



Pennsylvania Municipalities Planning Code

**Recent amendments
Beginning with Acts 67 & 68 of 2000**
First Edition, January 2003

Section	Nature of change	Description	Amendatory act
ARTICLE I General Provisions			
105 Purpose of the Act	Addition	New purposes to encourage consistency of plans and zoning, to promote small business development and a business-friendly environment, and to preserve natural and historic resources and prime agricultural land while protecting forestry and agricultural operations.	2000-68 2002-43
107 Definitions	Addition Modification	New terms and definitions for agricultural operation, Center for Local Government Services, consistency, county comprehensive plan, designated growth area, development of regional significance and impact, future growth area, general consistency, generally consistent, minerals, multimunicipal plan, multimunicipal planning agency, no-impact home-based business, preservation or protection, prime agricultural land, public infrastructure area, public infrastructure services, regional planning agency, rural resource area, specific plan, state land use and growth management report, traditional neighborhood development, and village. One definition – public meeting – was modified to provide a proper legal citation.	2000-67 2000-68 2002-43
ARTICLE II Planning Agencies			
202 Planning Commission	Modification	Where formerly planning commission members were not entitled to compensation, members (except elected or appointed officials or employees of the municipality) may now receive compensation in an amount fixed by the governing body, not to exceed the rate of compensation authorized for members of the governing body.	2002-2
212 Intergovernmental Cooperation	Addition	Gives authorization for the governing body to engage in intergovernmental cooperation and enter into joint cooperation agreements in accordance with 53 P.A.C.S. for purposes of the MPC.	2000-68

ARTICLE III Comprehensive Plan			
301 Preparation of Comprehensive Plan	Addition Modification	<ul style="list-style-type: none"> • Establishes that a comprehensive plan may be municipal, multimunicipal, or county. • Requires a comp plan to contain statements that planned development is compatible with that in neighboring municipalities or that buffer/transition measures are provided, and that planned development is generally consistent with the county comp plan. • Requires the comp plan to contain a plan for natural and historic resources, provided the plan is consistent with and does not exceed the requirements of specifically identified law regulating water, mining, and agriculture. • Requires county comp plans to identify land use relationships with important natural resources and mineral utilization, identify land uses of regional impact and significance, identify a plan for prime agland preservation, encourage compatibility of land use regulations with ag operations, and identify a plan for historic preservation. • Changes form an option to a requirement the inclusion of a plan for the reliable supply of water, and requires said plan to contain specific statements regarding how mineral extraction and commercial ag production may impact water supply sources. • Requires the review of a municipal or multimunicipal comp plan every 10 years, such review to include contiguous municipalities, the Center for Local Government Services, and the county planning commission (and regional planning commission if requested by the county PC) for the purpose of determining consistency with the county comp plan. • Allows the comp plan to identify areas where growth & development will occur to facilitate planning of public infrastructure and services. 	2000-68
301.4 Compliance by Counties	Addition	<ul style="list-style-type: none"> • Provides municipalities and school districts with the opportunity to review the county comp plan. • Requires the county planning commission to publish guidelines to promote general consistency with the county comp plan and to promote uniformity of municipal planning and zoning terminology and land use regulations. 	2000-68

301.5 Funding of Municipal Planning	Addition	Directs up to 25% of state planning grants to go to municipalities that agree to adopt within 3 years comp plans generally consistent with the county comp plan, and zoning ordinances that fully implement the comp plan.	2000-68
302 Adoption of Comprehensive Plan and Plan Amendments	Addition Modification Deletion	<ul style="list-style-type: none"> • Restates (without substantive change) the governing body's optional authority to adopt a comp plan in whole or in part, and removes the requirement that a public meeting held by the planning agency prior to forwarding the plan to the governing body be advertised in accord with the MPC public notice provisions. • Adds a similar adoption and procedure provision for county comp plans and amendments, specifying that the county consider comments of municipalities and school districts within and contiguous to the county. • Requires a county to consider proposed amendments to its comp plan proposed by municipalities considering adoption or revision of their plans so as to achieve general consistency, and requires that a county accept amendments proposed by 2 or more contiguous municipalities unless there is good cause for refusal. 	2000-68
303 Legal Status of Comprehensive Plan	Addition	Requires that municipal zoning, subdivision & land development regs, and capital improvement programs generally implement the municipal or multimunicipal comp plan (or statement of community development objectives where no plan exists).	2000-68
306 Municipal and County Comprehensive Plans	Addition	Requires counties to consult with municipalities, school districts, municipal authorities, public utilities, and the Center for Local Government Services to determine future growth needs when preparing or updating the county comp plan.	2000-68
307 State Land Use and Growth Management Report	Addition	Requires the Center for Local Government Services to issue a land use and growth management report by 2005, then at 5-year intervals.	2000-68

ARTICLE V Subdivision and Land Development			
501 Grant of Power	Addition	Adds clarification that, where a planning agency is designated to approve plans in lieu of the governing body, planning agency action shall be considered as action of the governing body.	2000-68
502.1 Contiguous Municipalities	Addition	<ul style="list-style-type: none"> • Directs the county planning agency to offer mediation to agreeable contiguous municipalities where one believes it will be harmed by a proposed subdivision or land development in the other, and allows the subdivision/land development applicant to participate in mediation. • Permits a governing body to appear and comment before the governing body or various boards/commissions of a contiguous municipality considering a proposed subdivision/land development or change of land use. 	2000-68
503 Contents of Subdivision and Land Development Ordinance	Modification Addition	<ul style="list-style-type: none"> • Provides an applicant 14 days (changed from 10) from the receipt of the invoice (changed from the billing date) to notify the municipality if the review fee is to be disputed. • Requires that a professional engaged to resolve a dispute over review fees must be of the same profession as the consultant whose fees are under dispute. 	2000-68
508 Approval of Plats	Addition	<ul style="list-style-type: none"> • Provides for the date of a court remanding order, in addition to the date of application for plat approval, to be a trigger starting the review periods within which a decision must be rendered and communicated. • Provides for circumstances, such as litigation or water/sewer moratorium, which may extend the 5-year protection afforded an approved plan from adverse application of amendments in a zoning, subdivision and land development, or other ordinance or plan. 	2000-68
509 Completion of Improvements	Addition	Provides that the applicant for plan approval shall not be required to provide financial security for costs of improvements for which PennDOT requires and receives financial security in connection with a highway occupancy permit.	2000-68

513 Recording of Plats	Addition Modification	Act 2000-68 adds the date of approval noted on the plat or whichever is later to the date of final approval as the trigger date for the 90-day time limit to record the plat. Act 2000-127 modifies the date of approval noted on the plat to the date of delivery of an approved plat, following completion of conditions imposed for such approval.	2000-68 2000-127
ARTICLE V-A Municipal Capital Improvement			
503-A(h) Grant of Power	Addition	Provides that the powers of Article V-A may be exercised by 2+ municipalities, other than counties, that have adopted a joint municipal comprehensive plan in accord with Article XI.	2000-68
504-A(d)(1) Transportation Capital Improvements Plan	Addition	Municipalities may act cooperatively (jointly) to commission an engineer to prepare a multimunicipal roadway sufficiency analysis. The engineer may consider previously prepared professional studies.	2000-68
504-A(e)(1)(iv)(C) Transportation Capital Improvements Plan	Modification	A provision providing a 50% cap on the cost of improvements on designated state highways included in the capital improvements plan was moved and reworded.	2000-68
504-A(e)(4) Transportation Capital Improvements Plan	Addition	Adds a limitation that the impact fee advisory committee may review and make recommendations on the plan and impact fee charges no more than annually.	2000-68
504-A(e)(4)(v) Transportation Capital Improvements Plan	Modification	Modifies one of the criteria for when impact fees may be revised by replacing the phrase “significant changes” with “changes” in the estimated cost of proposed capital improvements and adds that such costs may be recalculated by applying a specified construction cost index.	2000-68
504-A(g) Transportation Capital Improvements Plan	Addition	Permits the appointment of a joint impact fee advisory committee.	2000-68
505-A(a)(1) Impact Fees	Modification	Changes word “defined” to “calculated” and changes the section reference to which calculation refers.	2000-68
505-A(a)(2) Impact Fees	Modification	Changes the basis for impact fees from the estimated number of trips to the estimated number of peak-hour trips.	2000-68

505-A(a)(3) Impact Fees	Addition	Allows a municipality, in addition to a developer, to voluntarily prepare a traffic study to determine traffic generation for a development.	2000-68
505-A(d) Impact Fees	Addition	Adds the ability of a municipality, when certain criteria are met including the written consent of the applicant, to use impact fees to pay for projects not contained in the adopted transportation capital improvements plan or to credit the applicant against his impact fees in the value of improvements paid by the applicant but not in the plan.	2000-68
505-A(h) Impact Fees	Addition	Allows and establishes provisions for an additional impact fee that may be imposed on new developments which generate 1,000 or more new peak-hour trips.	2000-68
508-A Joint municipal impact fee ordinance	Addition	Allows municipalities who have jointly prepared a multimunicipal comprehensive plan to also prepare and adopt a joint municipal impact fee ordinance, and likewise each approve/adopt the advisory committee, land use assumptions, roadway sufficiency analysis, and capital improvements plan.	2000-68
ARTICLE VI Zoning			
602.1 County Powers	Addition	Requires County Planning Commission to offer mediation to contiguous municipalities on zoning impact.	2000-68
603 Zoning Ordinance Provisions	Addition	The changes added many new items for ordinance provisions—prime items <ul style="list-style-type: none"> • Prime farmlands • Historic resources/natural resources • Litany of State laws for primacy • Forestry • Consistency with local and County comprehensive plans 	2000-68
603 Zoning Ordinance Provisions	Addition	This amendment <u>requires</u> that “no-impact, home-based” businesses be permitted by right in all residential districts – term was defined in 107.	2002-43
608.1 Municipal Authorities & Water Companies	Addition	Requires notice by municipal authorities on water, storm and sanitary sewer extensions, re: zoning impact, where municipal approval was not received.	2000-68

609 Enact of Z.0 Amendments	Addition	Requires written notice (by mail) for Zoning Map changes to affected property owners 30 days prior to the required public hearing.	2002-2
609.1 Procedures for Landowner Curative Amendment	Modification Addition	This provision makes 2 changes to the handling of such amendments. <ul style="list-style-type: none"> • By changing part of the hearing process from 908(9) to 916.1(f) – the lack of a timely decision is now a <u>deemed denial</u> not a deemed approved. • This also changes certain processing references in Article IX from 908 “Hearings” to 916.1 “Validity of Ordinances.” 	2002-2
619.2(a) Effect of Comprehensive Plans and Zoning	Addition	Requires State agencies consider zoning ordinances and comprehensive plans when reviewing applications for funding or permitting.	2000-68
619.2(b) Effect of Comprehensive Plans and Zoning	Addition	Effect of comprehensive plans and zoning ordinances on Commonwealth agencies actions. Role of CLGS	2000-68
ARTICLE VII Planned Residential Development			
711 Application for Final Approval	Modified	Clarification on timing for the 45-day approval period for final PRD approval – language for deemed approval.	2000-68
ARTICLE VII-A Traditional Neighborhood Development			
701-A to 709-A	Addition	New article in the MPC. It enables the governing body of a municipality to enact, amend, or repeal provisions of a zoning ordinance in order to fix standards and conditions, including an overlay zone, for traditional neighborhood development. It also sets forth procedures for application, hearings, and tentative and final approval of a TND.	2000-68
ARTICLE IX Zoning Hearing Board and Other Administrative Procedures			
908(1.2) Hearings	Modification	States the <u>first</u> hearing shall be commenced within 60 days of applicant’s request. Subsequent hearings within 45 days of initial hearing (can be extended). Hearing to be completed within 100 days after the completion of applicant’s case-in-chief (can be extended by court).	2002-2

908(1.2) Hearings	Modification	<p>This amendment made several technical changes relative to conditional use and zoning hearing board cases.</p> <p>Hearings can be before the board or a hearing officer</p> <p>First hearing must commence within 60 days from <u>receipt</u> of applicant's <u>application</u>.</p> <p>Allows 45-rule for subsequent hearings to be modified if applicant agrees in writing or on the record</p> <p>The next series of amendments deals with issues between the applicant and opposing parties.</p> <p>Applicant shall complete his case-in-chief (presents evidence to support claim or defense) within 100 days of first hearing—is entitled to 7 hours of hearing.</p> <p>May be granted additional hearings to complete “case-in-chief” if opponents are given an equal number of additional hearings.</p> <p>Opponents must complete opposition within 100 days of completion of applicant's “case-in-chief.”</p> <p>May be granted additional hearings provided applicant is granted an equal number for rebuttal.</p>	2002-43
908(2) Hearings	Addition	Allows governing body or zoning hearing board to appoint an independent attorney as a hearing officer.	2002-2
908(9) Hearings	Addition	Substantive challenges (i.e. curative amendment, et. al.) are subject to deemed denial provisions (see 916.1) <u>not deemed</u> approval approach.	2002-43
908(9) Hearings	Modification	Failure to conduct a hearing also a cause for deemed approvals.	2002-43
913.2 Conditional Uses	Modification	For conditional uses, the governing body may appoint a member or independent attorney as a hearing officer.	2002-2
913.2 Conditional Uses	Modification	Allows applicant/appellant to accept the decision/ findings of the hearing officer as final.	2002-2
913.2(b)(2) Conditional Uses	Modification	<p>Requires hearings to commence within 60 days from applicant's request.</p> <p>Requires hearing be completed in 100 days from completion of applicant's “case-in-chief.”</p>	2002-2

913.2(b)(2) Conditional Uses	Modification	Requires governing body to commence, conduct, or complete the required hearing as provided by 908(1.2). Provides for deemed approvals if hearing not held in a timely fashion and applicant has not agreed to extension. Requires governing body to give “deemed approval” public notice (allows applicant to do so if governing body does not)	2002-43
916.1 Validity of Ordinance; Substantive Questions	Addition	Validity challenges on use availability when municipal zoning relies on a multi-municipal comprehensive plan—this section sets guidelines for Zoning Hearing Board to use a reasonable geographic distance guideline in decisions –if use reasonably available in other participating municipalities.	2000-67
916.1 Validity of Ordinance; Substantive Questions	Addition	Basically prevents additional challenges by landowner on same parcel(s) if landowner already has a challenge pending.	2000-127
917 Applicability of Ordinance Amendments	Addition	If a special exception or conditional use would constitute a subdivision or land development, developer has 6 months to file land development/subdivision application based on provisions as they stood when application for the special exception or conditional use was filed.	2000-127
918 Special Applicability Provisions	Addition	Provides that municipal zoning ordinances which predate 8/21/00 shall not be invalidated, superseded or affected by Acts 67/68 until or after 2/22/01.	2000-127
ARTICLE X-A Appeals to Court			
1006-A Judicial Relief	Addition	Gives the Courts the same guidance on land use availability challenges relative to multi-municipal plans as Zoning Hearing Board in 916.1, namely the is the use available in a participating municipality in a reasonable distance.	2000-67

ARTICLE XI Intergovernmental Cooperative Planning and Implementation Agreements

1101 to 1107	Addition Deletion	<ul style="list-style-type: none"> • Authorizes intergovernmental agreement relative to adopting/implementing a comprehensive plan for a county or an area in a county. • Provides municipal or county planning agencies (on request) may develop a comprehensive plan pursuant to an intergovernmental agreement. • Comprehensive plan contents, Article III and may <ul style="list-style-type: none"> - Designate growth areas - Future growth areas for orderly infrastructure/service provision - Designate rural resource areas (except for villages, no publicly financed infrastructure) • Comprehensive planning provisions for accommodation of all uses, developments of area-wide significance, conservation of natural, scenic, historic and aesthetic resources. • Grandfathers “conforming plans” less than 5 years old (i.e. 8/1995 et. seq.). • Timing for process of consistency – multi-municipal plan and local land use ordinances/CIP (2 years) • Review development of regional significance (only <u>one</u> subdivision or land development process allowed). • Roles and responsibilities of participating municipalities • Annual Reports • Legal Effect <ul style="list-style-type: none"> - Comprehensive plans and zoning ordinances – expanded area - State agencies funding and permitting infrastructure - State agencies – priority to application consistent with county/multi-municipal plans - Tax-sharing permitted - Adoption of “Specific Plans” • Deletes sections which formerly provided for joint municipal planning commissions 	2000-67
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