



Summary of the Typical Residential Land Development Process in Pennsylvania

PHRC Land Development Brief
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INTRODUCTION

The process of developing a piece of land into a residential community is complicated, and involves technical design aspects, as well as interactions with many different agencies for permits and approvals. This brief provides an overview of the land development process in Pennsylvania, with an emphasis on typical permitting and approval requirements. The approval process frequently results in lengthy project durations, and for that reason, this brief outlines the many steps in the process and compares Pennsylvania's process with that of several other states.

BASIC COMPONENTS OF THE LAND DEVELOPMENT PROCESS IN PA

The land development process starts with a piece of property and an idea. The flow chart on the next page shows an approximately linear process, but there are many steps that can involve review and revision. Getting the necessary permits and approvals to develop a piece of land can take 10 to more than 30 months in Pennsylvania. The basic steps in the flow chart are further explained here.

Site Assessment

First, an assessment of the property of interest needs to be conducted to determine the opportunities and constraints. The developer needs to determine if the property can be served by public water and sewer or if private wells and on-lot septic treatment will be needed. Physical characteristics of the site including soils, floodplains, wetlands, steep slopes, subsurface conditions, streams, habitat, and vegetation need to be investigated. The assessment needs to extend beyond the property boundary to locate transportation accessibility and examine local data such as demographics, employment opportunities, and school system.

Zoning, Subdivision and Land Development, and Other Ordinances

The developer needs to determine if a zoning ordinance is in place at the municipal or county level, and if so, what type of development may occur within the designated zoning district. The zoning ordinance and

map define what types of development can occur in which locations within a municipality or county. The zoning for a particular district commonly regulates the types of use that can exist within that district, minimum and/or maximum lot sizes, and setbacks and property coverage. The land developer may proceed in accordance with the approved zoning, "use by-right" (use permitted by the zoning district and doesn't require review or approval), or seek special approval. Special approval options include a zoning variance, conditional use approval, and special exceptions. The developer also has the option to request that the property be rezoned, but this is a more complicated legislative process. Refer to Article VI of the Pennsylvania Municipalities Planning Code (see Act 247, as amended) for more information about zoning.

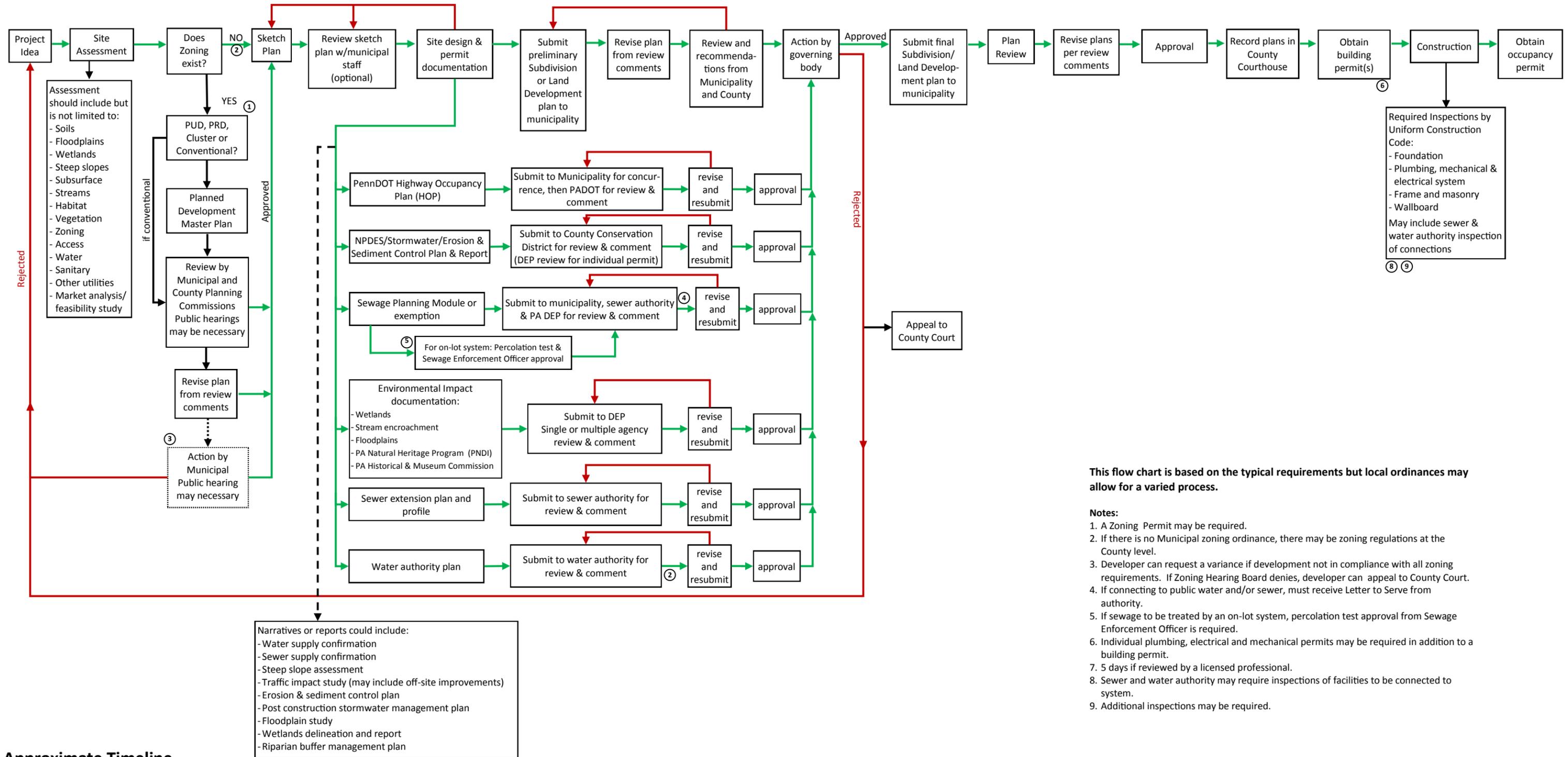
A municipality might also have a subdivision and land development ordinance (SALDO), which outlines various rules for development, such as street width, location of sidewalks, and the required process for submitting development plans for municipal review. Refer to Article V of the Pennsylvania Municipalities Planning Code (Act 247, as amended) for more information about SALDOs.

A municipality can enact additional ordinances that can affect the design of a new development. These might include stormwater (Act 167), street lighting, landscaping, and overlays (a district over the original district that allows for different design standards, e.g. traditional town development). Developers must complete a thorough investigation of the codified ordinances to ensure they follow all relevant regulations.

Sketch/Concept Plan

Following the site assessment of the property and surrounding community, a developer must account for zoning regulations in order to determine the allowable type and number of units. Using this information, the developer will start to develop sketch or concept plans and decide if the project is economically feasible. The sketch plan can be reviewed informally with local municipal staff to ensure their concerns are addressed early on in the design process.

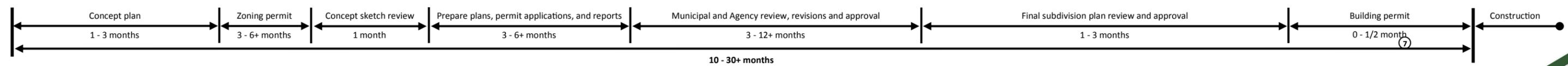
Typical Land Development Process in Pennsylvania



This flow chart is based on the typical requirements but local ordinances may allow for a varied process.

- Notes:**
1. A Zoning Permit may be required.
 2. If there is no Municipal zoning ordinance, there may be zoning regulations at the County level.
 3. Developer can request a variance if development not in compliance with all zoning requirements. If Zoning Hearing Board denies, developer can appeal to County Court.
 4. If connecting to public water and/or sewer, must receive Letter to Serve from authority.
 5. If sewage to be treated by an on-lot system, percolation test approval from Sewage Enforcement Officer is required.
 6. Individual plumbing, electrical and mechanical permits may be required in addition to a building permit.
 7. 5 days if reviewed by a licensed professional.
 8. Sewer and water authority may require inspections of facilities to be connected to system.
 9. Additional inspections may be required.

Approximate Timeline



Municipal Review

The municipal review process starts with the submission of the preliminary plans. Many municipalities have a planning commission that reviews preliminary plans before forwarding them to the governing body. The county planning commission also receives the preliminary plans for review and comment. When the design is complete and other agency approvals or permits have been acquired, final plans are submitted to the municipality for review and approval. The Municipalities Planning Code defines the process for submitting preliminary and final plans, and outlines the timeline for municipal action.

Other Approvals and Permits

As the site design progresses from Preliminary to Final, a developer must obtain many permits and approvals, and submit a variety of supporting documents. These may include: (1) federal NPDES permit to address erosion and sediment control during construction and stormwater management post-construction; (2) PennDOT Highway Occupancy Permit, if the development is accessed from a state road; (3) traffic impact study; (4) sewage approval (Act 537); (5) a Letter to Serve from sewer and/or water authority, if the development will be served by public sewer and/or water; (6) acceptable percolation test results if the development is to be served by on-lot septic systems; and (7) Water Obstruction and Encroachment Permit (Ch 105 Permit) from PA DEP and Section 404 Permit from U.S. Army Corps of Engineers, or a joint permit (Pennsylvania State Programmatic General Permit, PASPGP) if there will be any fill or earth disturbance in, or crossing over, a wetland, watercourse or floodway.

Final Steps

After all the required permits and approvals have been received, and the municipality has approved the Final Plans, site work and infrastructure improvements can begin. During this process the sewer and water authority may require inspections of infrastructure that is connected to public systems. Finally, before the construction of homes can begin, one or more building permits must be obtained from the municipality or an approved third-party agency. Prior to obtaining a certificate of occupancy, the PA Uniform Construction Code requires a minimum of four inspections.

These include: (1) foundation, (2) plumbing, mechanical and electrical, (3) frame and masonry, and (4) wallboard inspections.

THE PROCESS IN OTHER STATES

The PHRC compared the permit and approval process in Pennsylvania with several other states.

In Virginia, the process is somewhat shorter than it is in Pennsylvania with the typical permit and approval process taking 10–13 months (<http://www.leesburgva.gov/Legacy/DevelopmetProcess/Overview/mock/flow1.htm>). Land development in Virginia is regulated at the county or city level rather than at the township or borough level like in Pennsylvania, which has over 2,500 municipalities. Each municipality may have its own regulations, which can complicate and confuse the process. Virginia also has a state law specifying a maximum of 60 days to complete the review of stormwater management plans, and 45 days for resubmitted plans. (Code of Virginia, § 10.1-603.8).

In New York it is possible to get a stormwater permit within 5 days if the Stormwater Pollution Prevention Plan (SWPPP) conforms to the New York State Stormwater Design Manual, and the site is not located within the boundary of a regulated municipal separate stormwater sewer system (MS4). In Pennsylvania, obtaining the equivalent permit may take 3 to 6 months or longer.

SUMMARY

Residential land development in Pennsylvania is a complex process that involves coordination with many entities. While permitting and approvals are necessary to protect human safety, the environment and local character, the process in Pennsylvania frequently has the side effect of leading to delayed construction and lengthy project durations. To minimize impacts on economic development, federal, state and local agencies should look for opportunities to streamline their approval processes wherever possible.

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