



The Land Development Process

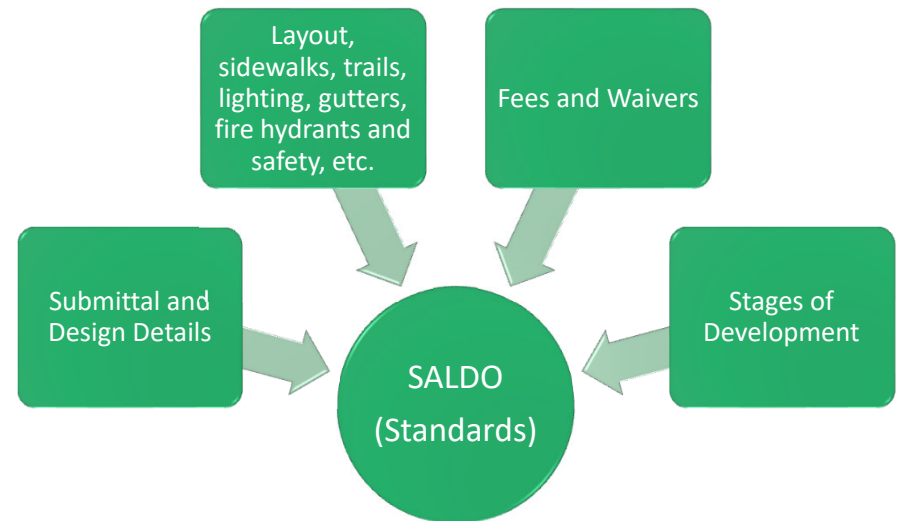
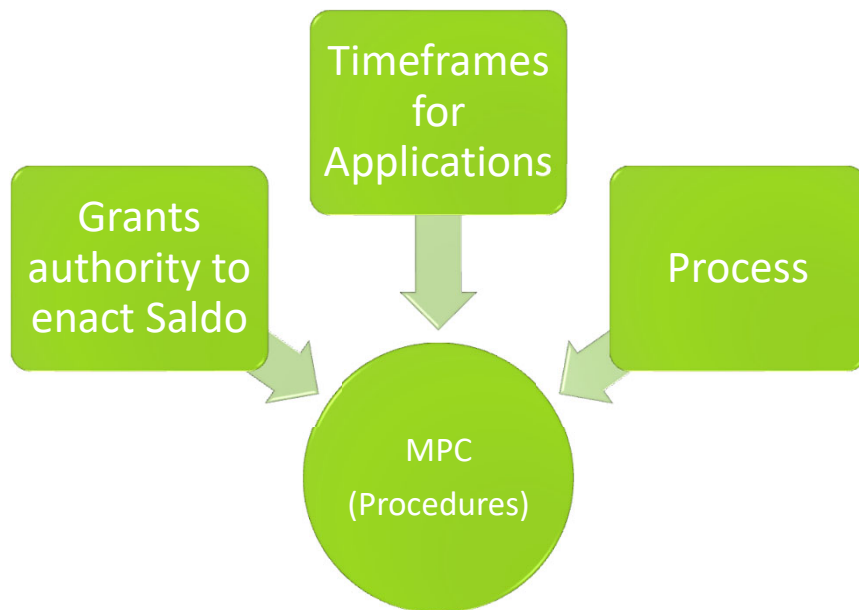
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PA DCED

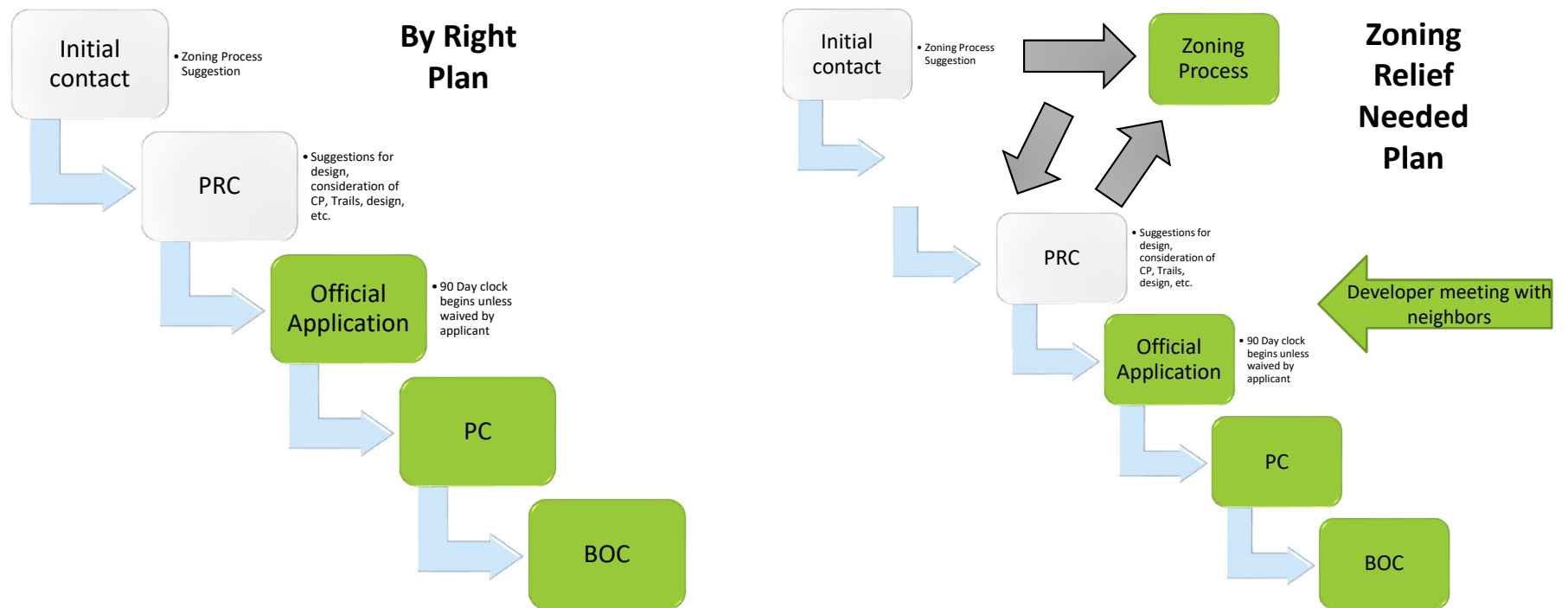
Regulatory Environment

- The following laws dictate the process:
 - The MPC: PA Municipal Planning Code
 - The Upper Gwynedd Township SALDO
 - The Zoning Ordinance
 - The US Constitution

Each piece plays a part...



The process in UGT- a Developer contacts staff with proposed action...



Why doesn't staff just tell people not develop?

NOT A BY RIGHT PLAN

- The goal of staff is to respond to all stakeholders and further plans through a public process. If we said NO to all proposals and didn't let them progress through the process, staff alone would be making decisions about the community. Some cases have compelling reasons for proceeding, such as agreement with the Comp Plan, clearing blight, cleaning environmental issues, providing important community services, etc.

BY RIGHT PLAN

The US Constitution along with several layers of State and Municipal code afford private properties the right to develop their property in accordance with existing Zoning Regulations. If the Board votes no on a by right plan, the applicant then will likely sue the Township in a lengthy legal battle that we can't win.

DCED recommends:

- “At the sketch plan phase, the municipality may be able to provide some input into the project design, and the developer may learn of factors that may affect the design or layout that could avoid costly mistakes in the preparation of a preliminary plan. Sketch plans or pre-application meetings provide an opportunity to improve the quality of development that is advantageous to the community and the developer. All parties to the land development application are encouraged to get together as early as possible in the process.”
- “By instituting this procedure (PRC), the initial phase of the review process can be less contentious and more apt to foster consensus building than the more formal preliminary plan review process. The pre-application conference process can increase cooperation among the developer, his agents, and the municipality. The result can be an application submitted as a preliminary plan that is acceptable to the developer and municipality as the formal review period begins.”

Stakeholder viewpoints:

Differing Perspectives

Different parties involved in the development review process – the local government, developers, and citizens – bring different perspectives to the process. Development reviewers should be aware of and take into account the differing perspectives.

- **Local government perspectives** – Local officials have the challenge of representing the public interest. Ideally the public interest is embodied in a comprehensive plan. Practically, local officials are beholden to multiple bottom lines: generation of tax revenue vs. cost to serve development; different neighborhood interests; limited administrative capacity; etc.
- **Developer perspectives** – Developers want to make a profit and are very sensitive to the money cost of time. Most are not averse to typical regulations, but desire the regulations and development review process to be clear and predictable. More developers than perceived are interested in doing a quality project that contributes to the community.
- **Citizen perspectives** – Citizens also want to see the public interest served, but their interests are narrower and often based on protecting their own homes and neighborhoods vs. the uncertain change new development might bring.

Conclusion

The most important aspects of administering the land development process include:

- Fairness
 - Following the law and regulatory timelines
 - Factor in the stakeholders
 - Factor in Planning Documents and Community interest
 - Factor in regional planning initiatives
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