Subdivision & Land Development

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Municipalities Planning Code

PA Municipalities Planning Code
Planning Code
MPC
Act 247 (of 1993)
Act 170 (of 1993)

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Subdivision & Land Development in the MPC

2. Zoning
3. Comprehensive Plan
4. Official Map
5. Subdivision & Land Development
   - Municipal Capital Improvement Fund (Impact Fee)
   - Zoning
   - Planned Residential Development (PRD)
7A. Traditional Rural, Dev. (1983)
8A. Joint Municipal Zoning
9. Zoning Hearing Board & Other Admin Procedures
10. Appeals to Court
11. Intergovernmental Cooperative Planning & Implementation Agreements
11A. Wastewater Processing

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Subdivision and Land Development Ordinance

What is a subdivision (MPC)?

The division or re-division 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 this 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.

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 tenants;
   b. The division or allocation of land or space, whether initially or cumulatively, between 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), (certain exclusions)
"LAND DEVELOPMENT" is a group of two or more residential or non-residential buildings.

"LAND DEVELOPMENT" is a single non-residential building.

"LAND DEVELOPMENT" is dividing or allocating land or space.
Subdivision/Land Development

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

Rationale for Subdivision Regulations
- Subdividing land creates permanent change, assures standard lots that will be a long-term community asset
- Requiring improvements offsets increased costs to the general public
- Streets and other facilities that will be dedicated must be structurally sound
- Recording plans is a privilege and a benefit for developers
- A sound community plan & SALDO form the basis of high-quality development
- The review process should be a collaborative—not adversarial—process

Comprehensive Plan & SALDO
- Layout of proposed development shall conform to the comprehensive plan and adopted regulations and maps
- Internal and external streets shall be coordinated
- Adequate drainage and utility easements or rights-of-way shall be provided
- Reservation of "public grounds" shall be of proper size and location
- Land subject to flooding, subsidence, underground fires shall be made safe for intended use, or set aside

MPC Section 503(2)
**Key Concepts of the Review Process**

- All subdivision & land development plans must be submitted for approval.
- 2 applications: Preliminary and Final.
- Each application is reviewed and approved.
- Preliminary Plan is fully designed and engineered.
- Final Plan is recorded.
- Applications meeting SALDO standards should receive approval.

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**MPC §209.1**

(b) A Planning Commission at the request of the Governing Body

(3) May prepare, recommend and administer subdivision and land development and planned residential regulations as set forth in this act.

(PLC. may be delegated approval authority: §501; §702(a))

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**Approval Process - SALDO**

1. 2 types of development: Subdivision and Land Development.
2. 2 types of applications: Preliminary and Final.
   - Often sequential processes.
   - Approvals can be combined.
   - Must be in writing, accompany the application for development.

Governing Body makes decisions on all of above.
Or, decision authority may be delegated to planning agency.
Criteria for review of proposed subdivision or land development

- Compliance with the SALDO ordinance. PERIOD.
- What about modifications & waivers?
  - If undue hardship peculiar to the land.
  - Or if alternative is demonstrated to achieve equal or better results.
  - Provided, not contrary to the public interest.
- 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).

SALDO Timeline

- **90 days**
  - Time in which decision is to be made. 
  - Time in which decision is to be heard by the Governing Body.
  - Time in which decision is to be reported to the community.

- **30 days**
  - Time in which decision is to be made.
  - Time in which decision is to be heard by the Governing Body.
  - Time in which decision is to be reported to the community.

- **15 days**
  - Time in which decision is to be made.
  - Time in which decision is to be heard by the Governing Body.
  - Time in which decision is to be reported to the community.

- **90 days**
  - Time at which decision is to be made.
  - Time at which decision is to be heard by the Governing Body.
  - Time at which decision is to be reported to the community.

Plan Review Sequence

<table>
<thead>
<tr>
<th>0-30 days*</th>
<th>90 days</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Agency</td>
<td>Governing Body</td>
</tr>
<tr>
<td>Review of plan for completeness</td>
<td>Review of plan for completeness</td>
</tr>
<tr>
<td>Site visit</td>
<td>Site visit</td>
</tr>
<tr>
<td>Preliminary reviews and comments</td>
<td>Additional reviews</td>
</tr>
<tr>
<td>Public hearings</td>
<td>Final decision</td>
</tr>
<tr>
<td>Vote to approve</td>
<td>Vote to approve</td>
</tr>
<tr>
<td>Vote to disapprove</td>
<td>Vote to disapprove</td>
</tr>
</tbody>
</table>

* Number of days before next regular planning agency meeting as required in SALDO
Denying a S&LD Application

MPC §508 (2)  
Example

1. Specify defects found in the application
   4 cul-de-sacs exceed 1,000 feet in length

2. Describe the ordinance requirements not met
   SADO limits cul-de-sacs to <4,000 linear ft.

3. Cite provisions of ordinances used for denial
   SADO §508 (b)(III), adapted 5/13/2000

Referrals and Information

Mandatory review by county planning agency

<table>
<thead>
<tr>
<th>Internal Review</th>
<th>External Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Municipal Engineer</td>
<td>- 30 Days of Dem Protection</td>
</tr>
<tr>
<td>- Zoning Officer</td>
<td>- 30 Days of Transportation</td>
</tr>
<tr>
<td>- Municipal Planner</td>
<td>- Neurological Evaluation Other</td>
</tr>
<tr>
<td>- Water/Wastewater</td>
<td>- County Environmental</td>
</tr>
<tr>
<td>- Transportation</td>
<td>- Aboriginal Navigability</td>
</tr>
<tr>
<td>- Parks/Recreation</td>
<td>- Archaeological Site</td>
</tr>
<tr>
<td>- Planning Commission</td>
<td>- Other</td>
</tr>
</tbody>
</table>

Planning Commission: 2 part responsibility

ADMINISTER PROCESS
- Manage 90-day review
- Maintain review timeline
- Distribute plans to reviewers
- Receive & compile reviews
- Conduct application review
- Recommend action to governing body

PLANNING
- Relate proposal to comp plan
- Apply MPC 503(2) criteria
- Share impact information
- Monitor completed projects
- Revise/Amend comp plan & ordinance standards when needed
Approval processes

Approval processes (If SALDO delegated to planning agency)

Reminders

- "Fast-Track Processing" (combined preliminary and final plan) should not be used when improvements are required. They must be installed or financial guarantee provided.

- "Minor Subdivisions" (few lots to start, more may follow) can become problems when site facilities are needed for added lots. What’s been installed may not be adequate.
Between Preliminary & Final Plan Approval

- Completion of improvements or financial guarantees to municipality
- All conditions of Preliminary Plan approval are met
- Acceptance of dedication of public facilities (may be accepted later)
- Maintenance bond to insure structural integrity of improvements

After Preliminary Plan Approval

MPC Section 509.

Completion of improvements or guarantee thereof prerequisite to final plat approval
After Preliminary Plan Approval
MPC Section 809.
Completion of improvements or Guarantee Thereof Prerequisite to Final Plat Approval

No plat shall be finally approved unless
streets, sidewalks, curbs, street lights, fire hydrants, shade trees,
water mains, sanitary sewers, storm sewers, other improvements as
may be required have been installed
or, instead, financial security to cover the costs thereof.

Recording the Final Plat

1. Approval of Final Plat by municipality
2. Developer has 90 days to file with county recorder of deeds
   or
   90 days after signing following completion of conditions imposed for such approval

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 secretive!
- Leave political bias and personal opinions out of the process.
- "We've always done it that way" is not what the ordinance says.