



Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD CMSA

Regulatory Order/Family: Traditional/Middle America (Pennsylvania portion)
Traditional/Basic Exclusion (New Jersey portion)

Summary

There are at least four separate regulatory patterns within metropolitan Philadelphia. The city of Philadelphia itself, as one might expect, has a regulatory structure that resembles those of other large cities, accommodating to growth and density and designed to encourage the construction of affordable housing. Its Pennsylvania suburbs resemble those of the Midwest more than those of the Northeast; they have more modest levels of planning and growth management, some exclusionary zoning but not as much as the rest of the Northeast, and practically no intervention for affordability. The New Jersey suburbs, by contrast, generally prohibit high-density development and most would bar our hypothetical apartment complex, but many—pursuant to the state’s Fair Housing Act—have inclusionary housing. The Delaware-Maryland fringe, finally, uses a stronger containment approach, with higher density housing permitted in settled areas and county comprehensive planning that features urban containment. Patterns of population growth and sprawl in the region break out along lines that one would predict, with the fastest sprawl in New Jersey, the slowest in the Delaware-Maryland fringe, and moderate but still substantial growth of urban land in the Pennsylvania suburbs.

Governance Framework and Growth Trends

The Philadelphia-Wilmington-Atlantic City CMSA ranks as the fourth-largest metropolitan area in the United States, but like New York it is jurisdictionally quite complex, straddling portions of four states: Pennsylvania, New Jersey, Delaware, and Maryland. There are 432 jurisdictions in the metropolitan area, 13 of them with over 50,000 residents, 121 with between 10,000 and 50,000, and 298 under 10,000. The smallest jurisdictions include boroughs and villages that tend to grow slowly because they are (or consider themselves) “built out” as well as low-density townships that may be growing more rapidly but do so at low densities because their zoning ordinances mandate large lot sizes and because they lack urban infrastructure to accommodate density. The more populous and denser jurisdictions include cities that have experienced distress, decline, and transformation (Philadelphia, Camden, Atlantic City), inner ring townships (Upper Darby, Lower Merion, and Bensalem, PA); growing cities (Vineland, NJ; Wilmington, DE); and faster growing suburban townships (Gloucester and Mount Laurel, NJ) and counties (New Castle, Delaware.)

The Philadelphia metro area is sprawling fast.¹ Between 1982 and 1997, there were over 330,000 acres of land urbanized in the region, a 35 percent increase during a period of very modest population growth (7.1 percent). Density dropped from 6.1 to 4.8 persons per urban acre over this period as the core cities have hollowed out and growth has extended into exurban and rural areas. The city of Philadelphia reached its population peak of over 2 million residents in 1950 and has

¹ Brookings Institution Metropolitan Policy Program, “Back to Prosperity, A Competitive Agenda for Renewing Pennsylvania: A Profile of the Philadelphia Area,” (Washington, 2003). Available at <http://www.brookings.edu/metro/publications/pa.htm>



declined continually since, losing about 170,000 residents between 1980 and 2000 alone, when its population dropped to just above 1.5 million.

About 17 percent of the region's land was owned by government in 1992, with about 10 percent of the land in state parks and preserves and the remainder split evenly between county, municipal, and federal ownership.

Recognizing the political complexity of the region, we report separately here on the Pennsylvania, New Jersey, and Delaware-Maryland portions of the Philadelphia CMSA.

Philadelphia and its Pennsylvania suburbs

The bulk of the population of metropolitan Philadelphia—3.8 million residents in 2000—lives in 238 jurisdictions in Pennsylvania, with 1.5 million in Philadelphia itself. Aside from Philadelphia, the only jurisdictions with more than 50,000 residents are five inner suburban townships. Of the other jurisdictions, 210 have populations under 20,000 and 162 below 10,000. The smallest jurisdictions are evenly split between boroughs and townships. About 128,000 acres of land were urbanized in the Pennsylvania parts of metropolitan Philadelphia between 1982 and 1997, a 24 percent increase when the population grew only 3 percent. Density dropped in this part of the region from 7.0 to 5.8 persons per urban acre.

We received responses from 42 of the 76 jurisdictions with over 10,000 residents and another 13 of the 30 smaller jurisdictions we sampled. Based on these results, approximately 92 percent of the jurisdictions have zoning; 52 percent have low-density-only zoning (26 percent of the population, half the land area), and 31 percent would not allow our hypothetical apartment development (14 percent of the population, 26 percent of the land area). About 20 percent of the jurisdictions (with 56 percent of the population but only 17 percent of the land) have a residential density category allowing over 15 dwellings per acre.

There is little growth management in the Pennsylvania parts of metropolitan Philadelphia. Only 82 percent of the jurisdictions have a comprehensive plan. About a third of the jurisdictions—mainly small and medium-sized ones—have impact fees, and 15 percent use APFOs. An estimated five percent have a containment mechanism of some kind, and a few (1 percent each) may use building permit caps or moratoria. Only an estimated 3 percent of jurisdictions—including the city of Philadelphia itself and a very small number of smaller suburbs—use regulatory incentives to promote housing affordability, among the lowest rates among the top U.S. metro areas and especially low for a comparatively expensive housing market.

Southern New Jersey

The New Jersey component of the Philadelphia CMSA includes 1,750,000 residents, living in 169 jurisdictions. About a half-million residents live immediately across the Delaware River from Philadelphia in Camden County, where three of the four jurisdictions with over 50,000 residents are situated. The city of Camden, with just under 80,000 residents, is the most populous jurisdiction in the New Jersey portion of the Philadelphia CMSA; two suburban townships, Cherry Hill and



Gloucester, have between 60,000 and 70,000 residents each. The other jurisdiction with over 50,000 residents, the city of Vineland, anchors its own Primary MSA. Atlantic City, with about 40,000 residents, is the central city of yet another PMSA. Urbanized land in the New Jersey suburbs of Philadelphia expanded by more than 50 percent between 1982 and 1997 while its population grew 12 percent, dropping the density from just over 5.0 persons to 3.6 persons per urban acre (a 27 percent decline).

We received responses from 21 of the 53 jurisdictions over 10,000 residents and 10 of the 19 smaller jurisdictions we sampled. Based on this sample, it appears that exclusionary zoning is more intense on the New Jersey than on the Pennsylvania side of the Delaware, with three quarters of jurisdictions using low-density-only zoning and as many barring our hypothetical apartment development.

Comprehensive planning is much more common in New Jersey than in Pennsylvania—all the jurisdictions reported having a comprehensive plan—but other growth tools are weak, with about a quarter of jurisdictions using impact fees and a fifth using APFOs. As a consequence of New Jersey's Fair Housing Act, 43 percent of the jurisdictions have incentive based affordable housing programs, with townships and cities more likely and boroughs less likely to offer regulatory incentives for affordability.

Northeastern Maryland and Delaware

The Wilmington PMSA, which straddles the Delaware-Maryland border, had 586,000 residents in 2000, up 14 percent (72,000 residents) in the 1990s and 28 percent between 1980 and 1990. Its largest jurisdiction is New Castle County, Delaware, where over 375,000 people lived in unincorporated areas in 2000; Cecil County, Maryland had about 63,000 residents in its unincorporated areas. Two Delaware cities, Wilmington and Newark, had over 10,000 residents in 2000, and the town of Elkton (MD) had about 11,000. Another 18 cities, towns, and villages had fewer than 10,000 residents in 2000.

Sprawl has been less severe in this part of the Philadelphia metropolitan area than in the New Jersey and Pennsylvania suburbs. About 38,000 acres were urbanized between 1982 and 1997, a 37 percent increase when the population grew about 20 percent. Population density fell from 4.5 to 4.0 persons per urban acre, mainly because of fairly rapid low-density development in suburban and exurban portions of Cecil County.

Delaware and Maryland, like New Jersey, have state legislation that makes local land use planning and regulation more common and enhances its quality. Both Delaware and Maryland have strong counties that control land use in their unincorporated areas. Counties and municipalities in Delaware, and counties in Maryland, are required to adopt comprehensive plans and update them periodically; zoning ordinances, where they exist, must conform to the plan.

Five jurisdictions in the Wilmington PMSA—New Castle County (DE), Cecil County (MD), the cities of Newark and Wilmington (DE), and the town of Elkton (MD)—have at least 10,000 residents; all but Elkton responded to our survey. Another 18 municipalities have fewer than 10,000 residents. We



sampled one of the smallest Delaware jurisdictions, the Town of Arden, which we later learned was unrepresentative of the small municipalities because its planning and zoning are managed by New Castle County. Two of the other small municipalities in New Castle County also are covered by the county's planning and zoning, but the other 8 municipalities all have comprehensive plans. We do not have information about their land use regulations or housing programs, however, nor do we have data on any municipalities in Cecil County. Hence we report here on only the two counties and the two Delaware cities.

State growth management in Delaware and Maryland translates into active urban containment, encouragement of density in developed areas, and infrastructure management at the local level in larger municipalities. All the jurisdictions that responded to the survey have comprehensive plans and zoning. The cities' zoning ordinances have residential zones exceeding 30 dwellings per acre. New Castle County's maximum density allows between 8 and 15 units per acre; Cecil's allows between 15 and 30 per acre. All four jurisdictions would allow our hypothetical apartment development. New Castle County has an urban service boundary, adopted in 1997, and Cecil County has an urban growth boundary, adopted in 2000. Wilmington has an urban limit line. The county and the city of Newark use impact fees. None of the jurisdictions has imposed a development moratorium in recent years, nor does any use a permit cap. New Castle County offers a residential density bonus for affordable housing; the two cities both have other regulatory programs to encourage housing affordability.