



6. Subdivision and Land Development Ordinances



This Penn State Cooperative Extension publication is one in a series of bulletins intended to help you better understand the current use of land use planning tools in Pennsylvania. The series uses information from a comprehensive study of Pennsylvania land use regulation and planning, which was made possible in part by a grant from the Center for Rural Pennsylvania, a legislative agency of the Pennsylvania General Assembly.

The comprehensive land use study involved three separate but related surveys that were conducted in late 1999. The first and largest survey was sent to all 2,511 boroughs and townships in Pennsylvania. Forty-two percent, or 1,057 of these surveys were returned. The second survey was sent to all 65 planning directors in Pennsylvania (with the exception of Philadelphia County). Fifty-four surveys were returned, for a response rate of 83 percent. The third survey was sent to all 395 members of the American Institute of Certified Planners who are listed in Pennsylvania. Of these, 181 were returned, for a response rate of 46 percent. The three surveys provide a composite overview of planning effectiveness from a variety of perspectives.

Most of the tables in this publication use data from the state or regional level. For county-level results, visit the Land Use Planning in Pennsylvania Web site at <http://cax.aers.psu.edu/planning/>

Subdivision and land development ordinances (often referred to as SALDO) are the most common form of land use regulation in the Commonwealth. The term “subdivision” refers to the act of dividing land and making new lot lines; “land development” is improving the land for some purpose. Both municipalities and counties use this form of regulation. County regulations take effect only in the municipalities in the county that do not have their own regulations. Enactment of a SALDO by a municipality automatically repeals the application of the county ordinance in that municipality.

Nevertheless, there is a significant relationship between municipalities and county governments in the plan review process. The Pennsylvania Municipalities Planning Code (MPC) requires that all plans for subdivision and land development coming to a municipality must be reviewed by the county planning agency. Municipal action on a plan must wait for at least 30 days so the county can provide its review. It is important to understand how subdivision and land development ordinances are being used in Pennsylvania.

Municipal Subdivision and Land Development Ordinances

About 59 percent of Pennsylvania municipalities report having a subdivision and land development ordinance. This includes 50 percent of boroughs, 97 percent of townships of the first class, and 62 percent of townships of the second class. Municipalities in urban counties are more likely to have a SALDO than are municipalities in rural counties (76 percent compared to 43 percent).

The adoption of a subdivision and land development ordinance by a municipality varies by region and municipality size (see Figure 1). Municipalities in southeast Pennsylvania are the most likely to have a SALDO (96 percent), while municipalities in the northwest are least likely (32 percent). Municipalities with a larger population are more likely to have a SALDO than are smaller municipalities (see Table 1). Only 24 percent of municipalities with less than 500 residents have a SALDO, compared to over 90 percent of municipalities with 5,000 or more residents.

The pace of population change and building development also is associated with a municipality's adoption of a subdivision and land development ordinance. Municipalities with higher population growth pressures are more likely to have such an ordinance than are municipalities with lower population growth and building pressures (see Table 2).

Figure 1. Percent of municipalities with a subdivision and land development ordinance.

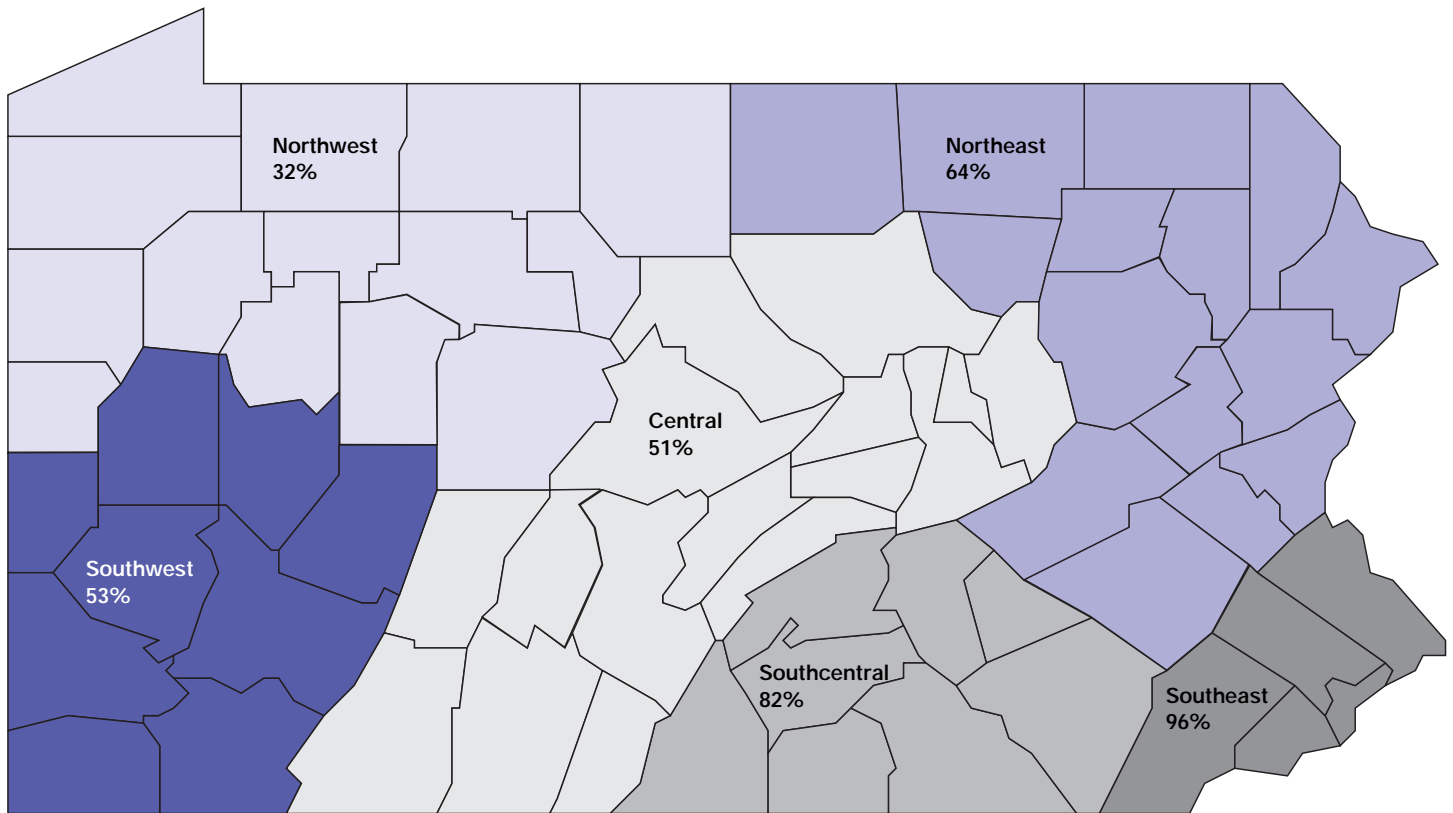


Table 1. Subdivision Ordinance by Population Size (percent of municipalities in population group)

Population Size	Have Subdivision Ordinance	No Subdivision Ordinance	Don't Know
Less than 500 residents	24%	72%	4%
500 to 999 residents	37	62	1
1,000 to 2,499 residents	56	44	1
2,500 to 4,999 residents	82	18	1
5,000 to 9,999 residents	93	7	0
10,000 to 14,999 residents	94	3	3
15,000 to 19,999 residents	100	0	0
20,000 or more residents	95	5	0

Table 2. Subdivision Ordinance by Population and Building Development (percent of municipalities)

Pace of Population And Building Development	Have Subdivision Ordinance	No Subdivision Ordinance	Don't Know
Fast growing	92%	8%	0%
Moderate growth	84	16	0
Slow growing	56	43	1
No change	38	61	2
Declining	37	60	3
Don't know	0	100	0

Subdivision Review Activity

In a typical year, the municipalities with a subdivision ordinance handle 12 subdivision and land development applications a year. About 28 percent of the municipalities receive three or fewer such applications a year, while 20 percent receive 20 or more applications. On average, about 50 new lots are created a year in each municipality receiving these applications. The municipalities report denying, on average, only one subdivision and land development application per year. Sixty percent of the municipalities report no denied applications in a typical year, while 19 percent and 11 percent report one or two denied applications per year, respectively.

In 78 percent of the municipalities with a subdivision ordinance, the planning commission reviews applications, and the governing body makes the formal approval or disapproval decision. In 6 percent of the municipalities, the planning commission both reviews and approves applications, while in 8 percent, the governing body both reviews and approves applications. Another 7 percent of the municipalities use some other method of review.

Review by Other Agencies or Municipalities

The Pennsylvania Municipalities Planning Code requires municipalities to send all development applications to the county planning agency for review. How municipalities use the reviews depends upon their relationship with the county planning agency and the type of review the county conducts. (Some county planning agencies provide technical reviews, some address only county-level issues, and only some review against the municipal ordinance). About 91 percent of the municipalities with a subdivision ordinance report they

receive comments back from the county planning commission. Another 3 percent are unsure whether they receive comments.

In general, the municipalities find the comments from the county planning commission useful. Forty-two percent say the comments are very useful, while another 39 percent say they are somewhat useful. Only 16 percent say the county's comments are not very useful. The reported usefulness of the comments varies across the counties, reflecting in part the varied level of expertise and focus in individual county planning agencies. In counties with experienced planning directors and larger staffs, the municipalities generally are more likely to find the comments very useful than in counties with inexperienced planning directors or small staffs. In nine counties, over half of the responding municipalities say they find the county's comments on the subdivision ordinance not very useful.

It is important to note, however, that several of the counties with inexperienced directors receive high overall marks for their comments, and that some counties with experienced county planning directors receive poor overall marks. The experience of the county planning director is not enough to explain the usefulness of the county review. Other factors, including the nature of the review and whether it is based simply upon the municipal ordinances themselves or upon the larger context of the county plan, also are important.

Municipalities are authorized by the MPC to have provisions for "soliciting reviews and reports from adjacent municipalities and other governmental agencies affected by the plans." However, it is standard procedure to send development plans to adjacent communities for their comments in

only 11 percent of the municipalities. Of these, the majority report they receive comments back, either always (30 percent) or sometimes (59 percent).

Updating Subdivision and Land Development Ordinances

About 57 percent of the municipalities with a subdivision ordinance say the ordinance has been updated substantially since it was originally completed. About 85 percent of the municipalities who have updated their ordinance did so within the past 10 years.

Typical reasons for updating the ordinance include changes to the zoning ordinance and making the ordinance consistent with state laws or requirements related to sewage facilities, storm water management, or erosion (see Table 3).

Dedication of Recreation and Open Space

An option in the MPC allows municipalities to require the dedication of open space in developments for recreation purposes. Ninety-three municipalities with a subdivision ordinance (about 16 percent) report that their ordinance also mandates dedication of open space or recreation as part of a subdivision plan. To utilize this MPC provision, municipalities must have an adopted recreation plan, which is commonly part of the comprehensive plan.

About 61 percent of these municipalities report having received open space land as a result of the requirement, and 62 percent report having received money in lieu of land dedication. The average municipality with the requirement received 55 acres of land and \$151,304 in such mandatory dedications. Eighteen percent report receiving 100 acres or more of land.

Table 3. Rank of Reasons for Substantially Updating the Municipal Subdivision and Land Development Ordinance (percent of each response on a scale of one to five)

	Not Important				Very Important	Don't Know
	1	2	3	4	5	
Comprehensive plan was updated	26%	6%	22%	21%	22%	3%
Changes made to the zoning ordinance	9	5	20	28	34	3
Subdivision and land development ordinance was out of date	4	6	19	29	40	2
Ordinance not effective in managing development; results not what the community wanted	13	10	27	25	21	4
Changes in the Municipal Planning Code	13	10	27	26	17	7
Make consistent with other state laws/requirements such as:						
<i>Sewage facilities</i>	12	5	23	30	25	5
<i>Storm water management</i>	8	4	21	29	33	5
<i>Erosion/sedimentation</i>	8	6	21	28	30	6

County Subdivision and Land Development Regulations

All counties are mandated to review subdivision and land development applications received from municipalities that have their own regulations. Some counties, however, do not have their own regulations because municipal regulations have pre-empted county regulations. Also, some counties have no county regulations, whether or not there are municipal SALDOs, because they choose not to impose such land use restrictions.

Thirty-nine of the 54 counties (72 percent) report having a county subdivision and land development ordinance. The counties use different methods of reviewing and approving applications. About 31 percent have the planning commission review the applications and the county planning staff approve some (see Table 4). Having the planning commission review and approve applications also is relatively common (28 percent of counties).

The number of applications and lots differ across the counties. About half of the counties received more than 100 subdivision and land development applications within the past 12 months, and 33 percent had more than 200. The range was from less than five applications (three counties) to more than 300 applications (four counties). The total number of lots to be created by these applications ranged from four to 825.

The vast majority of counties with a SALDO (87 percent) inform the municipality in which the application is situated that such an application has been received, and 81 percent of all counties request comments from the municipality. Eighty-five percent inform the municipality what action has been taken by the county.

Only seven of the counties with a SALDO (18 percent) mandate dedication of recreation and open space as part of their subdivision and land development ordinance. Of these, five are actively using the provisions. The most important reasons for updating the county subdivision and land development ordinance include an out-of-date ordinance and changes in the Municipalities Planning Code (see Table 5).

Slightly more than half of the counties with a SALDO (54 percent) report that it has been adopted by municipalities within their county. The number of municipalities in a county who have adopted the ordinance ranges from one to 34. About 60 percent of the counties report their SALDO has been adopted by 10 or more municipalities, and 27 percent report 30 or more municipalities have adopted it. In addition, 38 percent of the county planning agencies have prepared a model SALDO for use by municipalities.

Table 4. Method of Conducting Reviews and Approval of Plan Applications Under the County Subdivision and Land Development Ordinance (percent of counties with SALDO)

Method	Percent
Planning commission reviews applications, governing body approves	8%
Planning commission reviews and approves applications	28
Planning commission reviews applications, county planning staff approves some applications	31
County planning staff both reviews and approves applications	8
Other	26

Table 5. Rank of Reasons for Substantially Updating the County Subdivision and Land Development Ordinance (percent of each response on a scale of one to five)

	Not Important					Very Important	Don't Know
	1	2	3	4	5		
Rapid development in the county	33%	20%	20%	17%	10%	0%	
Subdivision and land development ordinance was out of date	6	0	19	19	55	0	
County comprehensive plan was updated	38	21	14	14	14	0	
Changes made in other county ordinances	48	33	4	7	7	0	
Changes in the Municipalities Planning Code	3	10	10	23	55	0	
Ordinance not effective in managing development; results not what the county wanted	23	13	20	27	17	0	
Make consistent with other state laws/requirements such as:							
<i>Sewage facilities</i>	16	9	19	34	22	0	
<i>Storm water management</i>	23	3	16	39	19	0	
<i>Erosion/sedimentation</i>	16	10	29	26	19	0	

Conclusions

The survey responses suggest that there are missed opportunities to use subdivision and land development ordinances to make land use planning effective in Pennsylvania. Even though a majority of municipalities have a SALDO, a relatively large percentage do not, particularly in rural areas.

Very few municipalities send development plans to adjacent communities for their comment, even though such communication is permissible under the MPC (and also was permissible prior to Acts 67 and 68). Sending plans to others for informal review would improve coordination and planning across jurisdictions, if only by alerting adjacent municipalities about development plans that may affect them.

There are no standards for what a county planning agency review should provide; as a result, the quality and content of the reviews vary across the counties. That the quality of some reviews consistently received poor marks by municipal officials also suggests that attention should be focused on assessing and improving the performance of some agencies. This is particularly important if county planning agencies are being expected to play a larger role in land use planning.

The responses also indicate that mandatory open space dedication is not extensively used in Pennsylvania, even though it can be an effective method of increasing the amount of usable open space in a community. Few municipalities (only 93 statewide) report using it.

References

Pennsylvania Department of Community and Economic Development. 1999. *Planning Series #8—Subdivision and Land Development*. Harrisburg, PA.

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Through a series of 15 meetings, a project advisory committee of 29 professional planners from throughout Pennsylvania provided feedback during the survey development, assisted with reviewing the preliminary results, and reviewed the investigators' findings and commentary.

The publications in the series focus on state- and regional-level information. County-level information from the study that corresponds to the publication series is available at the Land Use Planning in Pennsylvania Web site at <http://cax.aers.psu.edu/planning/>

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