

Questions and Answers

Q. How can I verify the zoning district for my property?

A. You should get all information firsthand from the zoning officer charged with administering the zoning ordinance. As a last resort, the county planning staff can assist, however the information should be confirmed by the municipality to assure its correctness.

Q. Where can I find a zoning application for a particular municipality?

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

<http://www.tcrpc-pa.org/Perry-County/Documents/Application%20for%20Perry%20County%20Subdivision%20and%20Land%20Development%20Review.pdf>

Q. Where can I view a municipality's fee schedule for a zoning application? Would this apply to all areas of the county?

A. The County's fee schedule can be accessed at the following location. <http://www.tcrpc-pa.org/Perry-County/Documents/14-11-PCPCFeeSchedule.pdf> Applicants should also check with their borough or township regarding the application fee. It may be posted on the municipality's website.

Q. What gets reviewed with a zoning application?

A. Allowable uses in zoning districts, lot area and width, building density and setback distances, impervious and/ or building coverage, required green space, parking, access, buffers, facilities (on-lot or municipal), access, stormwater, environmental considerations (floodplain and steep slope), etc.

Q. If I want a copy of the zoning ordinance covering the area where my property is located, where must I go?

A. Several municipalities have posted copies of their zoning ordinance on the internet. Those that haven't should have copies in their office for public purchase. The county planning office can provide a copy at the cost of reproduction, however the final document should be verified as current by the municipality before it is used.

Q. Who is responsible for the zoning application 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. If I am not a legal landowner of a property on which I want to develop, can I still submit a zoning application?

A. Only with the signed consent of the landowner.

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. When my zoning permit application is delivered to the municipality and formally accepted, how long will the review take?

A. A review period for such a permit application is not specifically described in the PA municipalities Planning Code (MPC). Some municipalities do not to have such a permit.

That said, of those issuing zoning permits, one might expect a zoning officer review of a zoning permit application to occur within a 90 day timeframe from the date an application is received.

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. What is exclusionary zoning?

A. This is an illegal zoning practice which either intentionally, or unintentionally excludes a certain land uses, or individuals from consideration.

Q. What is spot zoning?

A. This is also an illegal zoning application of adjusting a zoning district boundaries without consideration for the future land use plan, timing, and the immediate adjoining area, all for to benefit an individual property owner rather than the community as a whole.

Q. What is a form-based zoning ordinance?

A. This is a relatively new approach to zoning, allowing for all uses everywhere services will support the use. The approach however, looks to thoughtfully control design in the designated zoning districts of a community.

Q. What is a PRD?

A. A PRD is a planned residential development. With a PRD the zoning ordinance may specify a zoning district as a base district or an overlay district. The PRD district guidelines will specify all regulations tied to the residential development for the given area.

Q. What is a TND?

A. The acronym stands for Traditional Neighborhood Development. This zoning concept works to curb urban sprawl. It organizes an area, typically a an overlay over the area a municipality would like to see a mixture of land uses, increased densities, and more attention given to form.

Q. What does the acronym TDR stand for?

A. Transfer of development rights. Typically the TDR mechanism is included in a zoning ordinance when municipal officials are looking to preserve open space (sending area) and redirect growth to where it is deemed more appropriate (receiving area).

Q. What if any uses are allowed in all zoning districts?

A. Reasonable forestry practices, group homes,

Q. What other land uses are afforded some form of special attention by the state and federal governments?

A. Agriculture (protection of prime farmland), reasonable development of minerals (mining), preservation of environmentally sensitive areas, natural features and important historic or cultural features, and no-impact home-based business in all residential districts, telecommunications, oil and natural gas exploration, extraction and conveyance, methadone clinics, and places of worship.

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 zoning application?

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

A. Only after a zoning permit is provided to the building permit officer can a building permit be issued for construction. 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](http://www.tcrpc-pa.org/Perry-County/Documents/2015%20PC%20COMP%20PLAN%20APPENDIX%20C1.pdf) of the Perry County Comprehensive Plan. <http://www.tcrpc-pa.org/Perry-County/Documents/2015%20PC%20COMP%20PLAN%20APPENDIX%20C1.pdf>

Q. How can the public offer its comments on a zoning permit application?

A. The public is allowed to submit written comment on a zoning permit application at any time to the municipality, or at any public meeting, public hearing if it is necessary.

Q. What is the Zoning Hearing Board (ZHB), and what do they do?

A. The ZHB is a citizen board appointed and tasked by the governing body to convene as needed and listen and decide on appeals to zoning officer actions, challenges to zoning ordinance or zoning map validity, requests for variances, requests for special exceptions, etc.

Q. When would it be necessary for a public hearing to be held?

A. When adopting an ordinance, an amendment or when a variance is discussed.

Q. Can a zoned community leave an area unzoned?

A. No.

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. I am considering a zoning permit application, who should I contact to initiate this process?

A. The municipal zoning officer.

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

A. Yes, meeting the requirements of the zoning municipal ordinance.

Q. I have researched and there is no place in the municipality where I can locate my project. What can I do?

A. Under certain circumstances it may be necessary to submit a landowner The ZHB convenes to listen and decide on appeals to zoning officer actions, challenges to zoning ordinance or zoning map validity, requests for variances, requests for special exceptions, etc. curative amendment to correct to remedy the omission of a particular land use from a zoning ordinance.

Q. Who approves a zoning application?

A. It can be the zoning officer if the application complies with the zoning ordinance. Otherwise it would depend on the type of application.

Q. What is a conditional use and who can approve such a request?

A. It is a particular land use allowed in a zoning district under certain conditions. The governing body of a municipality has the authority to approve these applications.

Q. What is a special exception and who can approve such a request?

A. The ZHB has the authority to approve these applications.

Q. What is a variance and who can approve such a request?

A. A variance is simply the issuance of relief from the zoning ordinance requirements.

Q. Do I or my representative need professional qualifications?

A. No, although a zoning hearing is a quasi-court proceeding, with significant implications on what may or may not be undertaken following the proceeding.

Q. If I do not agree with the final decision on my zoning application, do I have any recourse?

A. Yes, you may appeal a decision to the Court of Common Pleas.

Q. What is the difference between a zoning map and a future land use map? Should I expect to see similarities between the zoning map and the future land use (FLU) map?

A. A zoning map displays the designated zoning districts from the zoning ordinance. A FLU map highlights the envisioned land use patterns for the next comprehensive planning cycle. Ideally a zoning map should remain generally consistent with a municipality's FLU direction. Considering this, yes, the zoning map should resemble to a degree the FLU map. There will of course be areas where some dissimilarities may be observed. In such cases, the area might be approached through the zoning map amendment process.