

CITIZENS' BUSINESS

PROMOTE EFFICIENT AND SCIENTIFIC MANAGEMENT OF MUNICIPAL BUSINESS

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BUREAU OF MUNICIPAL RESEARCH Feb. 8, 1917

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Putting Pep in City Planning

So long as the city has not the same right as the citizen to protect his improvement by buying more land than he needs at the moment, it is idle to talk about city planning.

EXCESS condemnation is not a thing to conjure with. The two words are not so magical as they seem to some nor are they so awful as they seem to others. They unfortunately have an unpleasant connotation. "Excess" almost always suggests intemperance of some kind while "condemnation" immediately brings to one's mind a picture of a hanging or an electrocution. So let us start fresh and get a new conception if not a new name and a more descriptive one, if we can, for the right of the community to protect itself.

A constitutional amendment is to be presented to the legislature making it possible for cities to take more private property than is actually necessary for public improvements and to resell, with restrictions, what they do not need. When a city builds a parkway or a traffic circuit, it makes a big investment. It obviously has a right to protect that investment as would an individual. Some courts will go so far as to permit taking odd bits of property that would be of no use if they were left in private hands, and making it possible to replot them so that the improvement will be at least unmarred by unsightly surroundings. On the whole, however, the courts have been against the idea of replotment.

Connecticut, Oregon, Virginia and Maryland have acts relating to this question, but only in Baltimore, Maryland, has any serious attempt been made to exercise the power. There the court said that the act did not allow excess condemnation but permitted taking adjacent land incidental to the highway for connections, cuts, fills and parking.

To make the thing possible for Philadelphia, only a constitutional amendment will serve, and the joint resolution which is being proposed by the legislative committee of councils will give Philadelphia the power it must have properly to embark on transforming itself from merely a great industrial town somewhere in America to one of the most beautiful cities in the world.

PRISON REFORM BEGAN EARLY

By act of assembly of April 6, 1833, the Philadelphia Society for Alleviating the Miseries of Public Prisons was incorporated. It aimed also to improve prison discipline and to aid discharged prisoners.

In 1834 public executions were abolished by statute. At least three bills have been introduced into the legislature of 1917 to abolish any executions whatsoever. Prison reform started early but has been a long time in arriving.

The protagonists of excess condemnation, which we suggest might better be called protective purchasing, believe that it should be utilized in the financing of great public improvements, thought out by the city planners and looking towards a city which shall meet the commercial as well as the æsthetic requirements of the future.

Four states have constitutional amendments permitting excess condemnation—Massachusetts, New York, Ohio, and Wisconsin. Wisconsin has the widest powers while the two eastern states are limited in their exercise of this power to streets or parks.

Curiously enough the idea of taking more land than you actually need is of American, not European origin, dating from 1812 in New York. It has however had its greatest development on the other side. The Kingsway in London is an example of what can be done under a liberal but careful exercise by a municipality of this power.

In 1907 the Pennsylvania legislature attempted to give the power of excess condemnation to cities but it was declared unconstitutional by the courts (Penn Mutual Life Insurance Co. v. Philadelphia, 242 Pa. 47), they taking a very limited view of what is meant by "public use."

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No. 247

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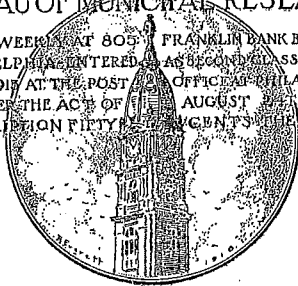
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BUREAU OF MUNICIPAL RESEARCH

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Comprehensive City Planning

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Philadelphia

No. 388

October 30, 1919

It is optional under the new charter for the council to provide for a City Planning Commission. Shall we avail ourselves of this opportunity by creating an irresistible public demand for its creation?

What Should Be Our Part?

Before a comprehensive city plan can be operative in Philadelphia, the following steps must be taken:

1. Provision by ordinance for a city planning commission as per Article II, Section 10 of the new charter.
2. Appointment of the commission by the mayor.
3. Preparation of a comprehensive plan by the commission.
4. Adoption of such city plan by the council with the necessary enabling ordinances.
5. Creation of an organization with power to carry out the provisions of the plan.

The road ahead is long and full of the possibilities of delay. Accordingly let us act now to accomplish the first step. The new charter makes a city planning commission optional with the council; the weight of public opinion must demand its creation. We should endeavor to inform ourselves more fully on questions of city planning. There is being held in our very midst at this time a meeting of the American Civic Association whose discussions are of interest to the public of Philadelphia. Every citizen should hear the prominent men who are scheduled to speak on city planning subjects.

Meeting of American Civic Association at Philadelphia, Oct. 29-31, 1919. Headquarters at the Bellevue Stratford Hotel.

List of meetings of particular interest in city planning:

- Oct. 29, 10:30 A. M.—Subject: Civic Centers.
- Oct. 30, 2:30 P. M.—Subject: Regional Planning.
- Oct. 31, 9:30 A. M.—Subject: Urban and Suburban Zoning.

History of Comprehensive Plans Movement

Exactly ten years ago public interest in city planning crystallized in a meeting of citizens at the Mayor's office. Various committees were appointed who made studies and recommendations that were endorsed at a citizens' meeting on February 24, 1911. Soon after, an ordinance was passed providing for a permanent committee with powers to carry out the provisions of the proposed plan, but this committee was subsequently declared an illegal body and abolished.

An ordinance approved February 17, 1912 created the existing permanent committee on comprehensive plans, a purely advisory body of ten citizens and seven public officials, which was empowered to cooperate with the director of the department of public works whose duty it became to develop comprehensive plans. The proper executive officials were charged with carrying out these suggestions only if deemed advisable and if legally authorized. While the committee was given \$6,500 in 1912 for special services, such as employing experts, this amount was thereafter considerably reduced and was entirely discontinued after 1914. Being thus stripped of the funds necessary for carrying on much needed studies, the usefulness of the committee has greatly diminished. For over a year, in fact, the committee has been inactive.

Where Do We Stand Now?

Upon examining the facts of the situation, we find that although much effort has been expended in the past ten years, the existing agencies have failed to produce a comprehensive city plan. It is perfectly clear that a city plan comprises more than

a mere street layout. It is certain that the future prosperity of our city is vitally dependent, among other things, upon the plans which we now adopt for the location and confinement of industrial, commercial and residential areas; for railroad and waterways shipping facilities; for electrical railway transit; for an adequate system of streets to carry vehicular traffic; for parks, playgrounds and other recreational facilities; and for adequate sanitation of the city area. While our city has prospered to a great degree without such well planned provisions in the past, we realize that in order to meet the requirements of the present intensive industrial competition, we must provide those conveniences that will attract industries to Philadelphia, but above all we must make Philadelphia a good place to live in.

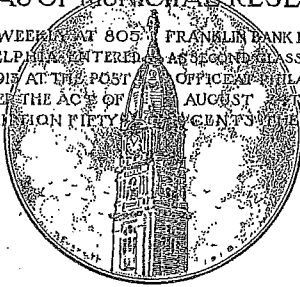
The Provisions of the Charter

Article II, Section 10, of the new charter provides that the city may create by ordinance a commission on city planning whose members shall be appointed by the mayor. This commission is expressly charged in making its recommendations to the council to give thorough consideration to the present and future needs and growth of the city, with reference to its means of intercommunication and transportation, and also with reference to the location of streets, public buildings and open spaces. Thus, comprehensive treatment of the problem is assured. In reporting directly to the council and not through any one department head, this commission will be able to secure equal cooperation from all city departments, and can work out a plan of development in which all of the various phases of city planning are properly correlated.

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Is A City Planning Commission Needed?

No. 608

January 17, 1924

Shall Philadelphia grow without a unified plan
of development?

ARTICLE 2, section 10, of the act of June 25, 1919, P. L. 581, the "new city charter," authorizes the city of Philadelphia to create by ordinance a commission on city planning, to be appointed by the mayor. Under the authority of this law the commission on city planning would act as council's adviser in city planning and could also make recommendations to other public authorities and to private corporations and individuals. It would be able to include in its plans adjacent territory beyond the city limits. Such a commission has never been created.

City-Planning Problems

Philadelphia is confronted with city-planning problems of great importance and diversity, which must be solved practically and economically, not only for the present but also for the future, so that it will not be necessary to demolish what is done today to meet the needs of tomorrow. It is obvious that these problems are closely related: the kind of pavement with the traffic which it carries; transit with street locations; housing and sanitation with sewers, water, light, and gas; parks with the streets and car lines which make them accessible; industrial transportation with the construction of wharves and docks. It would seem that the only logical way to solve each problem is in relation to the others.

Planning Activities in the Bureau of Surveys

The many activities involving city planning are at present under the direction of a number of city departments, boards, and commissions. Among these is the board of surveyors consist-

ing of the chief and assistant chief of the bureau of surveys and the surveyors and regulators of the several districts. The location, grading, and widening of streets, planning of bridges, sewers, and railways, and revision of the city plan are subject to the approval of this board. There is also in the bureau of surveys the general-plans division which has been engaged in general city-planning work, and has made a number of studies relating to various phases of municipal development.

A Broader Field

Philadelphia's problems of industrial expansion, of vehicular transportation and transit, of housing, zoning, sewerage, water supply, refuse disposal, and highway and recreational development, are closely related to those of the surrounding political sub-divisions. By neighborly cooperation between the city and the adjoining communities, without thought of imposing the will of the larger upon the smaller, these problems can be solved with mutual benefit and satisfaction. Such cooperation has already been necessary for sewerage construction. The necessity for such cooperation is increasing with the rapidly growing density of population in the metropolitan area. From 1910 to 1920, it is interesting to note, Philadelphia's population increased 17.7 per cent, and that of the surrounding metropolitan territory increased 34.3 per cent.

A City-Planning Commission Necessary

To coordinate the city-planning work of all the branches of the city government and adopt a uniform plan for the most practical and economical development of Philadelphia; to cooperate with business and civic organizations and private individuals engaged or interested in city-planning activities, and enlist their support; and to promote a neighborly unity of action between Philadelphia and the surrounding communities, a commission on city planning is needed. It is to be hoped that without further protracted delay council will pass an ordinance authorizing the mayor to appoint such a commission.

Other Activities Involving Planning

The other municipal activities which involve city planning are numerous and diverse. To cite several examples: the department of public safety regulates traffic, another department plans transit development, a division in the department of health is concerned with housing and sanitation, the bureau of recreation controls playgrounds and recreation centers, both the bureau of city property and the commissioners of Fairmount Park administer extensive park developments, and the board of public education plans the school buildings and grounds.

No Adequate Coordination of Activities

An examination of the existing governmental machinery for handling these activities shows that, although there has been a very real effort towards city planning by the board of surveyors and the general-plans division of the bureau of surveys, facilities for effective cooperation between all governmental branches concerned with the problem are inadequate. In general, it is true that the work of the departments is brought together in the mayor's cabinet under his supervision. Some of the branches of the government, however, such as the commissioners of Fairmount Park and the board of public education, are not represented in this group. Nor is

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For Effective City Planning

No. 1,393

January 31, 1939

In place of the present advisory planning commission, the proposed new city charter for Philadelphia would establish a body possessing greater power to guide the city's development.

UNDER Philadelphia's present charter, it is not mandatory upon the city to have a city planning commission, nor is anyone required to heed the commission's advice. The proposed new charter would make a department of city planning compulsory, and the department's recommendations could not be ignored or easily overridden.

Weakness of Present Charter. Failure of the present city charter to make city planning mandatory has been one of the great weaknesses of its provisions for planning. After January 1, 1920, when the charter became fully effective, over 9 years elapsed before City Council authorized the creation of a city planning commission. In this period, the city issued bonds to the amount of \$313,331,800. No small part of the city's present financial distress is due to capital outlays of doubtful necessity and wisdom made in those 9 years. For 4 of the years of its existence, the commission was officially ignored. Many studies were made with the aid of federal money, but it has not been the city's policy to chart a definite course and steer by it. The city is still floundering.

Ineffectiveness. Another weakness of the present charter is that it gives no force to the recommendations made by the city planning commission. The commission is authorized to prepare and publish a map of the city, and to include areas adjacent to the city limits. On this map it can show existing streets, highways, and other artificial and natural features. It can show the locations which it proposes for new improvements and can make recommendations concerning such improvements to City Council. The commission can also advise other public authorities, corporations and individuals concerning the location of structures to be erected by them. Neither Council, corporations nor individuals, however, are bound in any way to heed the commission's advice.

The New Proposal. The new charter would stipulate that there shall be a department of city planning and that a planning board shall be attached to the department. But the charter would do more; it would make the planning board difficult to ignore. Every ordinance affecting the physical development of the city would have to be submitted to the planning board for its consideration. The required annual budget of capital outlays would be passed upon by the board, and the board could revise it. Approval of the board would be necessary for all plans of public streets and for the subdivision of land into building lots. Moreover, its recommendations could not be easily overridden. To enact an ordinance disapproved by the board or increase an item in the capital budget submitted by it would require an affirmative vote of two-thirds of City Council.

Follows Modern Practice. In its planning provisions the proposed charter conforms to modern practice. New York City's new charter, which was adopted in 1936, made city planning obligatory. A department of city planning and a city planning commission have been established, with powers and duties similar in most respects to those proposed for Philadelphia. The new charter for Philadelphia would, however, give somewhat greater control to the planning board over the subdivision of land. This is in accord with the present trend. Connecticut passed an act in 1937 providing for regulation of land subdivision. In 1938, the state of New York passed laws strengthening the control of local planning boards over subdivision. The state of Washington, also, has recently required cities to exercise such control. In the Model Subdivision Regulations prepared by the National Bureau of Standards it is stated: "The regulation of the subdivision of land is one of the most necessary and effective means of conserving and carrying out the city or regional plan."

RAPIDLY EXPANDING BUCKS COUNTY TOOLS UP FOR LOCAL PLANNING

SUBURBAN EXPANSION, dramatized by the U. S. Steel plant, Fairless Hills, and Levittown, is spreading rapidly in Bucks county. Wholesale urbanization in Lower Bucks and more dispersed suburban growth elsewhere in the county is alerting local governments in the area to step up their planning, zoning, building, and other regulatory activities.

Growth Trends

In the period 1950-55, about 18 square miles of open land in Lower Bucks has been transformed into residential subdivisions and other urban and semi-urban types of development, and population has grown from 82,417 to an estimated 145,000.

Within the next 15 to 25 years, county planners expect another doubling of Lower Bucks' population. Growth in other sections of the county may proceed at a comparable rate, particularly if adequate water and less expensive methods of sewage disposal are made available.

County Planning

In 1951, anticipating impending expansion, the County Commissioners created the Bucks County Planning Commission. Through its planning studies, subdivision review, and other activities, the commission has been playing an increasingly significant role in bringing about better community development, often at less public and private costs than would otherwise have resulted.

Since adopting land subdivision regulations early in 1952, the commission has approved plans for 258 new subdivisions (comprising 26,403 lots) to assure adequate lot sizes, proper street design and improvements, and harmonious layout with respect to the existing and expected development of adjoining areas. Another major activity has been the publication of the *Lower Bucks County Regional Plan*, prepared with assistance from the State Planning Board.*

Municipal Planning and Related Regulations

Half of Bucks county's 54 municipalities are zoned, and about one third, mostly in Lower Bucks, have planning commissions (7 boroughs and 9 townships) and building regulations (see table opposite).

Guided by county planning, a municipality's comprehensive plan for land use, highways, schools, recreation areas, water, sewer, and other public facilities can serve as a basis for zoning, highway set-back lines, and other measures which coordinate private activities in accordance with community objectives. (See last page for summary of powers of planning commissions.)

Based on wise planning, such regulations protect property values, prevent costly or irreparable

* This plan deals mainly with physical development, but the last part (released Sept. 1954) is a report on local government, which recommends the establishment of a Lower Bucks committee or agency to develop the factual base and explore the possibilities for greater governmental cooperation and coordination.

Municipal Planning Tools Summarized

BOROUGH and township planning commissions have powers and duties as summarized below:

Planning activity	Boroughs	First class townships	Second class townships
General plans	May be prepared; may extend 3 mi. beyond limits	To be made for all or part of twp.	Shall prepare & adopt a twp. development plan
Street plans, etc.	Plan. Com. may recommend to governing body plans for new or widened streets, parks, public bldg. sites, etc.1		
New subdivisions	Plan. Com. review & approval required	Plan. Com. review may be requested	Plan. Com. review must be requested
Misc. advisory powers regarding planning	May make recommendations to any public or private agency2	May make recommendations to township commissioners	May make recommendations to sup'rs, agencies & citizens
Zoning	Governing body may designate functions of zoning commission. Regulations sent to governing body for enactment "shall be in accordance with a comprehensive plan."	Plan. Com. to perform	

1 Second class township supervisors may establish an official map of streets, parks, and playgrounds shown on the development plan. Before enactment, changes in the official map must be referred to the Planning Commission for recommendations.

2 Borough Council shall refer proposed ordinances regarding public bldgs., streets, etc., to the planning commission, which may disapprove them, "but such disapproval shall not operate as a veto." References: Borough Code, Secs. 1145-1150 (53 PS 13251-13256). Also (zoning) Secs. 3303-3306 (53 PS 15211.3-15211.6). First Class Township Code, Secs. 3201-3203 (53 PS 19092-3201 to 3203). Also (zoning) Secs. 3103-3106 (53 PS 19092-3103 to 3106). Second Class Township Code, Secs. 2051-2057 (53 PS 19093-2051 to 2057). Also (zoning) Secs. 2003-2006 (53 PS 19093-2003 to 2006). Note: Boroughs and first class townships had power to create planning commissions and enact zoning and building regulations by 1931 or earlier. Second class townships were granted such powers in 1947 for zoning, 1951 for building regulations, and 1953 for planning.

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Progress in Municipal Planning

OUT OF Bucks county's 54 municipalities, the number with planning commissions, zoning ordinances, and building regulations in effect or under consideration is as follows:

	Planning	Zoning	Building
Adopted before 1950	0	7	8
Adopted 1950-May 1955	16	20	10
Under consideration	3	5	0
Total	19	32	18

Source: Bucks County Planning Commission.

mistakes, and guard against unnecessarily high taxes in future years. For example, in areas marked for public sewerage, the builder may either install sewers as the construction proceeds, or, if septic tanks are used initially, design waste lines for later connection to public sewers, thus saving the householder up to a thousand dollars.

Competent Technical Advice Is Essential

Although some municipalities engage consulting firms, many municipal planning commissions in Bucks county look to the County Planning Commission for expert planning services on a cost-sharing basis.*

Some municipalities, particularly those with township or borough managers, may advantageously use present full-time or special part-time employees for drafting, statistical, and clerical work under periodic direction of county planning staff or private consultants.

It has been suggested that an association of Bucks county planning and zoning officials—holding occasional meetings for exchange of views and for special talks by qualified experts—would stimulate more effective planning.

* CITIZENS' BUSINESS Nos. 2,090 and 2,093 discuss county and federal aid available for suburban planning.