

Subdivision and Land Development Procedures

Local governments have the right to regulate and control development occurring in their municipalities through subdivision and land development ordinances. It is important for local governments to follow the proper procedures for reviewing subdivision and land development plans.

What Is Subdivision?

The Pennsylvania Municipalities Planning Code (MPC) defines *subdivision*, but in layman's terms it is the division or redivision of land for any purpose except for lease of land for agricultural purposes when parcels are more than 10 acres. For the entire legal definition, see MPC Section 107.

What Is Land Development?

The MPC also defines the term *land development*. A land development is essentially any physical improvement to land for any purpose involving a single nonresidential use or two or more residential uses on a lot. Physical improvements can include excavation, grading, paving, and infrastructure work. For the entire legal definition, see MPC Section 107.

Subdivision and Land Development Review Procedures

In reviewing a subdivision or land development plan, the governing body generally has 90 days to review and render a decision and communicate it to the applicant. Municipalities should take care to note when the 90 days begin, because the MPC allows for multiple scenarios as to the "start" of the review clock.

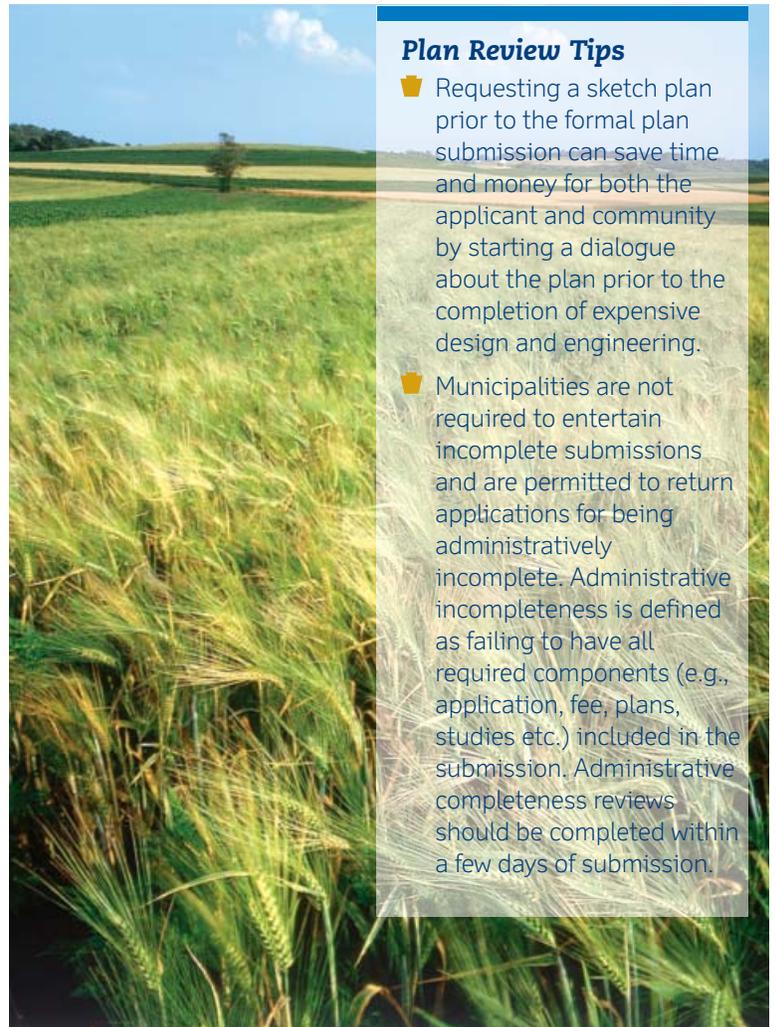
The following checklist can help municipalities ensure they are following the major steps in the subdivision and land development review and approval process:

Plan Review Checklist

- Applicant submits complete application with required information.
- Applicant submits evidence of compliance with other regulatory requirements (e.g., planning module, NPDES permits, HOP etc.).
- Municipality submits the plan to the county planning agency for review.
- Municipality reviews the plan for compliance with the subdivision and land development ordinance and other ordinances (e.g., zoning, floodplain).
- Planning commission recommends approval or denial to governing body (unless governing body granted the planning commission authority to approve or deny).
- Optional public hearing can be held by the municipality if desired; however, it is not required. (MPC section 508(5))
- Governing body at a public meeting renders a decision on the plan to approve, deny or approve with conditions. (Note: In approvals where the governing body attaches conditions, the applicant must accept the conditions for approval.)
- Municipality notifies applicant of governing body's decision in writing within 15 days.
- Plan must be recorded in the county's Office of the Recorder of Deeds within 90 days of the approved municipality-signed plan.

Plan Review Tips

- ▮ Requesting a sketch plan prior to the formal plan submission can save time and money for both the applicant and community by starting a dialogue about the plan prior to the completion of expensive design and engineering.
- ▮ Municipalities are not required to entertain incomplete submissions and are permitted to return applications for being administratively incomplete. Administrative incompleteness is defined as failing to have all required components (e.g., application, fee, plans, studies etc.) included in the submission. Administrative completeness reviews should be completed within a few days of submission.



What Are Typical Differences between a Preliminary Plan and a Final Plan?

Preliminary Plan

- ✦ Includes preliminary engineering and master plan of development
- ✦ Shows all general information such as phases of development, topography, land uses, street locations, and other types of information required by the municipal ordinance
- ✦ Approval of a preliminary plan puts in place the framework for a development's construction. Final submitted plans that meet the engineering requirements of the municipality and that are generally consistent with the preliminary plan must be approved.

Final Plan

- ✦ Meets the terms and is generally consistent with the approved preliminary plan
- ✦ Provides the engineering design details for a specific phase to be offered for immediate development
- ✦ Includes all survey, construction, and engineering data and details for public and private infrastructure improvements

Improvement Guarantees (Bonds)

A municipality must obtain from a developer financial security (commonly a bond) in an amount sufficient to cover the costs of the public improvements included in the approved plan, prior to the final approval of the plan. Public improvements include streets, curbs, storm and sanitary sewers, and other public improvements. The amount of the financial security should be equal to 110 percent of the costs of the improvements. Municipalities should take care to follow the detailed requirements for completion of improvements and release from bonding.

*Relevant Statute Referenced:
Pennsylvania Municipalities Planning Code
(Act of 1968, P.L. 805, No. 247, as amended)*



Did You Know?

- ✦ The plan is deemed approved as submitted if the municipality does not render a decision within the 90-day time period.
- ✦ Plans that are denied must include specific reasons for the denial, along with specific citations of the appropriate sections of the ordinances.
- ✦ A municipality is legally obligated to approve a subdivision and land development plan if it meets the municipal ordinances.
- ✦ No changes or amendments to municipal ordinances can adversely affect the right of the applicant to construct the approved development within five years from the date of the preliminary or final plan approval.
- ✦ Municipalities cannot grant "Variances" from the subdivision and land development ordinance, but can grant "Modifications" (MPC 512.1), which are subject to a different set of rules and requirements.

For more information, contact:

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