecutive years, municipalities and school districts may no longer administer or enforce existing ordinances or resolutions.

Building Excise Fee. Municipalities and school districts within growth counties may adopt a building excise fee.

- For small developments, the combined municipal/school district building excise fee could not exceed \$15,500 for residential multi-family construction and \$13,000 for residential single family construction.
- For subdivision over 25 units (and where certain school overcrowding provisions and traffic volume provisions are achieved) the combined municipal/school district building excise fee could not exceed \$31,000 for residential multi-family construction and \$26,000 for residential single family construction, starting with the 26th unit.
- A formula is used to determine the maximum amount of the building excise fee for nonresidential construction.
- Generally, municipalities may use the revenue for public safety capital expenditures, public infrastructure, roads, recreational facilities, agricultural land preservation, public libraries and related debt service.
- School districts may use the money for primary and secondary school capital expenditures and related debt service.

Realty Transfer Tax. Growth counties may, by ordinance, impose an additional 1% realty transfer tax. 50% of the revenue from this additional tax would be used by the county to fund agricultural land and open space preservation programs. 50% of the revenue would go to school districts for general fund expenditures.

Moratorium. Municipalities in growth counties may adopt a limited moratorium on the issuance of building permits when such building would exceed the capacity of the infrastructure to support such growth.