

PERRY COUNTY PLANNING COMMISSION

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LAND DEVELOPMENT FACTS AND FREQUENTLY ASKED QUESTIONS

Land Development Definition

“(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(i) 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; or

(ii) 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 § 503(1.1).”

Authorized exclusions

“§ 503 (1.1) Provisions for the exclusion of certain land development from the definition of land development contained in section 107 only when such land development involves:

(i) the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;

(ii) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or

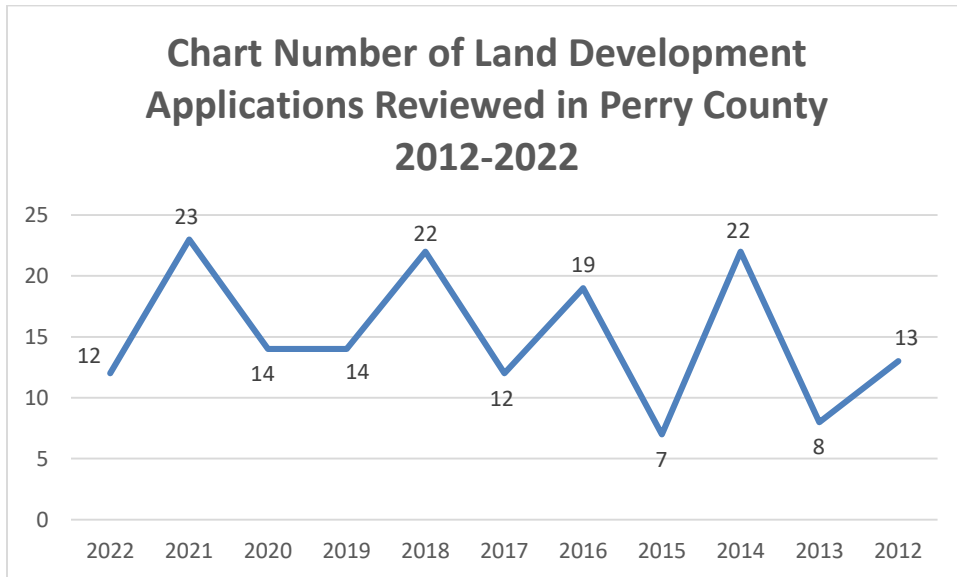
(iii) the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.”¹

Important Items to Consider

- If a land development plan spans municipal lines all municipalities must be involved in the review process.
- Environmental limiting factors such as floodplain, wetlands, natural areas, and steep slope.
- Applications for land development are required to be submitted to the municipality with the regulating ordinance.
- Erosion and sedimentation controls.
- Stormwater management (Pre and post development).
- Vehicular access.
- Financial security as applicable.
- Availability of municipal facilities and services.
- All applicable federal and state agency permits.

¹ Pennsylvania Municipalities Planning Code, § 107a. (Act 247, as reenacted and amended)

Perry County Land Development Trends:



Questions and Answers

Q. Where can I find your application for land development?

A. A digital copy can be accessed from our website at the following location.

<https://www.tcrpc-pa.org/pcpc-plan-application-and-fees>

Q. Where can I view the county's fee schedule for land development? Would this apply to all areas of the county?

A. The County's fee schedule can be accessed at the following location. <https://www.tcrpc-pa.org/pcpc-plan-application-and-fees> Applicants should also check with their borough or township regarding the application fee.

Q. What gets reviewed with a land development plan?

A. Procedure, lot compliance, design, improvements, facilities (on-lot or municipal), access, stormwater, environmental considerations.

Q. What is the difference between a minor and a major land development?

A. If used in an ordinance, typically the difference is based on proposed impervious area, such a distinction would determine whether a preliminary plan would be necessary.

Q. Who is responsible for the land development if there are multiple owners connected to the property?

A. All legal title holders of the property being subdivided should sign the application and certify ownership of the lands.

Q. Do I have to attend the planning commission meeting or, can I send a representative?

A. You may send a representative to answer questions and act on your behalf.

Q. Do I or my representative need professional qualifications?

A. No.

Q. When my land development application is delivered and formally accepted, how long will the review take?

A. Up to a maximum 90-day timeframe.

Q. If a time extension were necessary for a review, who would grant the extensions to the review period?

A. The applicant.

Q. What are some of the environmental limiting factors considered during this process?

A. Floodplain, Wetlands, Steep Slope, and Natural Areas. You may find much of this information on the Perry County GIS website. <http://gis.perryco.org/perrywebmapping/>

Q. When might I be required to post financial security, and what is acceptable.

A. Financial security may be required for certain site improvements. Escrow accounts, performance and maintenance bonds and irrevocable letters of credit are all acceptable forms of financial security.

Q. When would it be best to begin a state or federal permit process tied to my land development project?

A. Applicants are encouraged to initiate any associated permitting process early so review processes can either overlap, or the applicable permits will be secured prior to approval by the approving body.

Q. If I hire an engineer, why might I also be required to pay engineering expenses to the governing body?

A. Municipalities are authorized by the PAMPC to offset their local engineering expenses for review by charging an allowable engineering fee.

Q. When can I start construction? If I initiate construction of a land development without the necessary approval, what could result?

A. Only after a land development plan is approved can construction begin. The governing body of the municipality is within its right to issue a cease and desist order to halt construction until an application is made and approved.

Q. What if I continue construction after I have been issued a cease and desist order?

A. Each day the violation continues could result in an additional fines being levied by the governing body.

Q. What if my development project is considered a *development of regional impact (DRI) or significance*?

A. If current thresholds are exceeded, notification will be sent to all entities identified. Information on DRIs can be found in [Appendix C1](#) of the Perry County Comprehensive Plan. <https://www.tcrpc-pa.org/perry-county-2015-comp-plan>

Q. How can the public offer its comments on a land development plan?

A. The public is allowed to submit written comment on a plan at any time to our office or, at a monthly planning commission meeting as a visitor to be heard.

Q. Once approved is the land development plan required to be recorded?

A. Yes, the plan is required to be recorded no later than 90-days following the approval.

Q. The municipal zoning officer told me I need to request a variance, can this prevent me from receiving land development approval.

A. Yes, a variance to a municipal zoning ordinance is not a certainty. Like building permits, land development plan approvals are also tied to the final allowances of a municipal zoning ordinance where one exists.

Q. If I have a land development concept who should I contact to initiate this process?

A. Anyone wanting to initiate the land development process should speak with a planning commission representative for initial guidance.

Q. Would it be best if I were to provide a sketch plan of my project?

A. Yes, although it is not a requirement of the land development review process.

Q. I enjoy drafting, can lay my land development out on a sheet of paper and submit it?

A. No, you must use a PA licensed engineer to prepare the land development plan and certify the engineering details.

Q. Who approves a land development plan?

A. The governing body of a municipality, unless the authority has been delegated elsewhere.

Q. If I do not agree with the final decision on my land development plan do I have any recourse?

A. Yes, you may appeal a decision to the Court of Common Pleas. Some ordinances may also give the applicant an opportunity to return to the plan approving board to request reconsideration with relevant information and a time extension. Any associated time constraints should be taken into account.

Q. If a structure fitting the land development definition is destroyed by fire, flood or other disaster, will I have to go through the land development process again to replace it?

A. Although infrequent, such a request is typically handled on a case-by-case basis. Consideration for each situation should be based on its own merits as a matter of policy.