

CHAPTER 9: THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

The subdivision and land development ordinance (SALDO) is the most commonly used development control mechanism in Pennsylvania. It provides basis standards for subdivisions, which is the creation of new property lines and land development which is the construction of public or private improvements. Development of land today affects the future tomorrow. Ensuring that land development is orderly and provides necessary improvements is essential to implementing the goals of any community.

The primary purposes of subdivision and land development regulations are:

- to provide adequate sites for development and public use;
- to maintain reasonable and acceptable design standards; and
- to coordinate public improvements with private development interests.

SALDO do not provide the same level of control on development as zoning ordinances. SALDO offer a degree of protection against poor planning by assuring the placement of public improvements, such as roads, sidewalks, public utilities, and storm water controls at the time of development. SALDO do not control where uses may be located or the density at which they may be established. A SALDO strictly deals with how activities relate to the land they take place upon.

What Constitutes a Subdivision and Land Development?

The MPC provides definitions for both “subdivision” and “land development”. These terms are normally included within municipal subdivision and land development ordinances as well. The MPC defines a “subdivision” as:

[T]he division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling shall be exempted.

As defined, most subdivision applications involve the creation of new lots or parcels from existing tracts of land. The size of lots is determined by the underlying zoning district, but the SALDO may have restrictions on layout and orientation. A subdivision also occurs if lot lines for existing properties are changed. For example, if two property owners agree to adjust a common lot line, that would be considered a subdivision by the MPC.

Land development is defined by the MPC as any of the following:

(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 Section 503 (1.1).

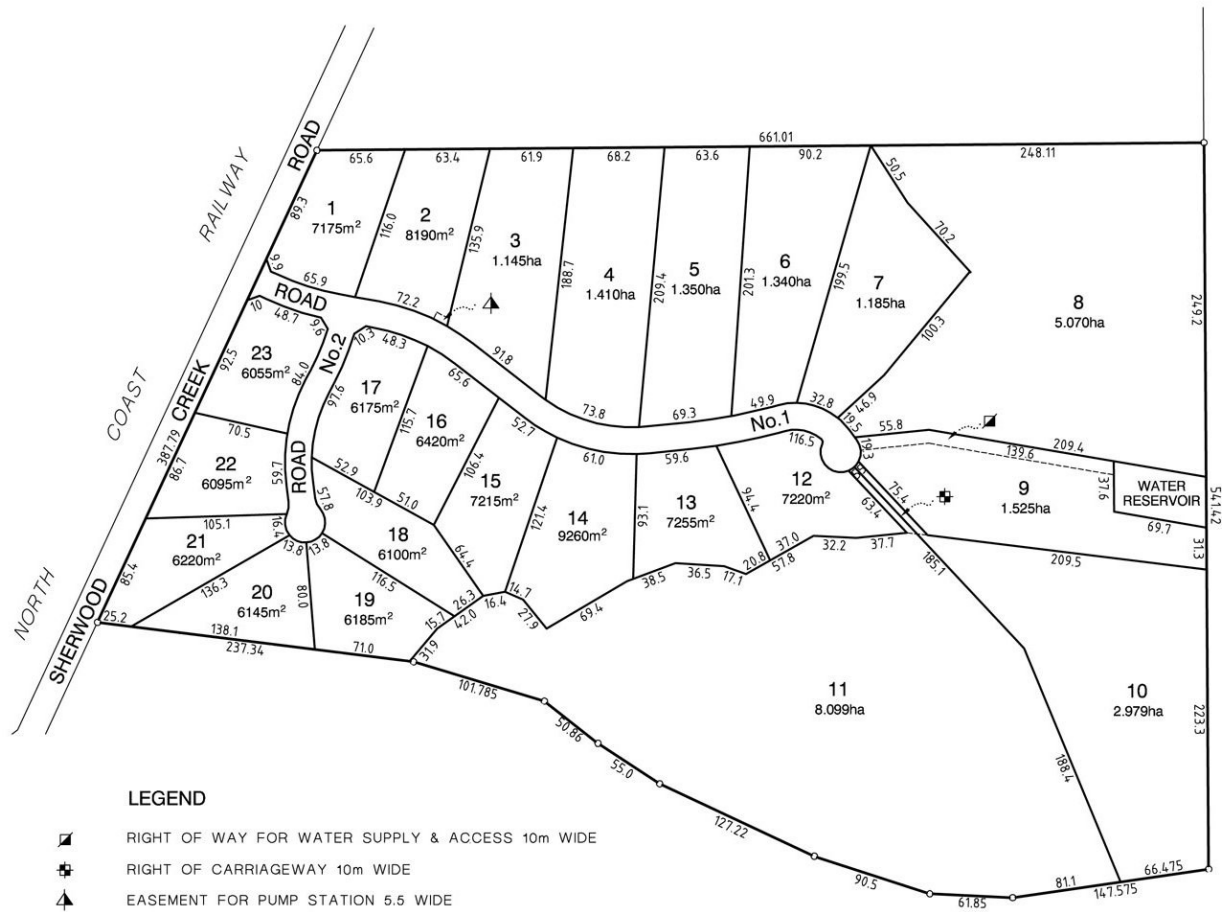
As evidenced by the MPC definition, a land development can occur through a variety of activities. For any of the construction activities above, a land development plan would be required. The only exception is that subdivisions do not require a separate land development plan but are handled through the submission of a subdivision plan.

Contents of Subdivision and Land Development Ordinances

The MPC provides a list of contents that should be included within a subdivision and land development ordinance. At a minimum, a municipal SALDO should include:

- Plan submission and processing requirements, including payment schedule for charging of review fees
- Certification as to the accuracy of plans
- Layout standards
- Uniform provisions for minimum setback lines and lot sizes based on availability of water and sewage facilities where there is no zoning
- Design specifications
- Standards for streets
- Standards for other public improvements located on site
- Provisions for phased developments
- Provisions to encourage flexible and innovative layout and design
- Administrative procedures for granting waivers of modifications where literal compliance with mandatory standards is not possible or reasonable, or alternatives are available
- Provisions to encourage the use of renewable energy systems and energy conservation building design
- Provisions for public dedication of land for recreation purposes
- Provisions for exclusion of certain development from the definition of land development

While the previous list contains a list of suggested contents of a SALDO, municipalities can include fewer or additional requirements as deemed necessary to meet the needs of the community.



A subdivision and land development ordinance should provide criteria for all plans submitted as well as standards for improvements, such as roadways, utilities, and parkland.

Adminstrating the Subdivision and Land Development Ordinance

Planning Commissions play an important role in administration of the subdivision and land development ordinance. The two primary components related to the administration of the SALDO are procedures and standards. The MPC defines the procedures and time limitations for reviewing subdivision and land development applications. These timeframes must be adhered to and should be closely monitored by municipal staff. Failure to review plans within the timeframe prescribed by the MPC can result in automatic approval of a subdivision or land development plan.

The standards outlined in the SALDO are specifically designed to ensure that subdivision and land development is taking place in an efficient and orderly manner. Each of the Centre Region municipalities either employ or contract for professional planning services, and municipal planners will typically review a subdivision or land development plan for consistency with the SALDO. Copies of review letters should be provided to and reviewed by Planning Commissioners prior to a public meeting to discuss a land development proposal. Planning Commissioners should also have a degree of familiarity with the SALDO and be prepared to discuss any SALDO or planning related issues with staff and applicants.