

Land Use Regulations

DISCLAIMER

This presentation is for informational and educational purposes only and is not intended as legal advice. It has been prepared by Julie McCullough as a course project for Geography 542: Land Use Regulations (Fall Semester 2005) and is provided as a courtesy of the students of that course. For further information contact Dr. George Pomeroy, Asst. Professor, Department of Geography-Earth Science, Shippensburg University of Pennsylvania. 1871 Old Main Drive, Shippensburg PA 17257-2299. Phone 717 477-1776.

What are land use regulations?

Land use regulations are ordinances and laws that guide the way land resources are used. Being one of the most valuable resources, it is important to use land reasonably and economically in order to benefit both the land owner and the surrounding public.

What allows communities to enact land use regulations in Pennsylvania?

The power and responsibility to enact and enforce land use regulations lies exclusively with local governments due to the Tenth Amendment. The Pennsylvania Congress is delegated a portion of police power, which is further delegated to local governments to control planning and land use. The Pennsylvania Municipalities Code is the enabling act that grants municipal officers that authority to protect the public health, safety, morals, and general welfare.

What land use regulations have been enacted in my community?

Zoning and subdivision regulations were enacted in Greene Township in 1973.

How is Greene Township land use planning and regulation activity regulated?

Greene Township has a Board of Supervisors, Planning Commission, Zoning Hearing Board and officers. The Board of Supervisors is the governing body and makes the final decision in all land use regulation. The Planning Commission acts as an advisor to the governing body on all matters of community growth and development. The Zoning Hearing Board is created to ensure fair and equal application of the zoning ordinance. The zoning officer duties include day to day administration such as review and receiving building permits, determining compliance with the zoning ordinance, and presenting facts to the Zoning Hearing Board.

Commissions, Boards, and Individuals Involved

PLANNING COMMISSION

**Meets the second Monday of each month, 7:00 p.m. at 1145 Garver Lane, Scotland, PA*

Glenn Shetter, Chairman

Thomas Diehl, Vice-Chairman

Gerald Peters, Secretary

Dale Eberly, Member

Todd Burns, Member

BOARD OF SUPERVISORS

**located at 1145 Garver Lane, Scotland, PA 17254*

**Office Hrs: Mon.-Fri. 8AM-4PM*

**Phone: 263-9160*

Charles D. Jamison, Jr., Chairman

Glenn O. Shetter, Vice-Chairman

Jeffery W. Furry, Member

ZONING HEARING BOARD

**Meets the third Monday of each month, 5:30 p.m. at 1145 Garver Lane, Scotland, PA*

Lee Kyler, Chairman

Emery Elbel, Vice-Chairman

Ernest Tarner, Member

Kenneth Mummert, Alternate Member

ZONING OFFICE

**located at 1145 Garver Lane, Scotland, PA 17254*

**Office Hrs: Mon.-Fri. 8AM-4PM*

**Phone: 263-4990*

Travis Brookens, Zoning Officer

Daniel Bachman, Asst. Zoning Officer

Zoning

What is zoning?

Zoning is the application of the state's police power to regulate *private* activity by enacting laws in the interest of protecting and promoting public health, safety, moral and general welfare. Zoning affects the use of land, lots sizes, types of structures permitted, building heights, setbacks, and density.

The Greene Township Zoning Ordinance is written in Chapter 105 of the Comprehensive Plan. A copy of the zoning ordinance can be found on the township website, www.twp.greene.franklin.pa.us, or copies are available for purchase at the township office.

Why do we have zoning?

- to guide and regulate the orderly growth and development of the township
- to preserve the agricultural and rural qualities of open lands
- to protect the established character and the social and economic well-being of property
- to provide maximum protection to residential areas
- to conserve the value of buildings and to enhance the value of land throughout the township
- to secure safety from floods, water pollution, and other dangers
- to provide adequate light, air, and convenience of access
- to lessen and prevent traffic congestion on public streets and highways so as to promote safety

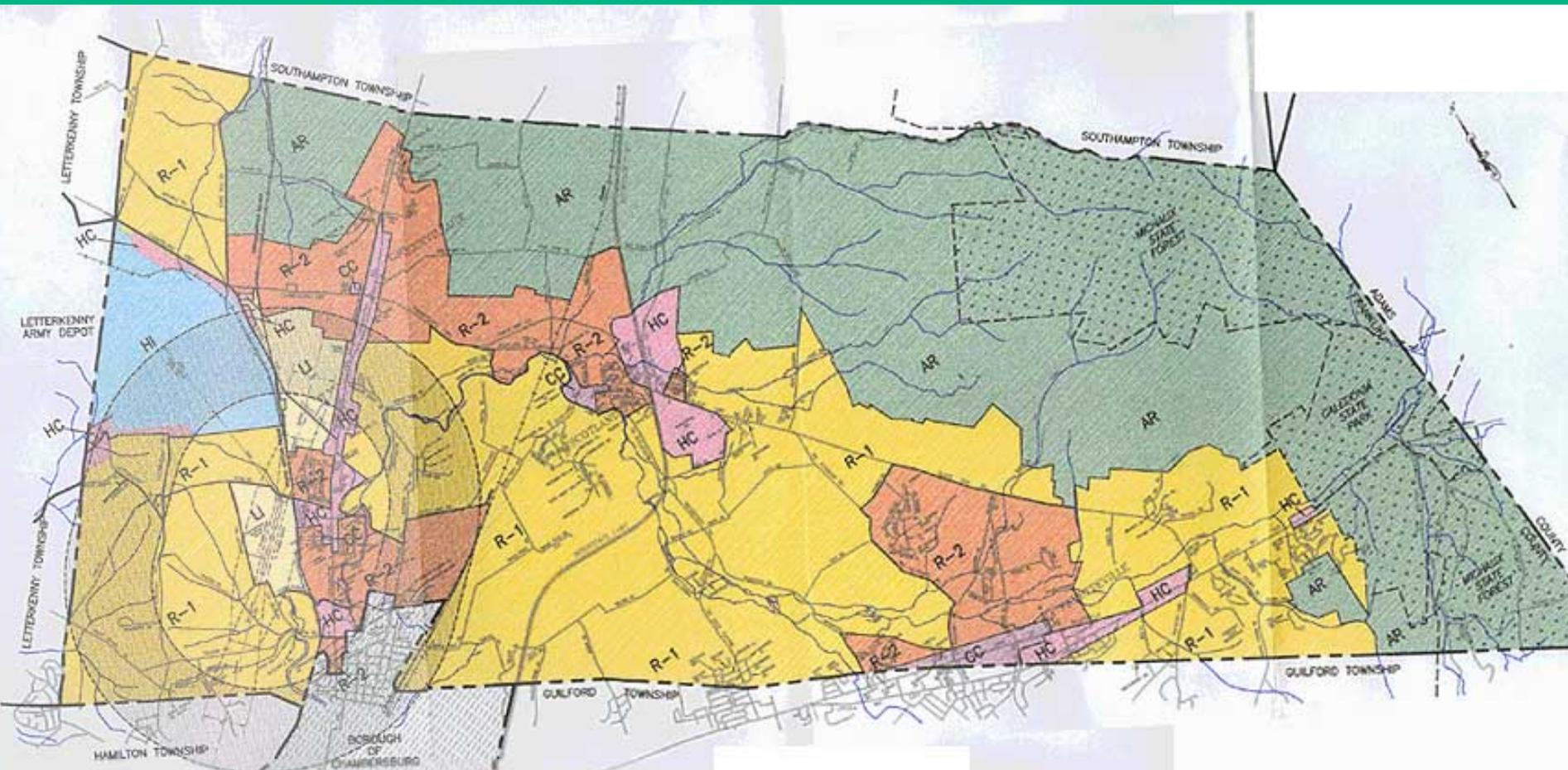
What zones are delineated in Greene Township?

Greene Township is divided into the following districts:

1. Agricultural Residential (AR)
2. Low Density Residential (R-1)
3. Medium Density Residential (R-2)
4. Community Commercial (CC)
5. Highway Commercial (HC)
6. Light Industrial (LI)
7. Heavy Industrial (HI)
8. Flood Hazard (FL)
9. Chambersburg Municipal Airport Zoning District (-)

Types of Uses

1. **Permitted uses:** uses that are allowed in each specific zone by the zoning ordinance
2. **Conditional uses:** a use of land or building within a given district that is permitted *only* with the approval of the board of supervisors and usually impact the entire municipality
3. **Special Exception:** a use of land or building within a given district that is permitted *only* with the approval of the zoning hearing board and usually has a lesser impact on the community, but requires closer examination than a permitted use
4. **Variance:** permission granted by the zoning hearing board for an adjustment to a regulation that would allow for a non-permitted use due to unnecessary physical hardship place on the land owner
5. **Non-conforming uses:** uses that would be unlawful if established after the enactment of a zoning ordinance



ZONING DISTRICTS

	AR	AGRICULTURAL RESIDENTIAL
	CC	COMMUNITY COMMERCIAL
	HC	HIGHWAY COMMERCIAL
	HI	HEAVY INDUSTRIAL
	L	LIGHT INDUSTRIAL
	R-1	LOW-DENSITY RESIDENTIAL
	R-2	MEDIUM-DENSITY RESIDENTIAL
		STATE OWNED PARK AND FOREST LANDS
		AIRPORT OVERLAY

How is zoning administered?

The day-to-day administration of the zoning ordinance is the responsibility of the zoning officer and the zoning hearing board. The zoning officer involved in receiving, reviewing, and issuing building permits, maintaining records of applications and permits, registering nonconforming uses, notifying persons in violation of the ordinance, and presenting applications at hearings before the zoning hearing board.

The zoning hearing board helps assure fair and equal enforcement and administration of the zoning ordinance. The board hears appeals and has the authority to grant relief from the enforcement of an ordinance.

How can you propose a zoning change?

A completed zoning amendment application and fee of \$500 is required to be submitted to the township office to start the process of a zoning change. After the application is received, the Board of Supervisors set a public hearing date to hear the request at a public meeting. The application is sent to the Township Planner, Planning Commission, and the Franklin County Planning Commission for review and comment. At the public hearing, the comments of the reviewing parties and the zoning request are presented and the public has an opportunity to comment. The Board of Supervisors make the decision of accepting or denying the zoning request.

What are my options if my proposed land use is not allowed by the zoning code?

Occasionally, zoning requirements are altered for a specific piece of property due to special circumstances related to its location or proposed use. A *variance* shall be granted if the prospective builder or land owner can show that compliance with the zoning ordinance brings about exceptional hardship. A completed variance application and fee of \$300 is required to be submitted 20 days prior to the third Monday of the month in order to be reviewed by the zoning hearing board. Applications are available at the township office.

What happens if the zoning ordinance is violated?

According to the MPC, the violation of a zoning ordinance will be met with a fine of not more than \$500 plus all court costs if found liable in civil court. Each violation constitutes its own specific fee and is paid to the Greene Township Municipal Authority.

What if I oppose a proposed zoning change?

Property owners and other township residents have the right to provide objections to the Board of Supervisors during the required public hearing. However, the ultimate decision of a zoning change is a decision made only by the Board of Supervisors.

Subdivision and Land Development Regulation

What are subdivision and land development regulations?

Subdivision and land development regulations are the application of the state's police power to regulate and control development in the interest of health, safety, morals, and general welfare of the public. Subdivision is the creation of new property lines while land development on each subdivided property. Subdivision regulations set standards for streets, drainage ways, sewage disposal, water systems, and other aspects of public welfare.

The Greene Township Zoning Ordinance is written in Chapter 85 of the Comprehensive Plan. A copy of the subdivision and land development ordinance can be found on the township website, www.twp.greene.franklin.pa.us, or copies are available for purchase at the township office.

Dedications, exactions, and impact fees

Dedications are areas of land a developer donates for public use. Streets, sidewalks, and parks are often dedications. A minimum of 2 acres for recreation must be dedicated for all subdivisions, or fees in lieu of \$500 per dwelling unit must be paid to the municipality.

Exactions are fees in which a developer pays to the municipality for construction of subdivision improvements, such as street lights.

Impact fees are fees that must be paid by the developer to compensate for the impact the development has on the community. In PA, the only impact fee allowed is a traffic fee. The fees are imposed by the municipality on the new development in order to generate revenue for funding the costs of transportation improvements necessitated by the new development.

What are subdivision improvements?

Subdivision improvements are infrastructural improvements to serve the land being developed. The subdivider or developer must install all necessary improvements at no expense to the township. Improvements in Greene Township include curbs, sidewalks, water mains, storm water management facilities, traffic control signals, fire hydrants, street lights, and other facilities and utilities required by the Board of Supervisors. The size of the subdivision or land development dictates which improvements are required. However, all subdivisions within 500 feet of public water and sewage must connect to the public utilities.

How to subdivide a property

MINOR SUBDIVISION

** 10 lots or less*

1. Subdivider submits 18 preliminary plans to the Township Secretary 14 days prior to the second Monday of the month.
2. The preliminary plans are reviewed by the Planning Commission and any changes to plans are recommended to the subdivider.
3. The Board of Supervisors, with the recommendation of the Planning commission, approves the plan with no further approval from other agencies.
4. Plans are signed by the Board and recorded by the county deeds officer within 90 days.

MAJOR SUBDIVISION

** 11 or more lots*

1. Subdivider submits 18 preliminary plans to the Township Secretary 14 days prior to the second Monday of the month.
2. The preliminary plans are reviewed by the Planning Commission and numerous other agencies, including the township engineer, sewer authority, DOT, electric company, and DEP. Each agency reviews and comments on the preliminary plan.
3. The Planning Commission holds a public hearing in which the preliminary plan can either be denied, modified, or approved. Subdivider must make recommended changes before moving to next step.
4. The subdivider submits 12 copies of the final plan to the same agencies as above for approval. Within 90 days of submission, the Planning Commission holds a final hearing to either approve or deny the final plan. If the plan is denied, the subdivider must make recommended changes and resubmit final plan.
5. The final plan is approved and filed with the county deeds officer within 90 days of approval. Subdivider then obtains building permit and begins building process.

What are the fees for subdividing?

Residential: first unit \$25; each additional unit \$10 each

Commercial: first unit \$100; each additional unit \$50 each

****** Additionally, township planning and engineering fees must be paid by the applicant before the subdivision plans are released.

Issues Related to Land Use Regulations

Municipalities often enact ordinances related to historic preservation, adult uses, open space preservation, and billboards within their zoning and subdivision ordinances. When regulated for these uses, a municipality must be sure not to violate any of the Amendments.

1. ***Historic preservation*** relates to the construction, destruction, and alteration of historic buildings. These regulations are spelled out in the zoning ordinance.
2. ***Adult uses*** can be regulated in the zoning ordinance also. Municipalities often chose to cluster all adult uses together, or spread the business throughout the municipality, with a minimum distance between each.
3. ***Open space preservation*** is incorporated into the subdivision ordinance. Conservation Subdivision Design is a common way to preserve open areas. The subdivider is required to leave at least 50% of the buildable land undivided and open.
4. ***Signs and billboards*** are often regulated in the zoning ordinance. These regulations are often based on aesthetics and the health, safety, and welfare of the general public.

To become more involved in your community's land use regulation, visit the township website www.twp.greene.franklin.pa.us , or contact the Township Offices at 717-263-6427.

To learn more about land use regulation in Pennsylvania, visit the following website:

<http://www.newpa.com/default.aspx?id=132>