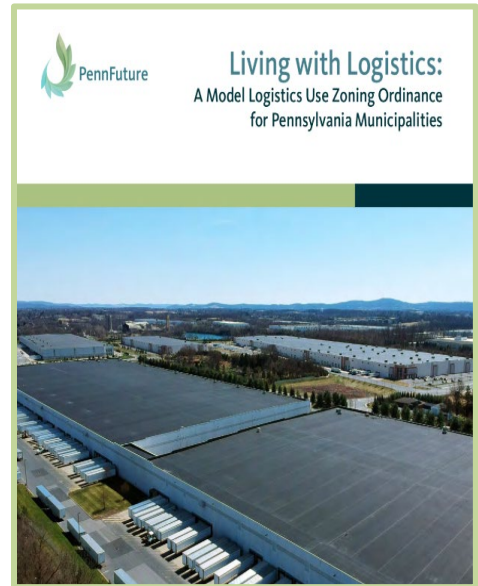


# Putting Warehouse Development in its Place: A Community Toolkit

PennFuture recently released *Living with Logistics: A Model Logistics Use Zoning Ordinance for Pennsylvania Municipalities*.<sup>1</sup> This guidebook and model ordinance is designed to help municipalities encourage sustainable development practices and mitigate the environmental impacts of the logistics industry, *before* the industry comes to town.

**We need your help getting this resource to the desks of municipal leaders and encouraging them to take action.**



That's why we developed this complementary Community Toolkit, which provides:

- An overview of the model ordinance
- Information on the basic components of the municipal ordinance amendment process
- Tips for encouraging municipal leaders to pass the model ordinance.

## STEP 1: UNDERSTANDING THE MODEL ORDINANCE

*Understand how PennFuture's model ordinance addresses the logistics industry and key advocacy points.*

### What is a model ordinance?

A model ordinance is a proposed ordinance that can be adopted by a municipality, either in full or in part. Model ordinances are typically written by agencies, non-profits, or other entities with

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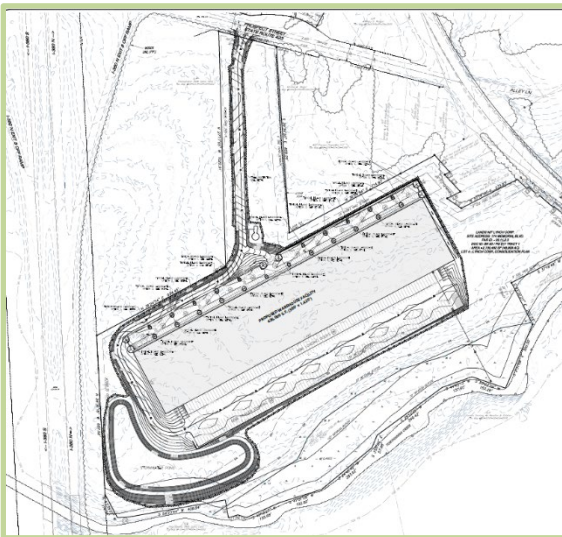
<sup>1</sup> Available at <https://bit.ly/LivingWithLogistics>. Hard copies available upon request to [info@pennfuture.org](mailto:info@pennfuture.org).

expertise in a specific area to give municipalities a starting point on drafting new ordinances - or local regulations - saving municipalities time and resources.

### **What does PennFuture’s model ordinance do?**

PennFuture’s model ordinance addresses the fact that many municipalities in Pennsylvania do not have updated zoning ordinances that sufficiently define and address modern logistics facilities.

Zoning ordinances allow a municipality to regulate how land is used within the municipality, by generally addressing land uses and the impact of those uses on the surrounding property. It is how municipalities ensure that growth is orderly and reasonable and comports with the values and vision of the community. With its “community-wide framework,” zoning exists not for the furtherance of purely private interests, but for the benefit of the public. However, municipalities cannot wait until a development is proposed and attempt to impose restrictions that have no basis in the zoning ordinance. By then, it is too late.



The problem: The rise of e-commerce in recent decades has brought significant changes to the logistics industry. With the advent of online ordering in the early twenty-first century, internet-only retailers like Amazon established e-fulfillment distribution networks that allowed for direct delivery of items to individual consumers. This led to a new wave of demand for large-scale distribution and fulfillment centers where merchandise is stocked, picked, and shipped at item level rather than in bulk. These modern logistics uses are substantially larger—up to a million or more square

feet—emphasizing faster turnover of massive quantities of goods and materials. The result is a new type of land use that relies on a steady stream of tractor trailers and other vehicles to continuously move goods, with facilities that can produce hundreds, if not thousands, of truck trips to and from the site each day. They also bring increased air, water, noise, and light pollution and other impacts that can threaten the health of our environment and communities.

For the most part, municipalities have been caught unprepared for the twenty-first-century logistics industry and are scrambling to update their ordinances to balance the economic development opportunities these facilities can bring with the community's health, safety, and welfare. Appropriately addressing modern logistics uses means not only revising zoning ordinances to accurately capture and reflect this new development landscape, but also revisiting zoning maps to ensure that these modern logistics facilities are appropriately sited for the community as it exists now, not 10, 20, or even 50 years ago.

As a response, PennFuture's model ordinance sets forth the suggested requirements for the zoning of logistics facilities, including placement, restrictions, and impact analysis and mitigation.

### **What does PennFuture's model ordinance not do?**

PennFuture's model ordinance does not ban logistics facilities or prevent them from being built within a municipality. The model ordinance cannot do that for one simple but critical reason: it would be unconstitutional.

### **What makes PennFuture's model ordinance so special?**

Key features of PennFuture's model ordinance include:

- Definitions that distinguish between logistics uses based on size and traffic generation and avoid pitfalls of commonly-used definitions.
- A structure that imposes different requirements on different logistics uses based on the differing impacts of those uses.
- Recommendations on the least impactful places to zone logistics facilities.
- Specific requirements about:
  - Woodland destruction
  - Setbacks, landscape buffers, and berms
  - Riparian buffers
  - Access and truck routing
  - Amenities for truck drivers
  - Lighting and noise

## STEP 2: UNDERSTANDING THE MUNICIPAL PROCESS

*A brief overview of the municipal decision-making process related to zoning ordinance amendments.*

Before we dig into the zoning ordinance amendment process, let's go over some quick basics about zoning.

**Municipalities have control over the *use* of the land through *zoning* ordinances:**

- **What is a land "use"?**
  - In this context, a use is a category of activity or structure to which land may be dedicated. Single-family dwellings, retail stores, and distribution centers are all examples of uses. Land uses do not necessarily require physical structures. For example, agriculture, parks, and quarries are also land uses.
  - Land uses have different classifications such as "permitted," "conditional use," "special exception," or "not permitted". These classifications are based on the zone rather than the use itself; for example, a restaurant can be a permitted use in a commercial district, but a conditional use in a residential district.

### *What are the differences between permitted, conditional use, and special exception?*

**Permitted Use.** A permitted use (aka: use permitted "by right" or "as of right") is a use that is permitted in a zoning district for which a landowner need not meet special conditions or obtain approval from the governing body or zoning hearing board for the use. A zoning permit from the municipal zoning officer is the only approval required to use the land for that purpose.

**Conditional Use.** A conditional exception use is a use that is permitted in a zoning district only if the landowner or developer demonstrates at a public hearing that that certain specific, objective criteria set forth in the zoning ordinance are met. Applications for conditional use approval are decided by governing body of the municipality.

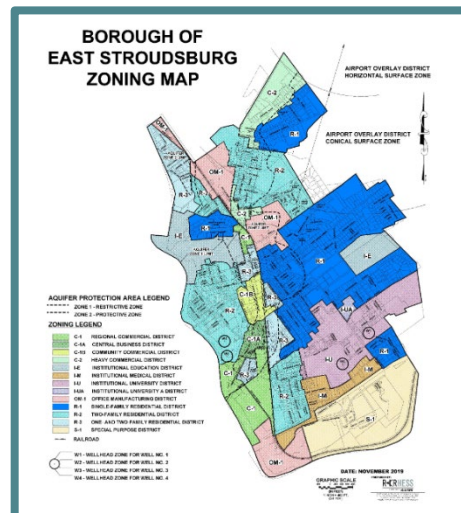
**Special Exception Use.** A special exception use is a use that is permitted in a zoning district only if the landowner or developer demonstrates at a public hearing that that certain specific, objective criteria set forth in the zoning ordinance are met. Applications for special exception approval are decided by the Zoning Hearing Board.

- **How does a zoning ordinance work?**

- Typically, a zoning ordinance divides a municipality into several zoning districts (sometimes called just “districts” or “zones”). Zoning districts are shown on zoning maps, which are available online or through your local municipal office.
- Each zoning district has a unique set of restrictions that apply to the land within that district. These restrictions are included in the text of the zoning ordinance and may include things like which uses are permitted in the zoning district, the minimum lot size that is required for each use, how large structures may be, and how far back from neighboring property lines structures must be (“setbacks”).
- Generally, each zoning district’s regulations are designed to create or maintain a particular “character” in that zoning district.
- Zoning ordinances can also control how land uses impact the natural environment by directing development away from sensitive environmental resources like steep slopes and flood plains and limiting how much of a property can be covered by impervious surface.

### *Examples of Zoning Districts*

*For example, an agricultural zoning district may allow only agricultural uses and single-family residences on very large lots to create a rural character. A medium-density residential district may allow a variety of housing types on smaller lots to create a more dense, “town”-like character. A commercial district may allow retail stores and other types of businesses. An industrial district may allow uses like factories, distribution centers, or quarries.*



*Example of Zoning Map with Districts*

### **Getting to know your local officials and governmental bodies.**

There are a few key governing bodies in your municipality that you should be aware of as you advocate for adoption of PennFuture’s model ordinance.

#### Governing Body

The governing body is the group of elected officials primarily responsible for governing the municipality, including passing and amending ordinances.

Note that what the governing body is called depends on the type of municipality: in cities, the governing body is called the City Council; in boroughs, it is called the Borough Council; and in townships, it is called the Board of Supervisors or Board of Commissioners

#### Planning Commission

The planning commission is a body of volunteer residents of the municipality appointed by the governing body to advise it on land use and development matters. In addition to municipal planning commissions, many counties have a county-level planning commission.

The planning commission usually does the first-round review of any zoning ordinance amendment. It will gather information, listen to comments, “work out the kinks,” and create a relatively polished proposed ordinance to present to the governing body. Except in the rare cases where a governing body has given it the authority to do so, the planning commission does not make final decisions on any matter, including whether to adopt or amend a zoning ordinance. It’s only role is to collect and review information and make recommendations to it so that the governing body can make informed decisions, such as amending the zoning ordinance.

#### Environmental Advisory Committee

An environmental advisory council (EAC) is an advisory body similar to a planning commission. Like the planning commission, the EAC advises the governing body and other local governmental agencies on the protection, conservation, management, promotion, and use of natural resources, including air, land and water. Not all municipalities have EACs, however.

### **How do zoning ordinances get adopted or amended?**

It is important to remember that, even though it is often individual land developments that reveal the need for zoning amendments, amending the zoning ordinance is not a decision about a specific land development proposal and cannot change the process or outcome of any land development proposal that has already been submitted. Instead, an amendment to the zoning ordinance results in changes to the existing ordinance, either in small part (changing words or sentences) or completely overhauling large parts (by adding or rewriting entire sections).

This means that zoning amendments apply *only* to land use proposals that are submitted *after* the ordinance is formally adopted by a vote of the governing body.

### **Process for adopting or amending zoning ordinances.**

The process of drafting a zoning ordinance amendment can be a lengthy and time-consuming one. It usually begins with the planning commission. There are several ways this process may be triggered: the governing body, zoning officer, or members of the public may alert the planning commission to the need for amendments, or the planning commission may decide on its own that amendments are necessary.

If the planning commission decides that an amendment is needed, it may work with the municipal solicitor, zoning officer, engineer, outside consultants, county-level planners, and/or members of the public to draft a proposed ordinance. The planning commission may discuss a proposed ordinance at one or more public meetings, at which the public may comment. The process of writing an ordinance may take many months and the ordinance may go through several drafts.

Once the planning commission has completed a proposed ordinance or amendment, it will submit it to the governing body for its consideration. It is also possible for the governing body to draft the ordinance itself instead of having the planning commission do it. In either case, the governing body may hold a public work session or sessions to work through additional drafting issues, if needed. This too may take several meetings over a period of time.

When the governing body believes the ordinance amendment is in final form and ready to be adopted, it will publish notice of a public meeting to formally adopt it in a newspaper of general circulation. If the planning commission did not prepare the proposed amendment, the governing body will submit it to the planning commission at least 30 days before this meeting so that the planning commission has an opportunity to make recommendations. The governing body also must submit the ordinance to the county planning commission for its recommendations within the same timeframe.

At the public meeting, the public will have the opportunity to comment on the proposed ordinance or amendment before it is adopted. After hearing public comment, the governing body may vote to adopt the ordinance, or it may make changes based on the public comment and postpone the vote to another meeting. If the changes are significant, the governing body must re-advertise the meeting.

Please note that by the time the governing body advertises an ordinance for adoption, it has likely spent considerable time reviewing it and is unlikely to make changes at that late stage. The governing body and planning commission are much more likely to be receptive to suggested changes earlier in the process.

### **How does PennFuture’s Model Ordinance help the process?**

To help hasten this lengthy process, a planning commission may consider model ordinances created by outside organizations, such the PennFuture’s model logistics use ordinance!

### *Public Meetings vs. Public Hearings*

*A **Public Meeting** is a meeting that is open to the public, where input from the public is allowed, and e. Questions may be asked, and sometimes answered.*

*A **Public Hearing** is also a meeting that is open to the public but is part of the decision-making process regarding a specific proposal or project and therefore is a much more formal process.*

*Because it is similar to a trial, you will be required to show an interest in the project or how the project could impact you in order to participate (ask questions of witnesses, present evidence).*

*There may be an open public comment portion of the hearing, and you may be sworn in to “testify” during this time. Questions will not be answered during the public comment portion of a public hearing.*



Like other model ordinances, PennFuture’s model logistics ordinance is designed to help speed up the process of drafting an ordinance amendment. A municipality can adopt the whole model ordinance, word for word, directly into their existing zoning ordinance, or it can adopt sections of it - like the definitions, or the overlay concept - while keeping the rest of their existing ordinance the same. The model ordinance gives planning commissions and governing bodies a jumping off point for an amendment that best fits their community’s needs so they do not have to start “from scratch.”

### STEP 3: GET INVOLVED

*Connect with your local elected officials, planning commission members, and environmental action committee members.*

Now that we know what PennFuture’s model ordinance can do for our communities and how the process to get the ordinance passed works, here are some tips on how you can advocate for these changes in your municipality. It’s important to note that all municipalities and communities are different, so these are just general advocacy points.



*Remember: if you wait until a logistics facility development is proposed in your municipality, it is too late for PennFuture’s model ordinance to help with that project.*

#### → Collaborate & Educate

- Get to know your local zoning ordinance
  - What does it say about “warehouses”? Does it define “distribution centers” or “truck terminals”?
  - In which zoning districts are these uses allowed? Are they permitted as of right or as conditional uses or special exceptions?
- Talk to community members and other environmental or community groups in the area
  - If not yet formed, create a coalition or community group that can come together to promote the model ordinance to your municipality.
  - Consider collaboration with nontraditional partners - impacts include air, water, noise, light, and traffic, as well as local housing and tax implications.

- Host roundtables, workshops, and other gatherings to help educate yourself and other community members on both the threat of potential incoming logistics facilities and the response (passing PennFuture’s model ordinance)
  - We’ve included sample talking points in *Appendix A*.
  - A recording of PennFuture’s presentation of its model ordinance can be found through the Our Pocono Waters website:  
<https://ourpoconowaters.wordpress.com/campaign-resources/>

### → Build Momentum

- Publish a Letter to the Editor
  - Letters to the editor are usually written in direct response to an article, editorial, op-ed, or column that the target paper has printed. They can also be a reaction to or notification of a newsworthy event.
  - Letters to the Editor are a great way to:
    - Highlight emerging threats and offer solutions; and
    - Elevate voices of underrepresented interests and communities.
  - We’ve included a Letter to the Editor writing guide as *Appendix B*.
- Petitions or Sign On Letters
  - Educate neighbors and get signatures in support of adopting PennFuture’s model ordinance.
  - We’ve provided a sample petition and letter as *Appendix C*.

### → Engage in Local Processes

- Attend municipal meetings
  - Know what’s coming down the pike. Don’t be afraid to ask questions at public meetings!
  - Learn who your local decision-makers are (Planning Commission, EACs, Boards of Supervisors/Commissioners) and gauge their appetite for the model ordinance.
  - Attend regular meetings - in person or via Zoom (if available).
    - At most meetings, there is time at the very beginning for the public to offer comments. This is the appropriate time to introduce yourself, the ordinance, and guidebook, and explain why they should consider reviewing and adopting this ordinance.

- You may have to go to multiple meetings to keep up the pressure on the municipality to adopt the model ordinance.
- Educate and advocate to your municipality
  - *This* is a critical part of the process - do not be afraid of this opportunity!
  - Invite your municipal officials to screen a recording of the Our Pocono Waters webinar, where PennFuture discusses the model ordinance.<sup>2</sup>
  - Be specific about your community, the impacts, and your concerns:
    - Each municipality has different issues, and you are the expert for your community.
    - Be prepared with a written statement or talking points if you speak at public meetings. Use the Talking Points provided in *Appendix A* to get the conversation started.
  - Email or write a letter to your municipal leaders regarding your concerns about development and share the model ordinance and guidebook.
    - You can find your municipal officials through the Pennsylvania Dept. of Community and Economic Development's "Municipal Statistics" website.<sup>3</sup>
    - We've also provided a sample municipal letter in *Appendix C*.
    - Check your municipality's website or call or visit the office to find out when the planning commission, EAC, and governing body meet.

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<sup>2</sup> Available at <https://ourpoconowaters.wordpress.com/campaign-resources/>

<sup>3</sup> Accessible through this link: <https://bit.ly/46Lx3xE>. Fill in your County and Municipality.

## Appendix A

### Talking Points in Support of PennFuture's Model Ordinance

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**In order to advocate for the model logistics zoning ordinance to your municipalities, we created this set of Talking Points. These are just the starting point; personal and specific messaging is more persuasive, so please tailor them to your community, municipality, and situation.** (More information and details can be found in the Model Ordinance and Guidebook.)

#### What is it?

- This model ordinance and guidebook is a tool to help control the impacts that modern logistics facilities (commonly called distribution and fulfillment centers) have on local communities and the environment.

#### What is logistics?

- The portion of the supply chain that deals with acquiring, storing, and distributing goods.
- Online shopping shifted the focus from storage of goods to shipping of goods, which is why we see more large-scale distribution and fulfillment centers, rather than traditional warehouses.
- Today's logistics facilities are significantly larger and generate substantially more traffic than traditional bulk-storage warehouses.
  - *Note: We are careful to call these facilities "logistics facilities" or "distribution or fulfillment facilities" and not "warehouses" even though that is what many people colloquially refer to them as. This is because, in many cases, the ordinance definitions do not distinguish or distinguish appropriately between the older view of "warehouses" and these new massive facilities, which makes it all too easy for a developer to call it a warehouse under the zoning ordinance even though the proposed facility is anything but.*

#### What's the problem?

- These facilities convert vast swaths of land from woodland and wetlands to impervious surface (buildings and pavement).

- Massive logistics facilities like distribution centers and fulfillment centers (and other large-scale commercial development) convert vast swaths of land from woodland and wetlands to impervious surface (buildings and pavement).
  - Water quality is largely determined by how much of the watershed is impervious.
  - Increased impervious surface leads to:
    - Increased volume and velocity of stormwater runoff.
    - Higher water temperatures due to stormwater runoff warmed by impervious surfaces and the removal of trees, which offer shade that cools both land and water.
    - Introduction of pollutants such as road salt, other deicing chemicals, and polycyclic aromatic hydrocarbons (PAHs), which are found in coat-tar sealed pavement and may be carcinogenic, mutagenic, teratogenic and/or toxic to aquatic life.
- Other impacts include increased traffic, air quality, destruction of habitat, noise, light, aesthetics.
  - These logistics facilities can have hundreds, if not thousands, of tractor trailer truck trips in and out of the facility daily
  - Many of these facilities operate 24/7, increasing noise pollution from trucks and other machinery on sight and causing night-time light pollution that not only harm neighbors but also impacts dark skies in more rural areas
  - Increased truck traffic can increase ground-level air pollution and can wreak havoc on municipal roadways
  - Loss of woodlands and wetlands decrease ecosystem benefits, open space, and biodiversity

**Why the municipality should adopt the model ordinance:**

- Our local elected officials know that residents do not welcome the impacts of logistics development, and for too long they've told us that there is nothing they can do. Now there

are no more excuses. This model ordinance addresses many of our concerns, and it comes with a guidebook to help facilitate the adoption process. We need our elected officials to use this new tool to protect the health and safety of our communities.

- The buildout of logistics facilities in the region and/or the threat of incoming onslaught of logistics facilities in the region is frustrating to both residents and municipal officials. It is heartening to see this new model ordinance and guidebook to support our local elected in their efforts to address our concerns.
- Our local officials have the power to protect the health of the local environment - including our air and water. Now, there are no more excuses. They must use this model ordinance to make changes to current zoning and address our concerns, which include truck emissions, flooding, and poor water quality. The tool is there, and the time is now.
- It is the duty of our municipal officials to plan for the future of our local community, with an eye toward protecting the health of residents and the environment. The expansion of warehouses is concerning to all of us, and it is time for our officials to take a stand. This new model ordinance and guidebook make the process of changing zoning simpler. And changing the zoning is the only real way to push back against irresponsible development like we are seeing. It is time for our officials to get to work and use this tool.
- This model ordinance is not anti-development or anti-logistics facilities. Rather, it recognizes the massive new impact that these facilities have on the health of our environment and community members and is designed to mitigate those impacts. The model ordinance balances economic growth with the need to properly zone harmful land uses.
- Having clear zoning of logistics facilities, like is offered by the model ordinance, makes it easier for developers, community members, and municipal leaders to understand the process and the playing field. It is the best thing for everyone involved.

**This ordinance offers:**

- Simplified and effective definitions so municipalities don't need information about the end user of a proposed facility, which is typically unavailable in the case of distribution centers.

- Suggested requirements to mitigate the environmental impact of logistics facilities – such as limitations on woodland disturbance, riparian buffer requirement, landscape buffer and berm, proximity to highways, and requirements for truck driver amenities.
- Requirement to submit community impact analysis and traffic impact study. This gives municipalities and the public information they need to assess the impacts, determine whether requirements are met and/or suggest/impose conditions.
- Municipalities can change/tailor to their needs by using this model ordinance as a template, ultimately customizing the final ordinance to the needs of their community and considerations of residents.

**Guidebook includes:**

- Information about logistics industry;
- Explanation of shortcomings from other ordinances;
- Explanation of the basis for proposed requirements;
- Recommendations of how to determine the locations of logistics facilities; and
- Suggestions on how to take advantage of the conditional use or special exception review process to allow for public participation and ensure that the impacts of logistics uses will be appropriately mitigated.

## Appendix B

### Letter to the Editor Writing Guide

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**The Letters to the Editor (LTE) section is one of the most read sections of the newspaper. LTEs allow us to educate the public on the issues that matter most to us and influence decision makers in the process. LTEs are often in direct response to a recent article in the newspaper, but they can also be used to alert readers to an important issue or incoming threat. A letter from a local resident, business owner, volunteer, or organization makes a big impact.**

**This guide provides resources to help you through the process of writing an LTE, specifically geared towards logistics facilities and PennFuture’s model ordinance.**

*You can reach out to PennFuture’s Campaign Manager for the Delaware River Basin, Donna Kohut, at [kohut@pennfuture.org](mailto:kohut@pennfuture.org) with any questions.*

#### Tips for writing a Letter to the Editor (LTE)

1. **Be Concise:** Your letter should be under 200-250 words and is more likely to be printed if shorter.
2. **Focus on one clear point:** Pick one fact, aspect of the issue, or story for the letter. Avoid opining and mention your expertise whether from the perspective of your occupation, your own experience with the given topic, or as a long-standing member of the local community.
3. **Make it personal:** The best letters are compelling and relatable, rather than purely reasserting the facts. Personal opening statements help establish your credibility as someone with firsthand knowledge of the given issue and grabs the reader’s attention.
4. **Reference/Respond to a recent article/letter/event:** Newspapers are more likely to print letters that show relevance and timeliness to issues the paper is already covering. Look through the paper for a story about the issue you are writing on or some other way to “hook” a connection if possible. You can also link it to current events or anniversaries to



make it timely & relevant. You can even relate it to your own personal or recent experience. Whatever you're connecting to, make that connection clear to the reader.

5. **End with a call to action:** Include a brief sentence that lets readers know how to get involved or where to learn more. Conclude with a bold, final statement of what you want.
6. **Follow-up:** After you've sent your letter, call the editor to ensure they received it and ask when they're going to print it. They get hundreds or thousands of letters a week, this helps ensure they read yours.
7. **Sign your letter:** with your name, town you live in, and phone number for them to call you with any questions.
8. **Keep an eye out:** Make sure to be on the lookout for your letter in the coming weeks once submitted!
9. **Send to your municipality:** Once published, ensure that your local decision makers see your LTE by sending them a copy or link.

#### How to Submit an LTE:

- Identify newspapers that cover your municipality, especially ones that are published in both print and online.
- There are two ways to submit an LTE - via email or via an online form. The newspaper will determine which method they prefer in their LTE section.
- Once you've submitted your letter, be aware that someone from the newspaper may call you simply to verify your identity. They typically ask for your name, the topic of your LTE, and sometimes the township or borough that you live in. This is normal practice - they're simply doing their due diligence.

#### Talking Points:

Talking Points are messaging tools used to make clear, convincing arguments. You'll find some relevant Talking Points in *Appendix C* that you can use and customize for your own LTE. Remember, it's important to share how the issue that you're writing about will impact you as an individual, your community, or the environment. Be succinct, personal, and persuasive.

**The following are sample LTEs for the model ordinance that you can personalize.**

Sample LTE 1 (alert readers to new threat):

I have lived in this area for the past 20 years and enjoy the quiet community, dark night skies, and vibrant open space and recreational opportunities the Poconos offers. However, the modern-day logistics industry is threatening the very essence of what our community holds dear. But thanks to a new model zoning ordinance by PennFuture, we can respond quickly and appropriately to protect our community and our health.

These logistics facilities can exceed 1 million square feet and bring with them thousands of tractor trailer trips every day. In many cases, they operate 24/7, with noise, light, and air pollution at levels never before experienced in our area. If not properly zoned and regulated, these facilities can harm open space, water quality, biodiversity, and other environmental, as well as disproportionately impact nearby families, sensitive populations, and environmental justice communities.

But the real problem is that once a facility is proposed, it is too late to protect us from these harms. Therefore, we must revise our zoning ordinances *before* they come knocking on our doors.

PennFuture's model ordinance addresses these concerns and comes with a guidebook to facilitate the adoption process. Best of all, the model ordinance allows for thoughtful economic growth within our municipality, while still protecting us from the massive impacts of the logistics industry.

I call upon our local elected officials to immediately adopt PennFuture's model logistics zoning ordinance to protect our community and our environment from the harmful impacts of the logistics industry before it's too late.

Sample LTE 2 (direct response to article):

I was interested to see the article published on April 18, 2023, about how careless development threatens our area. As a resident of the Lehigh Valley, I am concerned about the effect on our natural resources – especially our water – and quality of life of rampant, unrestrained, large-scale development, particularly logistics facilities.

Today’s logistics facilities (commonly called “warehouses,” but more properly referred to as distribution and fulfillment centers) convert vast swaths of ground to impervious surfaces like buildings and pavement. Increasing impervious surface is the greatest factor contributing to the degradation of water quality in most watersheds. If not correctly managed, it can lead to flooding, erosion, sedimentation, and other forms of pollution entering our waterways. Flood events can damage roads, bridges, and homes, increasing costs for both the community as a whole and the individual. Heavy truck traffic increases diesel emissions, leading to poor air quality and the need for expensive health care.

I care about the future of my community. What will our neighborhoods and open space look like ten years from now? How many creeks and streams will be left? How many trout will swim in our waters? I understand that logistics facilities bring jobs and economic benefits, but we can’t only think about building and buying and making more. We must also think about protecting what we already have. Municipalities need to make sure that this kind of development is happening in appropriate locations, with sufficient guardrails around it to prevent wonton destruction of natural resources and the character of our community.

## Appendix C

### Sample Petition & Letter to Municipality

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#### Petition to Municipality in Support of Model Ordinance

**A petition is a great way to show a large amount of support for one clear, concise message to a decision maker or decision-making body.**

*Note: A petition is just one tool to advocate for changes. It should be used in conjunction with letters, in-person attendance at meetings, letters to editors, and continued engagement with local decision makers.*

#### Sample Petition:

The modern-day logistics industry is threatening the health of [NAME OF MUNICIPALITY]'s environment and community. But thanks to a new model zoning ordinance, we can respond quickly and appropriately!

These logistics facilities can exceed 1 million square feet and bring with them hundreds, if not thousands, of tractor trailer trips per day. In many cases, they operate 24/7, with noise, light, and air pollution at levels never before experienced in [NAME OF MUNICIPALITY]. If not properly zoned and regulated, these facilities can harm open space, water quality, biodiversity, and other environmental resources and protections, as well as disproportionately impact nearby families, sensitive populations, and environmental justice communities in [MUNICIPALITY].

PennFuture's model ordinance addresses many of our concerns, and it comes with a guidebook to help facilitate the adoption process. We need you, our elected officials, to use this new tool to protect the health and safety of [NAME OF MUNICIPALITY], while still allowing for thoughtful economic growth.

The residents of [MUNICIPALITY or NEIGHBORHOOD] below support the immediate adoption of PennFuture's model logistics zoning ordinance. We cannot wait until these facilities are proposed;

we must make changes now to protect our community and our environment from the harmful impacts of the logistics industry.

The model logistics zoning ordinance may be found at <https://bit.ly/LivingWithLogistics>.

Respectfully submitted,

[INCLUDE ALL NAMES AND ADDRESSES]

Letter to Municipality in Support of Model Ordinance

**A letter in support of PennFuture’s Model Ordinance can also be sent to your local government decision makers. A letter, as opposed to a petition, can include more details and information in support of why the municipality should consider adopting a logistics ordinance, and can include specific issues or concerns relevant to your particular municipality.**

*Note: The sample letter below is written from the perspective of a local watershed organization whose township already has logistics facilities but can be modified to be sent on behalf of individuals, community groups, business leaders, or other formal organizations or entities and for your specific situation.*

*Note: if you can’t find the email address of members of your Board/Council, you can send the letter “care of” (c/o) the township/municipal administrator, secretary, or manager; or you can always just send it via US Mail.*

Sample Letter:

[TOWNSHIP BOARD OF SUPERVISORS/COMMISSIONERS]  
[ADDRESS]

Sent via [EMAIL or US MAIL]: [EMAIL ADDRESS]

[DATE]

**Re: Zoning Ordinance Amendment to Address Logistics Uses in [TOWNSHIP]**

Dear Members of the Board:

[WATERSHED ORGANIZATION] writes to urge [TOWNSHIP BOARD OF SUPERVISORS/COMMISSIONERS] to consider PennFuture’s Model Logistics Ordinance ([ATTACHED AND/OR] available at <https://bit.ly/LivingWithLogistics>) to better regulate logistics uses in this municipality.

The [WATERSHED ORGANIZATION] is a nonprofit organization dedicated to the protection, enhancement and stewardship of the [NAME OF CREEK] and its watershed. With [XX#] members, we proudly serve the watershed and surrounding communities through stream cleanups, live stake plantings, and hosting community events. In response to severe flooding and erosion, [WATERSHED ORGANIZATION] has taken on larger projects with a sense of urgency, improving trails, vegetation, and access to the [NAME OF CREEK] and working to lay the groundwork for deeper stream rehabilitation efforts.

[WATERSHED ORGANIZATION] and our members have witnessed severe flooding and erosion increase throughout the [NAME OF CREEK] watershed in conjunction with the never-ending industrial-scale development brought on by the logistics industry. No longer the 10,000 and 20,000 sq. ft., long-term-storage based, “warehouses” of the past, modern logistics facilities (distribution centers, fulfillment centers, and truck terminals) can grow into the hundreds of

thousands, even millions, of square feet, with a steady stream of tractor trailers and other vehicles continuously moving goods in and out.

We are sure that you are well aware of the pushback against this change in land use. That is why we are eager to share a tool that can be vital to mitigating its harmful impacts to water quality. The [NAME OF CREEK] was once a premier destination for anglers fishing for wild trout. However, over the course of the last ten years, we have witnessed the water quality degrade, threatening the wild trout population. A reduction in riparian buffers and an increase in the volume of stormwater runoff is warming the water temperatures. The velocity of poorly managed stormwater is carving out streambeds, reducing and degrading trout habitat. We must do more now to protect the health of [NAME OF CREEK] and our community members from additional water pollution and flooding and other forms of impacts such as air pollution, increased tractor trailer traffic, and noise and light pollution.

As PennFuture clearly outlines in the [ATTACHED] model ordinance and guidebook, well-crafted zoning ordinances are essential to mitigate the impacts of these new land uses and to provide a predictable development environment for both developers and the public. We have outlined just a few reasons why we urge the [TOWNSHIP BOARD OF SUPERVISORS/COMMISSIONERS] to review and adopt this ordinance.

### **Improved Definitions**

Well-crafted definitions are essential to effectively regulating logistics uses. Zoning ordinances typically define logistics uses based on the internal operations of the facility. Warehouses may be “primarily devoted to indoor storage and distribution” while distribution centers may include storage, distribution, and certain “value-added services” like breaking large orders into smaller ones or vice versa. The issue with definitions like this is that the vast majority of logistics development is speculative in nature. This means that developers plan and begin construction of logistics facilities without an end user in place. Even if a developer is in negotiations with a possible tenant during the planning and approval stage, they may be unwilling or unable to publicly identify that entity or the nature of their operations. Therefore, when logistics uses like “warehouse” and “distribution center” are differentiated based on their internal operations, it is

easy for developers to declare that their proposed facility will function as a warehouse, even when certain characteristics of the facility (e.g. size, number of loading docks) indicate that it will almost certainly operate as a distribution or fulfillment center.

PennFuture's Model Logistics Ordinance addresses this issue by taking a different approach to distinguishing between logistics uses. Unlike typical zoning ordinances, which define logistics uses based on the internal operations of the facility, PennFuture's model ordinance differentiates between logistics uses based on two factors—size and capacity to generate traffic. The result is three use categories: Large Warehouse/Logistics Use (25,000+ square feet), Small Warehouse/Logistics Use (>25,000 square feet) and Truck Terminal (10+ truck loading docks or 50+ tractor trailer trips per day).

The advantage of this approach to definitions is that the characteristics that govern the use classifications are easily discerned at the municipal approval stage using plan drawings or generally-accepted traffic calculation methodology, eliminating the need for information about a facility's end user or to parse potentially-ambiguous ordinance terms. This means municipalities no longer have to rely on developers' candor in answering questions about internal operations. This approach to definitions also reflects the aspects of logistics development that are most likely to generate external impacts and are thus most relevant from a zoning perspective.

### **Restrictions Tailored to the Impacts of Each Use**

PennFuture's approach to definitions also allows the model ordinance to tailor restrictions to the impacts generated by size and traffic generation. Large Warehouse/Logistics uses are subject to requirements designed to mitigate the impact of their massive size. Truck Terminals are subject to requirements designed to mitigate the impact of high volumes of truck traffic. Facilities that meet both the threshold size for a Large Warehouse/Logistics use and the traffic generation threshold for a Truck Terminal are subject to both sets of requirements. Small Warehouse/Logistics Uses that meet neither threshold are subject to fewer restrictions. These three use classifications also allow for greater flexibility in siting. For example, Small Warehouses/Logistics Uses (under 25,000 sq. ft.) may be appropriate in the Township's commercial districts whereas Large Warehouses/Logistics Facilities and Truck Terminals likely are not.



**CONDITIONAL USE/SPECIAL EXCEPTION APPROVAL**

PennFuture also recommends requiring conditional use or special exception review for logistics uses. The conditional use/special exception approval process enables the [TOWNSHIP BOARD OF SUPERVISORS/COMMISSIONERS] or the Zoning Hearing Board to thoroughly evaluate whether a proposed logistics use will satisfy the requirements of the zoning ordinance and to impose conditions upon approval to mitigate adverse impacts. The process also allows the public the opportunity to comment, participate, and present evidence. We believe this is essential for uses, like most modern logistics uses, which have a high potential to generate substantial health, air quality, water quality, noise, and traffic impacts.

To close, [WATERSHED ORGANIZATION strongly urges [TOWNSHIP] to adopt PennFuture’s Model Logistics Ordinance in order to address the impacts of the logistics industry on our waterways and communities.

Sincerely,

[SIGNATURE]

[NAME, ADDRESS, CONTACT INFORMATION]

CC: Township Manager  
Township Planning Commission  
Township EAC (if applicable)