

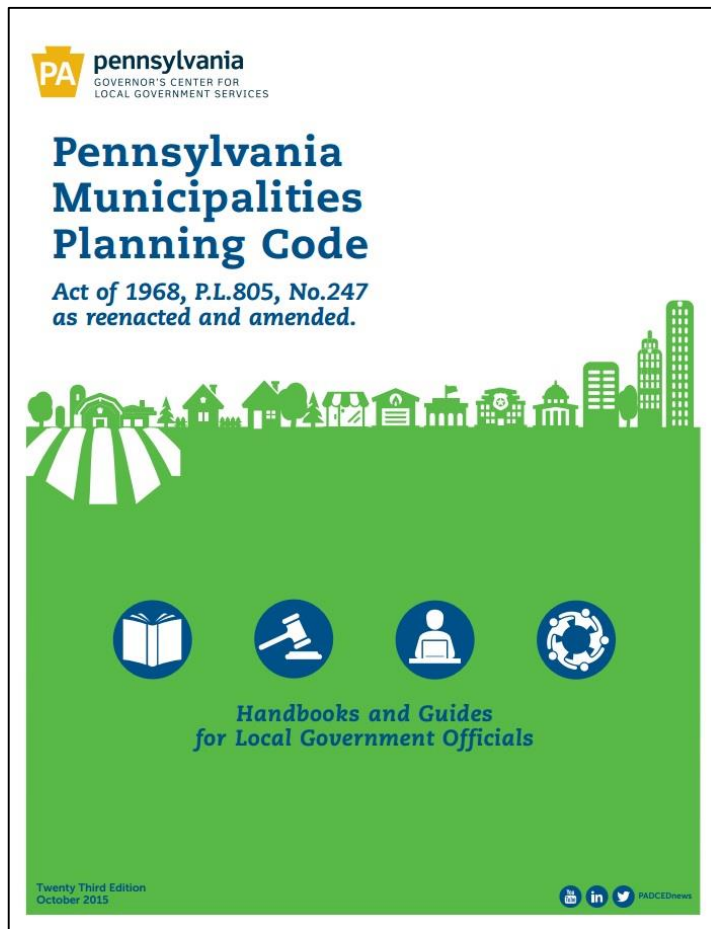
Local Development Review Process from A to Z



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The MPC

<http://dced.pa.gov/library>
**Local Government
Publications & Documents**



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

The Big Picture

WHY?

Implement your community's
plan, goals & objectives

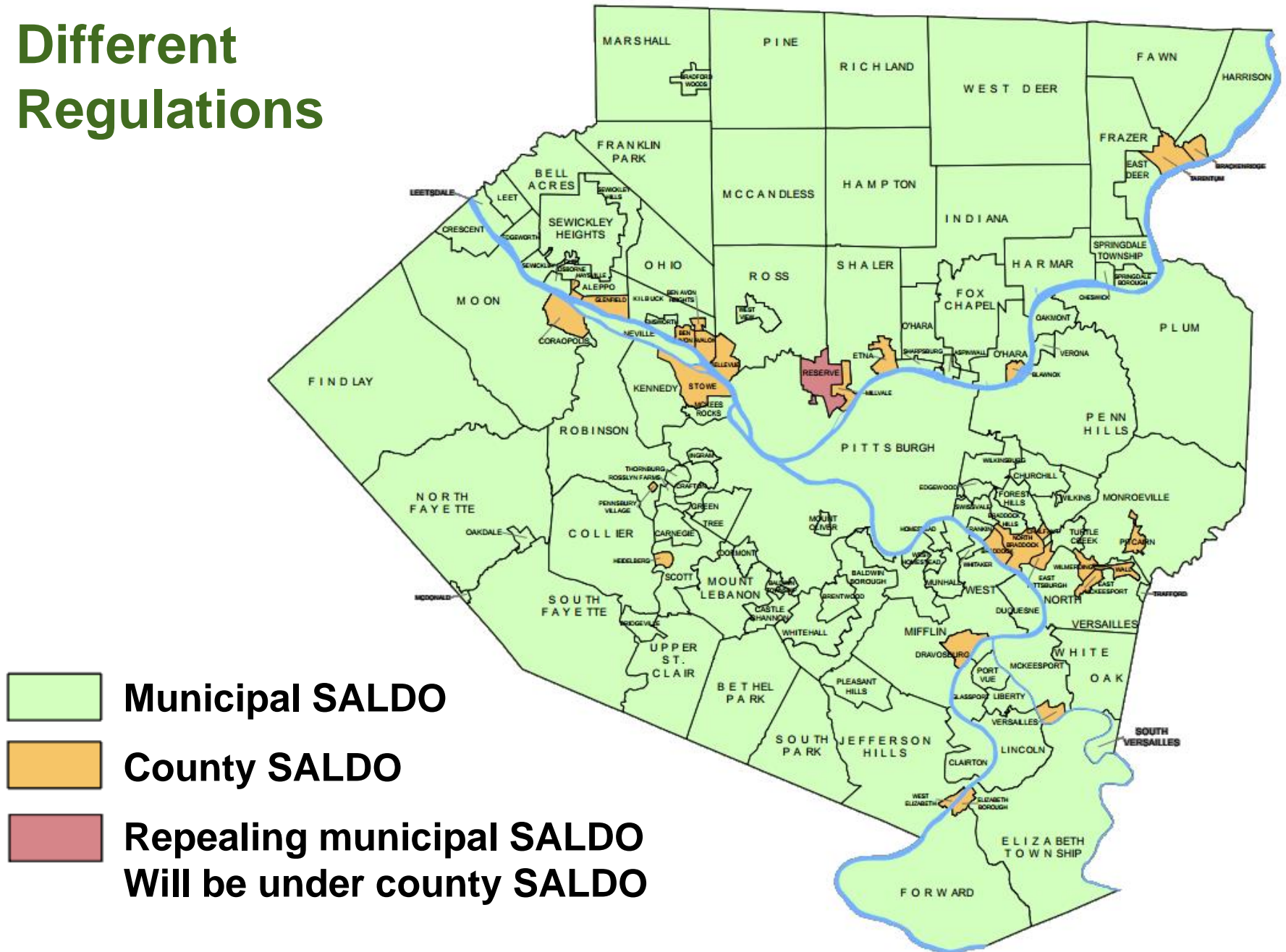
Add value to
the quality of development
and your community



Different Regulations

Subdivision & land development ordinance	⇔?⇒	Zoning ordinance
Layout of lots and buildings Installation of roads, water, sewer, sidewalks	Development standards	Use of land and buildings Density, intensity, form & area of uses

Different Regulations



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.

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.

SALDO and Zoning

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

 **CAUTION**

*Do not require
sketch plan in
SALDO!*

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



Amendments

SALDO

Zoning Ordinance

- Text
- Map

Must be referred to **municipal** and **county planning agencies**.
Governing body makes decisions.





Scenarios Exercise #1



Scenarios Exercise #2

Reviews

Completeness review

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

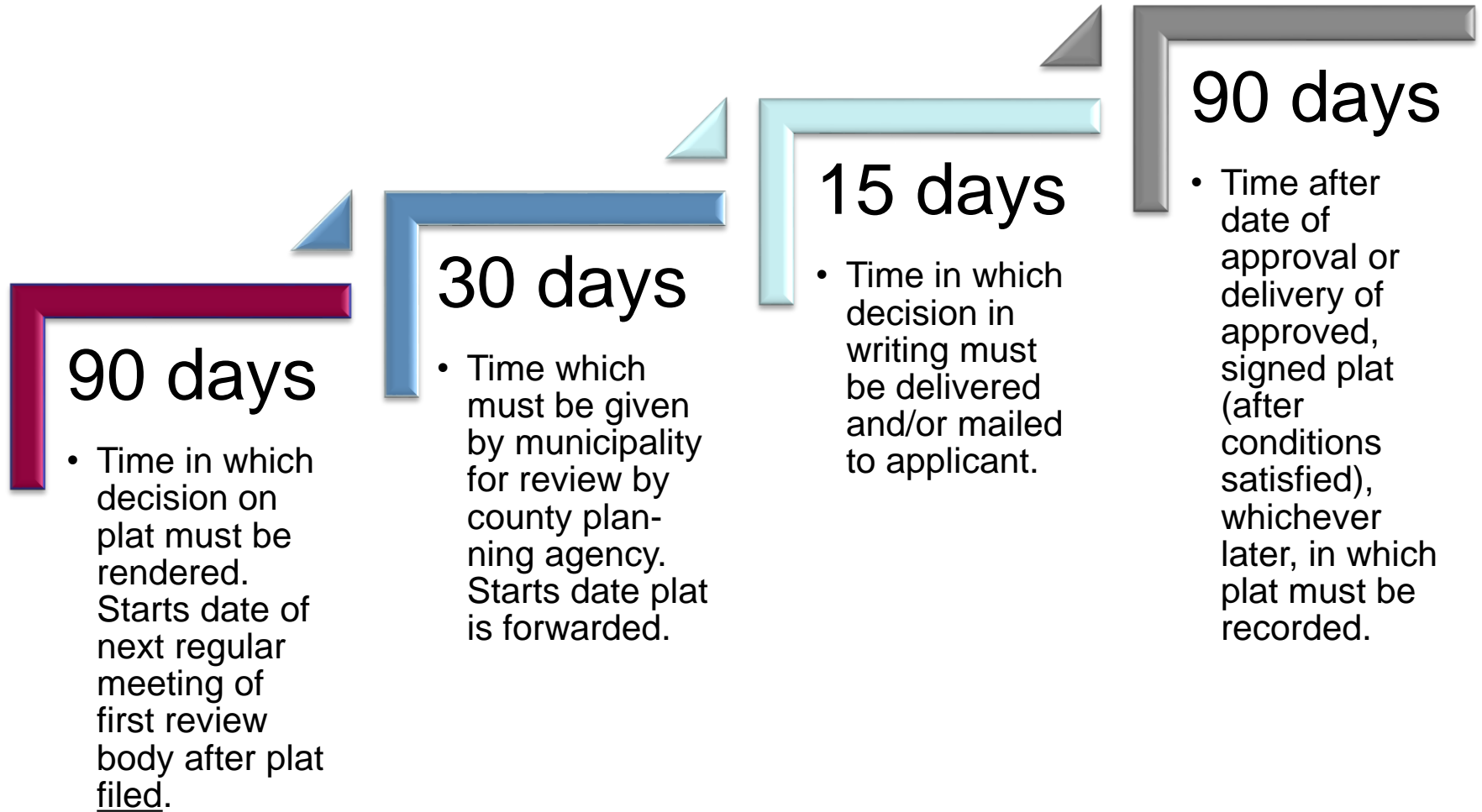


Compliance review

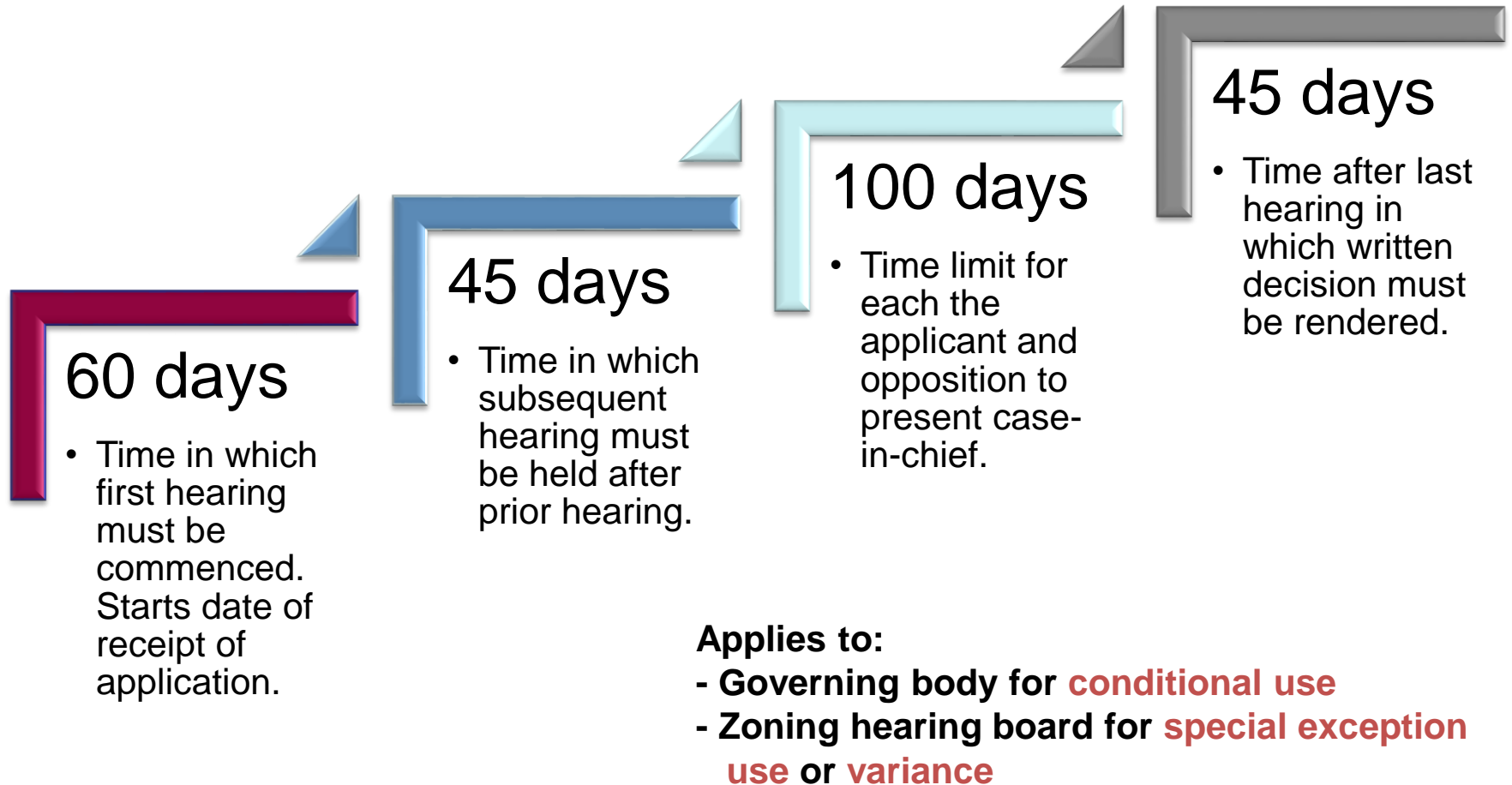
Does the application meet all ordinance standards, criteria, specifications, etc?



SALDO Timeline



Zoning Hearing Timeline



Hearings held pursuant to **MPC public notice**



Calendar Exercise #1

May						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
					1 APPL FILED	2
3	4	5	6	7	8	9
10	11 1ST DAY →	12 P	13	14 Z	15	16
17	18	19 G	20	21	22	23
24	25	26	27	28	29	30

July						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
			1	2	3	4
5	6	7	8	9 Z	10	11
12	13	14 P	15	16	17	18
19	20	21 ACT →	22	23	24	25
26	27	28 G	29	30	31	1

June						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
31	1	2	3	4	5	6
7	8	9 P	10	11 Z	12	13
14	15	16 G	17	18	19 TO CO.	20
21	22	23	24	25	26	27
28	29	30				

August						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
2	3	4	5 15TH DAY	6	7	8
9	10 90TH DAY	11 P	12	13 Z	14	15
16	17	18 G	19	20	21	22
23	24	25	26	27	28	29
30	31					



Calendar Exercise #2

May						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
					1 APPL FILED	2 1ST DAY
3	4	5	6	7	8	9
10	11 1ST DAY	12 P	13	14 Z	15	16
17	18	19 G	20	21	22	23
24	25	26	27	28	29	30

July						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
			1	2	3	4
5	6	7	8	9 Z	10 2ND HRNG	11
12	13	14 P	15	16	17	18
19	20	21 ACT	22	23	24	25
26	27 45TH DAY	28 G	29	30	31	1

June						
Sun	Mon	Tues	Wed	Thur	Fri	Sat
31	1	2	3	4	5	6
7	8	9 P	10	11 Z	12 HRNG	13
14	15	16 G	17	18	19 TO CO.	20
21	22	23	24	25	26	27
28	29	30 60TH DAY				

August						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat
2	3	4	5 15TH DAY	6	7	8
9	10 90TH DAY	11 P	12	13 Z	14	15
16	17	18 G	19	20	21	22
23	24	25	26	27	28	29
30	31					

Decision-Making Criteria?

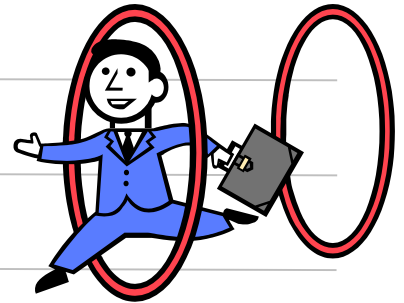
- ☒ Compliance with the SALDO or zoning ordinance standards & criteria.
- ☐ Opinion of the majority of municipal residents.
- ☐ Personal reputation of the property owner or developer.
- ☒ Public objections about public health & safety concerns.

Decisions – SALDO

1) Approved!



2)



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).

Determinations – Zoning Use by Right

1) Approved!



2)



Must deny if not conforming
with zoning ordinance

Decisions – Zoning SE or CU

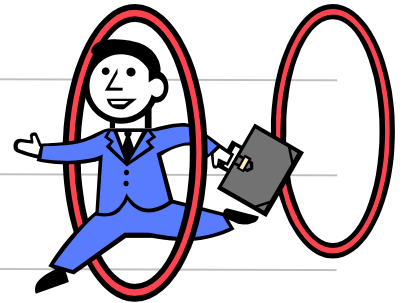
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2)



3) Approved with conditions.



4) No action – Deemed approval.



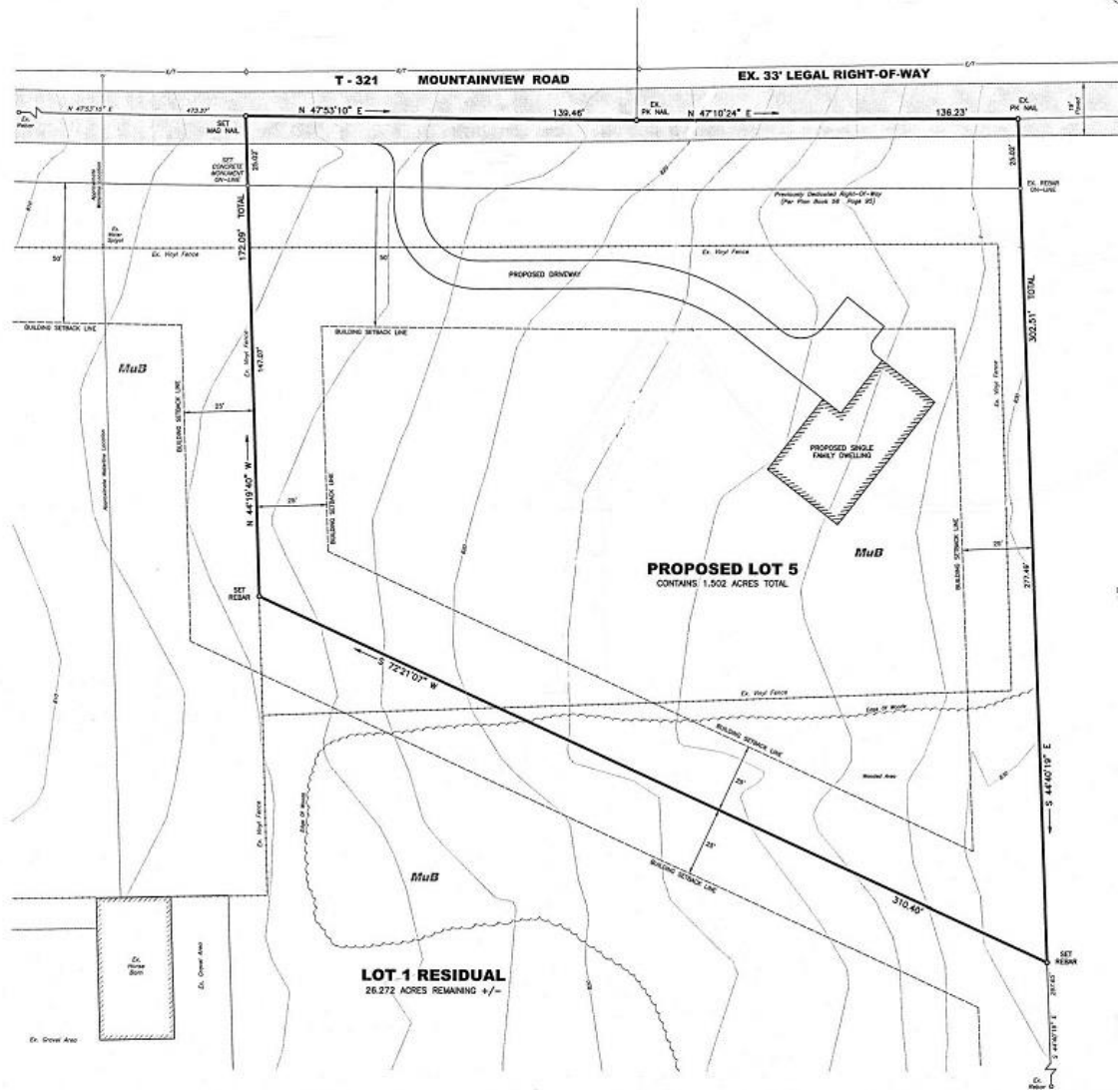
Decisions – Zoning SE or CU

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)

Zoning ordinance process

- ☒ Zoning officer review
- ☐ Zoning hearing board action
 - Hearing(s)
 - Decision
- ☐ Planning commission review
 - Recommended conditions
- ☐ Governing body action
 - Hearing(s)
 - Decision
- ☒ County planning review received, or 30 days passed since forward date

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

SECOND FLOOR BUILDING AREA: 6,000 SF OF OFFICE SPACE
TOTAL BUILDING SFI 16,659 SF

MIN PKG 17 #14,000SF, MAX 50#34,000 _ 46 PKG STALLS PROVIDED

OVERHEAD POWER LINES

ALLEY

262'-0" PROPERTY LINE

180'-0"

140'-0" PROPERTY LINE

18'-0"

22'-0"

LOCAPS/SWALE

3RD-DIVISION PROPOSED 2 LEVEL RETAIL + OFFICE DEVELOPMENT

DT ZONED 8'-0" STALL MIN 2-WAY AISLE 20' MIN

PROPOSED CURB-CUT

EXISTING SIGNAL POLE/STREET SIGN

EXISTING FIRE HYDRANT

PROPOSED MON SIGN

W 3RD AVE

SITE PLAN

SCALE: 1" = 20'

N

Land development
Multi-tenant commercial bldg
(Special exception use)
Existing road, water & sewer

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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.**

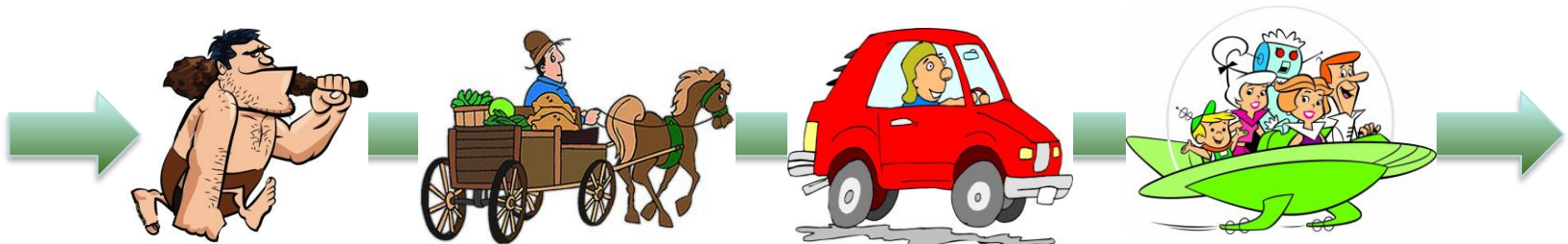
Can the Process Be Improved?

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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