Planning in PA

Penn State Extension

Peter Wulforst, AICP Extension Educator
Penn State Extension

Penn State Extension
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- Volunteer Management Workshops
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- Ag Policy Workshops
- Community Economic Development Analysis

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The Big Picture

2,560
Pennsylvania cities, boroughs, and townships have the power to create comprehensive plans, zoning ordinances, and subdivision and land development ordinances.

What is Planning?

- Planning helps communities envision their future and:
  - Find the right balance of
  - New development
  - Essential services
  - Environmental protection
  - Innovative change

Reference:
Planning: The Planning Commission in PA Planning Series 82, 10/14
Planning Authority

- PA Municipalities Planning Code (MPC)
- Enabling legislation
- Empowers local municipalities and counties to plan
- Provides preemptions
- Uniform provisions
- Philadelphia, Pittsburgh, Philadelphia County under different statutes

An Act

To empower cities of the 2nd class A & 3rd class, boroughs, incorporated towns, townships of the 1st & 2nd class including those within a county of the 2nd class and counties of the 2nd class through 8th class

The MPC: What's in it?

<table>
<thead>
<tr>
<th>Point #1</th>
<th>Point #2</th>
<th>Point #3</th>
<th>Point #4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purposes of planning; how planning is organized</td>
<td>Definitions: agricultural operation, land development, subdivision, public hearing...</td>
<td>Procedures: adoption and amendment of land use ordinances, zbh hearings</td>
<td>Relationships of Planning Agency with Governing Body, School District, Public</td>
</tr>
</tbody>
</table>
**The MPC: Articles**

2. Planning Agencies
3. Comprehensive Plan
4. Official Map
5. Subdivision & Land Development
6. Zoning
7. Planned Residential Development (PRD)
7A. TraditionalNhdc. Dev. (TND)
8A. Joint Municipal Zoning
9. Zoning Hearing Board & Other Admin Procedures
10. Appeals to Court
11. Intergovernmental Cooperatve Planning & Implementation Agreements
11A. Wastewater Processing Cooperative Planning

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**MPC Purpose**

- Coordinated community development
- Provide for the general welfare
  - Through guidance and protection
- To improve future governmental processes and functions
- Guide the use of land and structures, streets, public grounds and facilities
- Preserve natural resources and prime agricultural land

MPC Section 105

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**MPC Purpose**

- Ensure zoning ordinances facilitate present and future economic viability of agricultural operations
- Encourage municipal/multi-municipal comprehensive plans to be generally consistent with county plans
- Encourage general consistency of municipal zoning with comprehensive plans
- Permit municipalities to minimize problems that presently exist or which may be foreseen

MPC Section 106
Where does the Planning Commission fit in local government?

Pennsylvania Local Government

Planning Commissions

Volunteer Board
3-9 members
Citizen Members
Interest in Community
Diversity of experience, expertise & interest
Planning Commissions

- 4-year terms
- Appointed by governing body
- Residents of municipality
- Elect internally officers

Planning Agencies

What does a Planning Commission do?

- Prepare comprehensive plan
- Promote interest in planning
- Prepare & administer SALDO
- Maintain records of actions
- Prepare codes
- Prepare Zoning Ordinance
- Recommend Official Map
- Hold Public meetings/hearings
- Review land use ordinances with comprehensive plans

Land Use Planning
Comprehensive Plan

- Direction from the governing body
  - At the request of the governing body the planning agency shall be required to prepare the comprehensive plan for the development of the municipality as set forth in this act; and present it for the consideration of the governing body (MPC Section 209.1a)

Comprehensive Plan: What is it?

- No specific MPC definition
- Maps, charts and textual matter - MPC 301(a)
- What does this really mean?

Blueprint

- Goals
- Policies
- Gives direction for public and private decisions
Comprehensive Plan

- Land Use
- Community Facilities
- Housing
- Transportation
- Water Supply
- Energy Conservation
- Short & Long Term Implementation
- Interrelationship of plan elements

The Big Picture

WHY?

Zoning and development ordinances are tools to implement YOUR plan and make the municipality a better place.

Police Power

To protect and promote public health, safety, morals and the general welfare

minimum standards
regulation not confiscation
substantial relationship
**Police Power Safeguards**

- Minimum standards — "threshold" needed to protect public health, safety etc.
- Reasonable, clear, direct relation to the Police Power
- Not capricious or arbitrary
- No compensation for being zoned — it's a general burden on all properties
- Can't confiscate property — not even temporarily
- Must provide due process and equal protection

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**Subdivision and Land Development Ordinance**

**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.
Subdivision/Land Development

"Adequate Building Lots"
Safe & Healthy Supply of Water
Proper Means of Waste Disposal
Access to Property

A definition of "ZONING"

Zoning is the division of a municipality into districts or zones in which certain activities are permitted and others are prohibited

Different Regulations

<table>
<thead>
<tr>
<th>SALDO</th>
<th>Form vs. Use</th>
<th>Zoning</th>
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</thead>
<tbody>
<tr>
<td>Lot size/layout</td>
<td>Landscaping</td>
<td>Permitted uses</td>
</tr>
<tr>
<td>Buildings &amp; facilities layout</td>
<td>Open spaces &amp; recreation</td>
<td>Density &amp; intensity of use</td>
</tr>
<tr>
<td>Street, sidewalks, trails</td>
<td>Traffic</td>
<td>Dimensions (setbacks, height)</td>
</tr>
<tr>
<td>Water and sewer</td>
<td>Lighting</td>
<td>Parking</td>
</tr>
<tr>
<td>Stormwater</td>
<td>Closable slopes</td>
<td>Signs</td>
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</table>
**What Zoning Regulates (Sec. 603)**

- Uses of land, watercourses & water bodies
- Size, height and location of structures
- Areas on lots to be occupied or left open;
- Density and intensity of uses;
- Natural, historic and agricultural land & activities

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**Planning Commission’s Role in Zoning**

<table>
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<tr>
<th>§209:1: The Planning Agency...</th>
<th>Others</th>
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<tbody>
<tr>
<td>1. Prepare and present to the governing body of the municipality a zoning ordinance, and make recommendations to the governing body on proposed amendments to it as set forth in this act.</td>
<td>§603(c)(2): Conditional Use*... granted or denied after recommendations by the planning agency...</td>
</tr>
<tr>
<td>14. Review the zoning ordinance... no less frequently than it reviews the comprehensive plan.</td>
<td>§609.1(a): Landowner Curative Amendment*...curative amendment and changes shall be referred to the planning agency...</td>
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*functions of the governing body

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**Roles**

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<tr>
<th>Governing Body (Elected Officials)</th>
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<td>Approve subdivision &amp; land developments, plus modifications &amp; variances.</td>
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<tr>
<td>Approve conditional uses specified in zoning ordinance.</td>
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<tr>
<td>Also, governing body creates B&amp;ODO and zoning ordinance, and appoints people to Planning Commission, Planning Department, and Zoning Hearing Board.</td>
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<table>
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<th>Planning Agency (Commission &amp;/or Department)</th>
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<td>Makes recommendations on subdivisions &amp; land developments, plus needs &amp; options.</td>
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<tr>
<td>Considers (usually) multiple perspectives.</td>
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<tr>
<td>Makes recommendations on conditional uses.</td>
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</tbody>
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### Roles

**Zoning Hearing Board**
- Approves special exceptions as specified in zoning ordinance
- Approves variances

**Zoning Officer**
- Approves zoning permits for use by right
- Shall not approve zoning permit for use that does not comply with zoning ordinance

**County Planning Agency**
- Reviews and makes recommendations on local SLOZO applications
- May provide technical onsite help
- Signs final plat (required for recording)

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Peter Wulfhorst, AICP Extension Educator
Penn State Extension
570-296-3400 ptw3@psu.edu