Local Development Review
Process from A to Z

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The MPC

- Gives municipalities power to enact ordinances that regulate land use and development.
- Defines specific procedures and timelines to be followed.

http://dced.pa.gov/library Local Government Publications & Documents
The Big Picture

WHY?

Implement your community's plan, goals & objectives

Add value to the quality of development and your community

Protect & promote:

- Public health
- Safety
- Community character
- Economic vitality
# Different Regulations

| Subdivision & land development ordinance |  |=| Zoning ordinance |
|----------------------------------------|---|------------------|
| Layout of lots and buildings            |  |=| Use of land and buildings |
| Installation of roads, water, sewer, sidewalks | Development standards | Density, intensity, form & area of uses |
Different Regulations

Municipal SALDO

County SALDO

Repealing municipal SALDO
Will be under county SALDO
What is a subdivision (MPC)?

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Note: Local ordinance definitions should match MPC definitions.
Subdivision and Land Development Ordinance

What is a land development (MPC)?

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
   a. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure;
   b. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

2. A subdivision of land

3. Development in accordance with section 503(1.1)
   (May exclude dwelling conversions to ≤3 units, accessory/farm buildings, and amusement park rides)
Zoning Ordinance

May permit, prohibit, regulate, restrict and determine:

1. Uses of land, watercourses and other bodies of water.

2. Size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures.

3. Areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures.

4. Density of population and intensity of use.

5. Protection and preservation of natural and historic resources and prime agricultural land and activities.
What is a planning agency (MPC)?

1. Planning commission

2. Planning department

In lieu of either, the governing body may elect to assign MPC powers and duties upon a “planning committee comprised of members appointed from the governing body.”
Approval Process - SALDO

1. 2 types of development: Subdivision and Land Development

2. 2 types of applications: Preliminary and Final
   - Typically sequential processes
   - Approvals can be combined

3. Relief: Modifications/Waivers
   - Must be in writing, accompany the application for development

Planning agency may provide review & recommendation.
Governing body makes decisions on all of above.
(Or, decision authority may be delegated to planning agency.)
Approval Process - Zoning

1. Types of Use Approvals:
   
   Permitted Use by Right
   - Permit issued by **Zoning Officer**
   - Zoning Officer shall not permit use that does not comply

   Permitted Use by Special Exception
   - Decision by **Zoning Hearing Board**; a hearing is required
   - Permitted use subject to specific requirements in ordinance
   - May attach reasonable conditions

   Permitted Conditional Use
   - Decision by **Governing Body**; a hearing is required
   - Planning Agency review is required
   - Permitted use subject to specific requirements in ordinance
   - May attach reasonable conditions

2. Relief: Variance
   - Decision by **Zoning Hearing Board**; a hearing is required
   - Applicant must show a hardship in accordance with criteria in the MPC
Approval Processes

- **Subdivision**: Staff → Planning Agency → Zoning Hearing Board → Governing Body
- **Land Development**: Staff → Planning Agency → Zoning Hearing Board → Governing Body
- **Modification or Waiver**: Staff → Planning Agency → Zoning Hearing Board → Governing Body
- **Zoning Permit**: Staff → Planning Agency → Zoning Hearing Board → Governing Body
- **Conditional Use**: Staff → Planning Agency → Zoning Hearing Board → Governing Body
- **Special Exception**: Staff → Planning Agency → Zoning Hearing Board → Governing Body
- **Variance**: Staff → Planning Agency → Zoning Hearing Board → Governing Body

- **Review**: Staff → Planning Agency
- **Decision**: Governing Body
Amendments

SALDO Zoning Ordinance
- Text
- Map

Must be referred to **municipal** and **county planning agencies**. **Governing body** makes decisions.
Scenarios Exercise #2
Reviews

Completeness review
Does the application contain all required information, drawings, markings, etc?

Compliance review
Does the application meet all ordinance standards, criteria, specifications, etc?
90 days
• Time in which decision on plat must be rendered. Starts date of next regular meeting of first review body after plat filed.

30 days
• Time which must be given by municipality for review by county planning agency. Starts date plat is forwarded.

15 days
• Time in which decision in writing must be delivered and/or mailed to applicant.

90 days
• Time after date of approval or delivery of approved, signed plat (after conditions satisfied), whichever later, in which plat must be recorded.
Zoning Hearing Timeline

60 days
• Time in which first hearing must be commenced. Starts date of receipt of application.

45 days
• Time in which subsequent hearing must be held after prior hearing.

100 days
• Time limit for each the applicant and opposition to present case-in-chief.

45 days
• Time after last hearing in which written decision must be rendered.

Applies to:
- Governing body for conditional use
- Zoning hearing board for special exception use or variance

Hearings held pursuant to MPC public notice
Calendar Exercise #1
Calendar Exercise #2
Decision-Making Criteria?

❌ Compliance with the SALDO or zoning ordinance standards & criteria.

☐ Opinion of the majority of municipal residents.

☐ Personal reputation of the property owner or developer.

❌ Public objections about public health & safety concerns.
Decisions – SALDO

1) Approved!

2) Denied

3) Approved with conditions or modifications.

4) No action – Deemed approval.
Decisions – SALDO

What about conditions?

– May attach condition to specify how an ordinance requirement must be met, or to remedy a deficiency.

– May not condition approval on meeting a standard not in the ordinance (unless accepted by applicant).
1) Approved!

Determined – Zoning Use by Right

2) Must deny if not conforming with zoning ordinance
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<tr>
<th>Decision</th>
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What about conditions?

- May attach “reasonable conditions and safeguards” in addition to those expressed in the zoning ordinance.

- Applicant is bound by condition he/she does not contest or appeal.
**Scenario**

One lot subdivision  
Proposed single family home  
(Use by right)  
Existing road, water & sewer
**SALDO process**

- Application & plat submitted
- Completeness review
  - At counter, or ASAP (a week?)
  - Reject if incomplete
- Accepted complete – “filed”
  - Copy to county planning
- Zoning consultation
  - Conforms
  - Variance needed
  - Involves special exception use
  - Involves conditional use
- Compliance (technical) review
  - Compliant*
  - Not compliant, revisions needed
  - Not compliant, mod./waiver req.
- Planning agency review
  - Recommended conditions
- Governing body review, decision
  - (Public hearing optional)

*For final plat, any improvements must be installed or financially secured.*

**Zoning ordinance process**

- Zoning officer review
- Zoning hearing board action
  - Hearing(s)
  - Decision
- Planning commission review
  - Recommended conditions
- Governing body action
  - Hearing(s)
  - Decision

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Scenario

Land development
Multi-tenant commercial bldg
(Special exception use)
Existing road, water & sewer
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  - Decision
- County planning review received, or 30 days passed since forward date
Remember…

Make this a win-win, value-adding process.

Be clear.
Be predictable.
No surprises!

Act early to detect and resolve deficiencies and problems.

Be honest and forthright, not adversarial.

“We’ve always done it that way!” is not what the ordinance says.

Be open to ideas and input.

Leave political bias and personal opinions out of the process.
Can the Process Be Improved?

What developers say:
- Time consuming
- Unpredictable
- Lack of state/local coordination

Ideas:
- Cooperate with other municipalities and/or the county
  Shared professional staff (or consultant)
  Uniform application, submission, tracking
  Consistent process & regulations
- Team review with local, county, state/federal agencies
- Tiered reviews
- Hearing officer
- Express lane review
Questions?

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