

# Land Development Process in Pennsylvania for Traffic Engineers

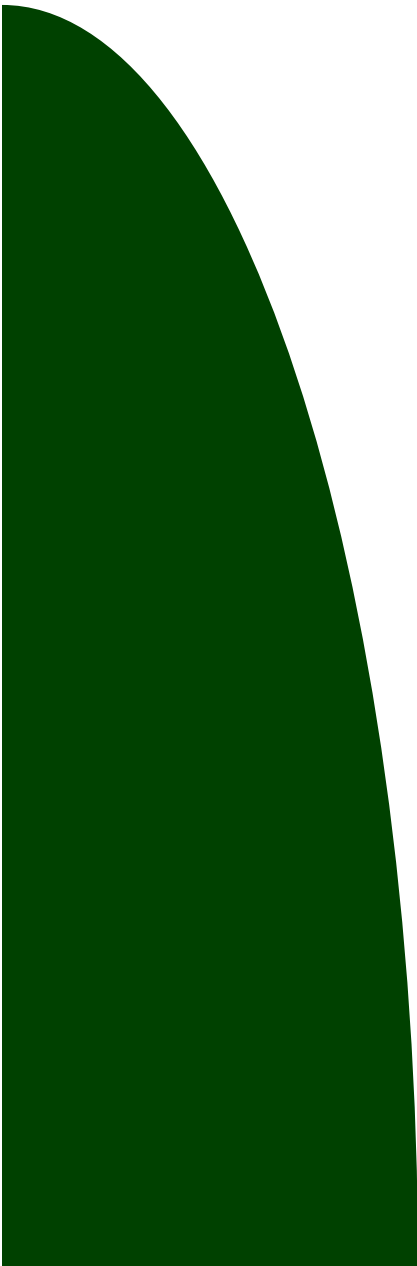
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*Understanding Your Business Is Our Business*

December 10, 2008



**Pennsylvania  
Municipalities  
Planning Code  
("MPC")**

# Pennsylvania Municipalities Planning Code (“MPC”)

- The Pennsylvania statute authorizing municipalities to:
  - Appoint a Planning Commission. MPC Art II
  - Adopt a Comprehensive Plan. MPC Art III
  - Adopt an Official Map. MPC Art IV
  - Adopt a Subdivision and Land Development Ordinance (“SALDO”). MPC Art V
  - Adopt a Zoning Ordinance and Zoning Map. MPC Art VI
  - Appoint a Zoning Hearing Board. MPC Art IX

# Pennsylvania Municipalities Planning Code (“MPC”) (cont’d)

- Also includes the procedures for appealing land use decisions to the Court of Common Pleas. MPC Art X-A
- Applies to all municipalities in Pennsylvania except Philadelphia and Pittsburgh



# **Governing and Administrative Bodies in Land Use**

# Governing Body

- City Council (cities)
- Borough Council (boroughs)
- Board of Commissioners (first class townships)
- Board of Supervisors (second class townships)
  
- Governing body actions:
  - enacts ordinances and amendments
  - conditional use applications
  - requests for curative amendments
  - subdivision and land development applications

# Planning Commission

- 3 to 9 members. MPC §202
- Appointed by the governing body. MPC §203
- Four year rotating terms. MPC §203
- Members must be residents of the municipality. MPC §205
- Although members of the governing body and employees of the municipality may serve on the Planning Commission, generally speaking, there must be a majority of “citizen members.” MPC §205

# Planning Commission (cont'd)

- Generally responsible for:
  - Preparing the Comprehensive Plan
  - Preparing the Zoning Ordinance and making recommendations on amendments
  - Prepare, recommend and administer the SALDO and amendments. MPC §209.1

# Zoning Hearing Board (“ZHB”)

- Appointed by the Governing Body. MPC §903(a)
- Consists of either 3 or 5 residents of the municipality. MPC §903(a)
- 3 year rotating terms if 3 members, and 5 year rotating terms if 5 members. MPC §903(a)
- Members of the ZHB may not be members of the Governing Body or Planning Commission, nor may they be employees of the municipality. MPC §903(a)
- The Governing Body may appoint up to three alternate members of the ZHB. MPC §903(b)

# Zoning Hearing Board (“ZHB”) (cont’d)

- ZHB has jurisdiction to hear, among other things:
  - Appeals from determinations of the zoning officer
  - Applications for special exceptions
  - Applications for variances
  - Substantive challenges to the validity of land use ordinances if not brought to the governing body as a curative amendment. MPC §909.1



# **Comprehensive Plan**

# Comprehensive Plan

- A municipality may adopt a Comprehensive Plan, which is a general planning document, including:
  - Statement of municipal objectives
  - A plan for land use
  - A plan to meet existing and anticipated housing needs
  - A plan for movement of people and goods
  - A plan for community facilities and utilities
  - A statement of interrelationships among the various plan components
  - A discussion of short- and long-range plan implementation strategies
  - Compatibility with existing and proposed development and plans in contiguous portions of neighboring municipalities
  - A plan for the protection of natural and historic resources
  - A plan for the reliable supply of water. MPC §301

# Municipal Comprehensive Plans

- Are to be reviewed every 10 years. MPC §301(c)
- Are adopted by resolution. MPC §302(c)
- May be amended, pursuant to the statutory process, at any time by resolution. MPC §302
- Counties also have comprehensive plans to which the municipal comprehensive plans shall be consistent. MPC §304



# Official Map

# Official Map



- The governing body may adopt an Official Map showing, consistent with the Comprehensive Plan:
  - Existing and proposed public streets, water courses and public grounds
  - Existing and proposed public parks, playgrounds and open space reservations
  - Pedestrian ways and easements

# Official Map (cont'd)

- Railroad and transit right-of-way and easements
- Flood control basins, floodways and flood plains, stormwater management areas and drainage easements
- Support facilities, easements and other properties held by public bodies undertaking the elements described in the Comprehensive Plan.  
MPC §401

# Effect of Official Map

- After the Official Map has been adopted by ordinance, it is recorded in the county's Recorder of Deeds office. MPC §402(c)
- After adoption of the Official Map, all final, recorded plans are considered to be amendments to the Official Map. MPC §403
- Notice by landowner of intent to develop land indicated on the map to be reserved for future taking or acquisition for public use requires municipality to purchase the land or allow for development. MPC §406



# Zoning

# Zoning Ordinances

- Are adopted by the governing bodies and contain generally:
  - Permitted uses of property
  - Dimensional requirements
  - As part of the zoning ordinance, the governing body adopts a zoning map, which divides the municipality into zoning districts

# Zoning Districts



- Typical zoning districts include the following, or combinations or degrees thereof:
  - Industrial
  - Residential
  - Commercial
  - Agricultural, and
  - Forest/Open space

# Permitted Uses

- There are three types of permitted uses:
  - Uses permitted by right
  - Special Exceptions
  - Conditional Uses
- Uses permitted by right are uses specifically allowed by the zoning ordinance and requires nothing more than possibly a permit from the zoning officer before putting the property to such a use



# **Special Exceptions and Conditional Uses**

# Special Exceptions and Conditional Uses

- Special Exceptions
  - Uses permitted by the zoning ordinance following a hearing before the zoning hearing board
- Conditional uses
  - Uses permitted by the zoning ordinance following a hearing before the governing body

# Special Exceptions and Conditional Uses

(cont'd)

- Special exceptions and conditional uses are very similar:
  - To be permitted, the applicant must establish that its proposal complies with all of the specific requirements of the ordinance. Sheetz, Inc. v. Pheonixville Borough Council, 804 A.2d 113 (Pa. Cmwth. 2002)
  - “A special exception is not an exception to a zoning ordinance, but rather a use, which is expressly permitted, absent a showing of detrimental effect on the community. The applicant for the proposed use has both the duty to present evidence and the burden of persuading the board that the proposed use satisfies the objective requirements of the ordinance for the grant of the special exception.” Greaton Properties, Inc. v. Lower Merion Township, 796 A.2d 1038 (Pa. Cmwth. 2002)

# Special Exceptions and Conditional Uses

(cont'd)

- “Once the applicant meets these burdens, a presumption arises that the use is consistent with the health, safety and general welfare of the community.” Id.
- “Objectors [have the] burden with respect to the general matter of detriment to health, safety and general welfare.” Id.
- “The evidence presented by objectors must show a high probability that the use will generate adverse impacts not normally generated by this type of use and that these impacts will pose a substantial threat to the health and safety of the community.” Id.
- Similarly, “[c]onditional use ordinances are evidence that the municipality has determined the particular use is not adverse to the public interest *per se.*” Visionquest National, Ltd. v. Board of Supervisors of Honey Brook Township, 569 A.2d 915 (Pa. 1990)

# Special Exceptions and Conditional Uses

(cont'd)

- “Once an applicant for a conditional use has presented evidence to establish the specified standards in the ordinance, the application must be granted, unless the protestors to such an applicant have presented sufficient evidence that such use would pose a substantial threat to the community.” Id.
- “Such evidence cannot consist of mere ‘bald assertions, personal opinions and perceptions’ of the use and its effect on the neighborhood.” Id.

# Special Exceptions and Conditional Uses

(cont'd)

- For both special exceptions and conditional uses, the zoning hearing board or the governing body may, when granting the special exception or conditional use, “attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of [the MPC] and the zoning ordinance.” MPC §912.1; MPC §913.2(a)
- The conditions may not include “off-site improvements.” MPC §603(c)(2); MPC §503-A(b)
- If the evidence in a special exception case indicates that a proposed use or permission will have an adverse effect sufficient to justify the denial of an exception, the zoning hearing board (or governing body in a conditional use case) is obligated to reduce that impact to an acceptable level, if it can, by imposing conditions rather than denying the application



# **Variations from the Zoning Ordinance**

# Variations from the Zoning Ordinance

- If a property owner/developer wishes to use property in a manner not permitted by the zoning ordinance, a variance may be sought
- Variations are granted only by the zoning hearing board. MPC §909.1(a)(5)

# Standards for the Grant of a Variance

- The zoning hearing board may grant a variance only when all of the following elements have been found, where relevant:
  - That there are *unique physical circumstances* or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions *peculiar to the particular property* and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located

# Standards for the Grant of a Variance (cont'd)

- That because of such physical circumstances or conditions, there is *no possibility* that the *property* can be *developed in strict conformity* with the provisions of the zoning ordinance and that the authorization of a *variance* is therefore *necessary* to enable the *reasonable use* of the property
- That such unnecessary *hardship* has *not* been *created* by the *appellant*

# Standards for the Grant of a Variance (cont'd)

- That the variance, if authorized, will *not alter* the essential *character of the neighborhood* or district in which the property is located, *nor substantially or permanently impair* the appropriate *use or development* of *adjacent property*, nor be detrimental to the public welfare
- That the variance, if authorized, will represent the *minimum variance* that will *afford relief* and will represent the *least modification* possible of the regulation in issue. MPC §910.2(a)

# Standards for the Grant of a Variance (cont'd)

- In granting a variance, the zoning hearing board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and the zoning ordinance. MPC §910.2(b)
- The applicant for a variance has the burden of proving the elements
- “The reasons for granting a variance must be substantial, serious and compelling.” Valley View Civic Association v. Zoning Board of Adjustment, 462 A.2d 637 (Pa. 1983)

# Standards for the Grant of a Variance (cont'd)

- The hardship must be shown to be unique or peculiar to the property at issue, not a hardship arising from the impact of zoning regulations on an entire district
- Mere evidence that the permitted uses are less financially rewarding than the proposed use is insufficient to justify a variance
- The ultimate question in determining whether a unique hardship exists to support a variance is whether the zoning ordinance renders the property “virtually unusable and of scant value.”

# Dimensional Variances

- In 1998, the Pennsylvania Supreme Court issued the decision of Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh, 721 A.2d 43 (Pa. 1998) wherein the Court recognized that a request for a dimensional variance, as opposed to a use variance, a relaxed standard to prove hardship should be employed:
  - The Hertzberg Court held that in determining whether unnecessary hardship has been established, courts should examine whether the variance sought is use or dimensional. To justify the grant of a dimensional variance, courts may consider multiple factors, including:
    - economic detriment to the applicant if the variance is denied,
    - the financial hardship created by any work necessary to bring the building into strict compliance with the zoning requirements, and
    - characteristics of the surrounding neighborhood

# Dimensional Variances (cont'd)

- A dimensional variance includes relief from requirements that are dimensional in nature, such as set backs, lot width, building area, impervious surface limitations, minimum lot areas, and the like
- Parking regulations have been considered by the Commonwealth Court of Pennsylvania to be dimensional in nature. Mitchell v. Zoning Hearing Board of the Borough of Mount Penn, 838 A.2d 819, 828 (Pa. Cmwlth. 2003)
- Since the Hertzberg decision, the Commonwealth Court of Pennsylvania has pushed back from granting dimensional variances for any claimed economic hardship

# Dimensional Variances (cont'd)

- While Hertzberg eased the requirement for granting a variance from dimensional requirements, it did not make dimensional requirements “free-fire zones” for which variances could be granted when the party seeking the variance merely articulated that it would be financially “hurt” if it could not do what it wanted to do with the property, even if the property was already being occupied by another use. SCRUB v. Zoning Board of Adjustment of the City of Philadelphia, 771 A.2d 874 (Pa. Cmwlth. 2001)

# De Minimis Variance

- A dimensional variance where the applicant is requesting a very small amount of relief from the zoning ordinance's dimensional regulations
  - To obtain a de minimis variance, the applicant must show that the relief being sought is very minor. If so, the variance may be granted only if it is shown that rigid compliance with the zoning ordinance is not necessary for the protection of the public policy concerns inherent in the ordinance. Township of Middletown v. Zoning Hearing Board of Middletown Township, 682 A .2d 900 (Pa. Cmwlth. 1996)



# **Nonconforming Structures and Uses**

# Nonconforming Structures and Uses

- A nonconforming use or structure is a use of property or a structure on a property which came into existence prior to a zoning restriction and the use or structure violates that zoning restriction
- Two common examples of nonconformities are:
  - A use or structure established prior to the enactment of any zoning ordinance in the municipality
  - A use or structure established lawfully under a zoning ordinance, which was later amended making the use or structure noncompliant with the current zoning ordinance

# Nonconforming Structures and Uses (cont'd)

- It has generally been held that a property owner may continue a nonconforming use of his property and maintenance of a nonconforming structure on his property notwithstanding the apparent violation of the zoning ordinance
- In addition, courts have held that nonconforming uses may naturally expand
- Often, zoning ordinances require nonconforming uses and structures to be registered with the Township in order to receive the benefits of such a status

# Nonconforming Structures and Uses (cont'd)

- Zoning ordinances often define
  - The permitted expansion of a nonconforming use
  - When a nonconforming use of a property has been abandoned
- Where an ordinance is enacted or amended to treat a nonconforming use as permitted by special exception or as a conditional use, the use is thereafter treated as a permitted use rather than a nonconforming use. Smith v. Zoning Hearing Board of Conewago Township, 713 A.2d 1210 (Pa. Cmwlth. 1998)



# **Legal Challenges to Zoning Ordinances**

# Legal Challenges to Zoning Ordinances

- Zoning ordinances (or portions thereof) and zoning maps may be challenged substantively or procedurally
- It benefits both developers and municipalities to be sure that the municipality's ordinances are legal, thus providing certainty in the law

# Procedural Challenge

- A legal challenge to the way in which an ordinance is enacted
- To properly enact a zoning ordinance or an amendment to a zoning ordinance, the municipality must go through a specific set of advertisements and hearings as set forth in the MPC

# Amendment to a Zoning Ordinance

- For an amendment to a zoning ordinance, the following must occur:
  - A public hearing must be held prior to adoption. MPC §609(b)(1)
  - At least 30 days prior to the public hearing where the ordinance proposes a zoning map change (other than a comprehensive rezoning throughout the municipality) all affected property owners must be mailed a notice of the hearing. MPC §609(b)(2)
  - At least 30 days prior to the public hearing, the municipality's planning commission and the county's planning agency must receive a copy of the proposed ordinance. MPC §609(c); MPC §609(e)

# Amendment to a Zoning Ordinance (cont'd)

- For an amendment to a zoning ordinance, the following must occur:
  - At least 30 days prior to the public hearing, the municipality's planning commission and the county's planning agency must receive a copy of the proposed ordinance. MPC §609(c); MPC §609(e)
  - Notice to the municipal planning commission and the county planning agency is increased to 45 days if either is acting under a comprehensive plan. MPC §303; MPC §304

# Amendment to a Zoning Ordinance (cont'd)

- The public hearing must be advertised two times in a newspaper of general circulation within the municipality with the first not being more than 30 days prior to the hearing and the last not being less than 7 days prior to the hearing. MPC §10 7(a)
  - Only after the public hearing, and proper advertisement of ordinance adoption (a separate requirement from advertising the hearing) may the governing body adopt the ordinance. MPC §910
  - After adoption, a copy of the ordinance must be mailed to the county's planning agency. MPC §609(g)

# Procedural Challenges

- Should a municipality fail to perform all of the necessary procedural steps prior to adopting an ordinance, the ordinance may be deemed to be void *ab initio*, meaning that it was never adopted. See Glen-Gery Corp v. Zoning Hearing Board of Dover Township, 907 A.2d 1033 (Pa. 2006)
- In Glen Gery the Supreme Court of Pennsylvania ruled that a procedural challenge to a zoning ordinance or an amendment to a zoning ordinance may be brought at any time notwithstanding the statute barring such challenges from being brought more than 30 days after the intended effective date of the ordinance

# Procedural Challenges (cont'd)

- Since Glen Gery, the General Assembly adopted amendments to the MPC and the Judicial Code (Act 39 of 2008 and Act 40 of 2008)
- Act 39 of 2008 provides that the municipality or landowner may place an optional notice of an ordinance enactment in a newspaper of general circulation following the enactment of the ordinance
- The advertisement must contain specific information and be advertised two times
- Thereafter, a procedural challenge to the ordinance must be brought before the court of common pleas (not the zoning hearing board) within 30 days of the date of the second advertisement or suffer dismissal with prejudice

# Procedural Challenges (cont'd)

- A recipient for a special exception or conditional use or a municipality may also employ the optional publication to protect against late challenges to such a decision
- In Luke v. Cataldi, 932 A.2d 45 (Pa. 2007), a conditional use decision was challenged more than one year after it was granted based on procedural grounds, and the Pennsylvania Supreme Court ruled that the decision was *void ab initio*
- Act 40 of 2008 amends the Judicial Code by:
  - Placing the burden of proof on the challenger
  - When an appeal is brought more than 30 days after the intended effective date, the challenger must prove that the municipality failed to strictly comply with statutory procedure and the failure to comply resulted in insufficient notice to the public, prevented the public from commenting on the changes, or prevented one from having knowledge of the existence of the ordinance

# Substantive Challenges

- May be brought before the zoning hearing board requesting a validity variance or the governing body through the curative amendment procedure

# Curative Amendment Procedure

- A landowner who wishes to follow the curative amendment procedure presents to the municipal governing body a written challenge to the validity of the ordinance reasonably informing it of the matters at issue and the grounds for the challenge. The challenge must be accompanied by a proposed ordinance curing the alleged defect and plans or other materials describing the proposed use of the landowner's property. MPC §609.1

# Curative Amendment Procedure (cont'd)

- The governing body is then to hold a hearing within 60 days of receiving the challenge, but if no hearing is held, the challenge is deemed denied. MPC §908(a)
- If a hearing is held, the governing body may:
  - Deny the challenge;
  - Grant the challenge and adopt the proposed ordinance; or
  - Agree that the challenged ordinance is invalid, but adopt its own ordinance, different from the proposed ordinance, to cure the invalidity. MPC §609.1(c)

# Grounds for Substantive Challenges

- Exclusionary zoning:
  - A zoning ordinance may not on its face (*de jure*) or in fact (*de facto*) exclude legitimate uses of land
- Fair share doctrine:
  - A zoning ordinance must permit a fair share of housing types. See Surrick v. Zoning Hearing Board of Upper Providence Township, 382 A.2d 105 (Pa. 1977)
- Where a landowner challenging a zoning ordinance establishes that a commercial use is excluded from the municipality, either *de jure* or *de facto*, the burden shifts to the municipality to show that the ordinance bears a substantial relationship to public health, safety and welfare. Macioce v. Zoning Hearing Board, 850 A.2d 882 (Pa. Cmwlth. 2004)



# Rezoning

# Rezoning

- Although property owners may request a governing body to rezone their properties without claiming a legal defect in the ordinance or map, the decision to rezone property is purely a legislative decision and not subject to challenge
- In order to rezone property, the municipality must go through the statutory procedures for amending the zoning ordinance described above
- However, a municipality may not “spot zone,” enact special legislation, or participate in contract zoning

# Spot Zoning

- Defined as when a zoning ordinance or map impermissibly results in disparate treatment of similar landowners without a reasonable basis for such disparate treatment
- Recently, the Supreme Court of Pennsylvania found that a municipality engaged in impermissible spot zoning by choosing NOT to rezone a parcel of property zoned agricultural which was surrounded by commercially zoned property. In re Realen Valley Forge Greenes Associates, 838 A.2d 718 (Pa. 2003)

# Text Amendments

- A text amendment is an amendment to the text of the zoning ordinance, whereas a rezoning is an amendment to the zoning map
- Useful alternative to a rezoning
- Same statutory procedure as a rezoning only no need to post property or provide written notice to affected property owners



# **Subdivision and Land Development**

# Subdivision and Land Development

- Subdivision and land development is governed by Article V of the MPC and the municipality's SALDO

# Subdivision and Land Development (cont'd)

- A municipality's SALDO may include:
  - Procedure for submission and processing of sketch plans, preliminary and final plans including the reimbursement of the municipality's review fees
  - Provisions for insuring that:
    - lay out and arrangement to subdivision and land development conforms with the comprehensive plan
    - streets are of sufficient width and grade

# Subdivision and Land Development (cont'd)

- A municipality's SALDO may include:
  - Provisions for insuring that:
    - adequate easements or right-of-way for drainage and utilities
    - requirements for reservations of public grounds
    - making safe land prone to flooding, subsidence or underground fires. MPC §503
  - A governing body's adoption of a SALDO is subject to similar procedural requirements as zoning ordinances

# Recreation Fees

- A SALDO may include a requirement for the public dedication of land by a developer or a payment in lieu thereof. Such provision must:
  - Include definite standards
  - The fees collected must be used only for the purpose of park or recreation facilities accessible by the development
  - The municipality must have a duly adopted park plan
  - Fee must bear a reasonable relationship to the use of the facilities by future inhabitants of the development
  - The fees collected must be deposited in an interest bearing account, specifically identifying the recreational use for which the fees were collected

# Subdivision

- The MPC defines subdivision as “the 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 or land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.”  
MPC §107(a)

# Land Development

- The MPC defines land development generally as any of the following activities:
  - The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
    - 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
    - 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
    - A subdivision of land. MPC §107(a)
  - Recently, the Supreme Court of Pennsylvania ruled that the erection of a billboard on a single lot does not constitute land development. Southampton Township v. Upper Southampton Township Zoning Hearing Board, 934 A.2d 1162 (Pa. 2007)

# Subdivision and Land Development Approval Process

- The municipality's SALDO will set forth a procedure for applying for and receiving approval of subdivision and land development plans
- Often, a distinction will be made within the SALDO between "minor subdivisions" and "major subdivision and land development" providing for a less stringent procedure for the former

# SALDO Procedure

- The SALDO procedure usually includes three steps:
  - Sketch plan (sometime optional);
  - Preliminary Plan; and
  - Final Plan

# Timeline for Plan Review

- Timeline for plan review is set forth at § 508 of the MPC:
  - The governing body (or planning agency) must render its approval or denial not later than 90 days following the date of the regular meeting of the governing body or the planning agency (whichever first reviews the application) next following the date the application is filed
  - Any decision approving or denying the plan must be in writing and communicated to the applicant personally or by mailing within 15 days following the decision
  - When an application is denied, the written decision must specify the defects found in the application and describe the requirements that have not been met and shall, in each case, cite to the provision of the statute or ordinance relied upon

# Timelines for Plan Review (cont'd)

- If the governing body fails to make or communicate a decision within the time periods set forth, then the applicant is entitled to a deemed approval
- No changes in the zoning ordinance, SALDO or other governing ordinance may adversely affect an applicant's right to commence and complete an approved development in accordance with the terms of the approved plan within 5 years of approval

# Approval Process

- A governing body must approve a subdivision and land development plan if it meets the objective criteria set forth in the SALDO
- A municipality and developer both have a duty to act in good faith when proceeding in subdivision and land development review. See Kassouf v. Township of Scott, 883 A.2d 463 (Pa. 2005)
- Under the § 512.1 of the MPC, a developer may request modifications from the requirements of the SLDO where “the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.”
- A municipality may not require off-site traffic improvements as a condition for approval. MPC §503-A(b)

# Bonding



- A municipality may, with final plan approval, require the developer to bond (or provide sufficient financial security) to guarantee the public improvements made as part of the development. MPC §509
- Often municipalities enter into development agreements to memorialize the rights and responsibilities of the developer and the municipality following approval of a final plan



# **Tips for Testifying at Land Use Hearings**

# Tips for Testifying at Land Use Hearings

- Tell the truth
- Do not speculate, unless asked to
- Do not argue with board members, opposing counsel, other experts or citizens in attendance
- Keep answers as simple as possible
- If you did prepare a report, keep all answers consistent with the report
- Do not volunteer information outside of what is requested
- Be respectful to all – you never know what relationships exist within the municipality