The Pennsylvania Municipalities Planning Code Quick Guide is a valuable tool that provides summaries of the many and sometimes lengthy provisions of the MPC. Summaries are brief and in more user-friendly language than in the MPC.

Users can more rapidly and easily search the Quick Guide to learn the basics of Pennsylvania planning law and where to find the details.

Users of the electronic file version can click links from the table of contents to the corresponding section in the Quick Guide, and links from section cites in the Quick Guide to the corresponding section in the MPC itself.

The Quick Guide is not a replacement for the MPC. Users must refer to the corresponding sections in the full MPC for details and complete explanations of the law. Users may not rely on the Quick Guide alone to identify all provisions of the MPC.

For further help, contact the Governor’s Center for Local Government Services at 1-888-223-6837.

More information about planning and land use controls can be found in the Planning Series publications from the Governor’s Center for Local Government Services.
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# General Provisions (Article I)

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<thead>
<tr>
<th><strong>Effective date</strong></th>
<th>102</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The original enactment of the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, took effect January 1, 1969</td>
<td></td>
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<tr>
<td>• Note: Since Act 247 of 1968, the MPC has been amended or reenacted many times and is a subject of regular review and change by the PA General Assembly</td>
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<table>
<thead>
<tr>
<th><strong>Construction</strong></th>
<th>103,104</th>
</tr>
</thead>
<tbody>
<tr>
<td>• MPC provisions do not affect any prior act, resolution, or ordinance except where any of same are inconsistent with the MPC</td>
<td></td>
</tr>
<tr>
<td>• If any MPC provisions are found unconstitutional, the validity of remaining provisions shall not be affected</td>
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<thead>
<tr>
<th><strong>Purpose</strong></th>
<th>105</th>
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</thead>
<tbody>
<tr>
<td>• The MPC has many purposes: to accomplish coordinated development; to guide uses of land, structures, streets, and public facilities; to promote preservation of natural and historic resources; to encourage revitalization of urban centers; to encourage consistency of comprehensive plans and land use regulations; and more</td>
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<tr>
<th><strong>Appropriations</strong></th>
<th>106</th>
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<tbody>
<tr>
<td>• The municipal governing body may make appropriations and accept gifts or grants, public or private, to carry out the duties of the MPC</td>
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<thead>
<tr>
<th><strong>Definitions</strong></th>
<th>107</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The MPC contains some 70 specific definitions for words or phrases used within</td>
<td></td>
</tr>
<tr>
<td>• A person interpreting the MPC should be alert that words or phrases – for example, “public notice” – have prescriptive definitions that can differ from definitions as commonly understood or as specified in other laws</td>
<td></td>
</tr>
</tbody>
</table>
# Planning Agencies (Article II)

## Creation

201

- The governing body has the power to create or abolish a planning commission, planning department, or both
- By ordinance specifying powers & duties

## Planning commissions

202, 203, 204, 205, 206, 207

- 3-9 residents appointed by the governing body or other appropriate appointing authority
- 4 year staggered terms
- Limited number of municipal officers or employees
- May receive compensation and expense reimbursement
- Keep records of business and make an annual report by March 1 each year

## Planning department director

208

- Appointed by the governing body or other appropriate appointing authority
- Be qualified for the duties of the position
- Powers & duties specified in planning agency creation ordinance

## Powers & duties

209.1

- At the request of the governing body, planning agencies shall prepare and present a comprehensive plan
- At the request of the governing body, planning agencies may:
  - Prepare and present a zoning ordinance
  - Prepare, recommend, and administer a subdivision & land development ordinance and planned residential development regulations
  - Prepare and present a building code & housing code
  - Submit a recommended capital improvements program
  - Conduct other specified planning or related activities
Comprehensive Plan (Article III)

Content of comprehensive plan 301, 301.1, 301.2

- All comprehensive plans, whether municipal, multi-municipal, or county, must include:
  - Statement of community development objectives
  - Plan for land use
  - Plan to meet housing needs
  - Plan for movement of people and goods
  - Plan for community facilities and utilities
  - Plan for protection of natural and historic resources to the extent not preempted by state/federal law and consistent with and not exceeding requirements of acts identified in MPC Section 301(a)(6)
  - Plan for the reliable supply of water containing specific statements outlined in MPC Section 301(b)
  - Statement of interrelationships among various plan elements which may include an estimate of environmental, economic, and social consequences
  - Short- and long-range implementation strategies
  - Statement that existing/proposed development is consistent with or can be buffered against that in contiguous municipalities
  - Statement that existing/proposed development is consistent with the county comprehensive plan

- All comprehensive plans may include:
  - Identification of growth and development areas
  - Energy conservation plan

- County comprehensive plans must identify:
  - Land uses as they relate to important natural resources and utilization of existing minerals
  - Current and proposed land uses which have regional impact and significance
  - A plan for preservation of prime agland that encourages compatibility of land use regulations with agricultural operations
  - Identify a plan for historic preservation

- In preparing a comprehensive plan, a planning agency must make surveys, studies, and analyses of housing, demographic and economic characteristics, land use, transportation, community facilities, natural/historic/cultural resources, and prospects for future growth
Comprehensive Plan (Article III)  

**Reviews of comprehensive plan or amendments**  
301.3, 301.4, 302 & 306

- A municipality shall, at least 45 days prior to the public hearing required in the adoption process, submit its plan or amendment to the county planning agency, all contiguous municipalities, and the school district for comments; and shall consider public comments and the municipal planning agency’s recommendations.
- A county shall afford an opportunity (up to 45 days) for comments by municipalities and school districts in the county and by contiguous counties, municipalities, and school districts; shall consider public comments and the county planning agency’s recommendations; and shall consult with municipalities, school districts, municipal authorities, public utilities, and the Center for Local Government Services to determine future growth needs.

**Adoption of comprehensive plan or amendments**  
302

- Prior to adoption:
  - Planning agency must hold at least 1 public meeting
  - Governing body must hold at least 1 public hearing pursuant to public notice; if afterwards the plan or amendment is substantially revised, another public hearing must be held
- Adoption, in whole or part, is by resolution of the governing body; the resolution must refer expressly to maps, charts, and text intended to form the plan
- Within 30 days, the plan must be forwarded to the county

**Optional or mandatory**  
301.4

- For counties, preparation and adoption of a comprehensive plan is required; for municipalities, it is not required

**Update**  
301(c) & 302(d)

- A municipal or multi-municipal comprehensive plan shall be reviewed at least every 10 years and sent to contiguous municipalities, the Center for Local Government Services, and the county planning commission.
- A county comprehensive plan shall be updated at least every 10 years.
Consistency
301(c), 301.4, 302(d), 306, 603(k)

- Municipal comprehensive plans and amendments shall be generally consistent with the comprehensive plans of the county and abutting municipalities.
- County planning commissions shall publish guidelines to promote general consistency with the adopted county comprehensive plan.
- A county shall consider amendments to its comprehensive plan proposed by municipalities to achieve general consistency between respective plans; if two or more contiguous municipalities request amendment to a county plan to achieve consistency, the county must accept the amendments unless good cause for their refusal is established.
- A county and a municipality shall each consider the plan of the other to protect the objectives of each plan.
- When conducting the 10-year (or earlier) review, a municipal or multi-municipal comprehensive plan must be sent to the county planning commission to determine if the plan remains consistent with the county plan and to determine where it may not be consistent.

Legal status of adopted comprehensive plan
303, 304, 305

- In a municipality and/or a county with an adopted plan, certain municipal or school actions – involving public streets, grounds, buildings, or water/sewer facilities; school buildings or lands; or adoption/amendment of comprehensive plans or land use ordinances – must be submitted to the municipal and/or county planning agency for recommendations (allow up to 45 days).
- Municipal zoning, subdivision and land development regulations, and capital improvement programs shall generally implement the municipal or multi-municipal comprehensive plan.
- However, no action of a municipality shall be invalid or challenged on the basis that it is inconsistent or fails to comply with a comprehensive plan.
### Official Map (Article IV)

#### Grant of power

**401**

- A municipality may make an official map of all or a portion of the municipality which may show public lands and facilities included in an adopted comprehensive plan:
  - Existing and proposed public streets, grounds, parks, watercourses, and open space reservations
  - Pedestrian, railroad, and transit ways
  - Flood and stormwater areas and facilities

#### Adoption of official map or amendments

**402, 403, 408**

- Proposed official map or amendment, and ordinance, must be referred to the planning agency and subject up to 45 days for recommendations by the planning agency, county, adjacent municipalities, and, if requested, local authorities, park boards, and similar bodies
- Governing body holds public hearing after public notice
- Official map or amendment is adopted by ordinance
- Copies shall be recorded, sent to the county planning agency, and sent to any adjacent municipality into which the official map shows a street or public lands leading
- Counties may also adopt an official map or amendments by same process after referral to every municipality in the county; county official map authority is limited to land and watercourses in municipalities without an official map and to county streets, grounds, and facilities
- After adoption, all relevant streets and public grounds/facilities, when approved on final, recorded plats, shall be deemed amendments to the official map

#### Effect of the official map

**404, 405, 406, 407**

- The official map does not constitute or obligate the municipality to opening streets or taking lands
- No permit shall be issued for any building within streets, watercourses, or public grounds on the official map; if such is constructed, the builder may not recover damages and must remove said building unless granted an encroachment permit by procedure in Section 405
- Streets, watercourses, and public grounds on the official map may be reserved for future taking; however, the public grounds reservation lapses one year after property owner notifies of intent to build or develop, unless the municipality acquires the property or begins to condemn
Subdivision and Land Development (Article V)

Grant of power
501

- A municipality may enact a subdivision and land development (S&LD) ordinance to regulate such activities
- The ordinance shall require that plats for all S&LDs be submitted for approval to the governing body or a planning agency so designated in the ordinance
- If adopted, planned residential development (PRD) provisions and procedures shall be followed in the review and approval of any PRD plat

Jurisdiction of counties
502

- The jurisdiction of a county S&LD ordinance is limited to land in municipalities that have no S&LD ordinance
- If a municipality enacts an S&LD ordinance, the county’s S&LD ordinance is repealed in that municipality
- A municipality having its own S&LD ordinance must forward S&LD applications, along with any required fees, to the county planning agency for review and report (allowing up to 30 days)
- A municipality may adopt the county’s S&LD ordinance by reference and by separate ordinance designate the county planning agency to administer the ordinance

Contents of a subdivision and land development ordinance
503, 503.1

- May include but need not be limited to provisions for:
  - Submitting, processing, and approving plats, including payment of reasonable review fees; the MPC specifies procedures and timelines in the event of a dispute over fee amounts
  - Layout and design promoting flexibility & economy
  - Design and installation of streets, walkways, water and sewer facilities, adequate water supply, and other improvements
  - Uniform setback lines and lot sizes
  - Waivers and modifications
  - Phased development and conditional approval
  - Public dedication of land for recreation purposes based on specific provisions in Section 503(11)
  - Exclusion of only 3 types of development specified in 503(1.1) from the definition of land development
Enactment of subdivision and land development ordinances and amendments

504, 505, 506

- Enactment of original ordinance:
  - Submit the proposed ordinance to the municipal planning agency (unless it prepared the ordinance) and the county planning agency for recommendations at least 45 days prior to the required public hearing.
  - The governing body must hold a public hearing pursuant to public notice.
  - Notice of proposed enactment, plus text of the ordinance or a summary prepared by the solicitor, must be published and the ordinance made available to the public as specified in Section 506.
  - If the proposed ordinance is to be substantially changed, a summary of provisions and changes must be published at least 10 days prior to enactment.
  - Within 30 days after adoption, copy of the ordinance must be submitted to the county planning agency.

- Enactment of amendment:
  - Process is similar to that above except the time for planning agency referral is 30 days instead of 45.

Approval of plats

508

- The governing body or planning agency, if so designated, must act on applications for plat approval within time limits fixed in the ordinance which may not exceed 90 days (see Section 508 for additional specifics).
- The decision must be in writing delivered or mailed to the applicant no more than 15 days after the decision; denials shall specify defects and the relevant provisions.
- Failure to render a decision within specified time limits in the manner prescribed results in deemed approval of the application unless applicant agrees in writing to extension of time or change in how decision is delivered.
- Any filed or pending plat application cannot be adversely affected by any new S&LD ordinance amendment and is entitled to a decision based on provisions in effect at the time of application; approved developments are allowed 5 years for completion under the terms of the approval.
- Before acting on a plat, a public hearing may be held pursuant to public notice.
- Any plat that requires access to a state road must contain notice that a state highway occupancy permit is required.
Subdivision and Land Development (Article V)

Completion of street and other improvements, or financial guarantee thereof
509, 511

- No plat shall be approved until streets have been improved to a mud-free, passable condition as required in the S&LD ordinance, and other improvements required by the ordinance have been installed.
- In lieu of completion of improvements, the S&LD ordinance shall provide for financial security (bond, irrevocable letter of credit, escrow account) in amount sufficient to cover cost of improvements; Section 509 provides significant detail, summarized briefly below:
  - Amount must be 110% of the cost of improvements estimated as of 90 days after the completion date, such estimate prepared by the applicant’s licensed engineer and agreed by the municipality, or prepared by an agreed third-party licensed engineer.
  - Financial security may be increased for multi-year development, or provided for in separate phases.
  - The developer may request partial release of financial security in a value of improvements completed.
  - The municipality may require financial security up to 15% of improvements cost to ensure integrity of improvements for 18 months after acceptance.
  - Developer must post financial security for water and sewer facilities in accord with a controlling public utility or authority if such has jurisdiction.
- In event improvements are not completed as required, municipality may enforce financial security or take other legal actions to recover costs to complete improvements.

Release from improvement guarantees
510

- When developer has completed improvements, a process is followed summarized below (detail in Section 510):
  - Developer notifies municipality by certified mail.
  - Within 10 days of receipt, the municipality must authorize its engineer to inspect the improvements.
  - Within 30 days of said authorization, the municipal engineer must make and mail a written report indicating acceptance or rejection of improvements.
  - Municipality must notify developer by certified mail of its action on the report within 15 days of receipt.
  - Failure to comply with these time limits and terms results in a deemed approval of the improvements.
  - Reasonable fees may be charged for expenses.
Subdivision and Land Development (Article V)

**Modifications**

512.1

- The governing body or planning agency, if so designated, may grant modifications where literal enforcement of the S&LD ordinance will exact undue hardship because of peculiar conditions of the land
  - Modification requests must be in writing, accompany the application for development, and state hardship, provision involved, and minimum modification needed

**Recording of plats**

513

- The developer shall record in the county recorder’s office a final plat within 90 days of final approval or delivery date of the approved plat, following completion of conditions (if any), whichever is later
- Recording shall not constitute grounds for assessment increases

**Preventive and enforcement remedies**

515.1, 515.2, 515.3

- The municipality may institute actions by law or in equity to correct or abate violations, prevent unlawful construction and illegal occupancy, and to recover damages
- A municipality may refuse to issue any permit or grant any approval necessary to further improve or development property resulting from a subdivision or land development in violation of the S&LD ordinance
- The municipality may commence a civil enforcement proceeding against any person, partnership, or corporation for violation of the S&LD ordinance
  - If found liable, the violator shall pay a judgment of not more than $500 plus court costs and municipal attorney fees
  - Failure to pay or appeal the judgment entitles the municipality to further enforcement proceedings specified in Section 515.3
  - District justices have initial jurisdiction in enforcement proceedings
Municipal Capital Improvement (Article V-A)

**Purpose and grant of power**

501-A, 502-A, 503-A

- The governing body of each municipality, other than a county, may enact, amend, and repeal impact fee ordinances and may establish impact fees to be paid by property owners to help fund offsite public transportation improvements necessitated by new development.
- No municipality may impose fees for or require construction of or payment for offsite improvements except as provided for in the MPC and Article V-A.
- Impact fees may be used for acquisition of land, legal and planning costs, engineering, construction, and debt service where same are for identified transportation capital improvements attributable to new development.
- Impact fees may not be used for facilities not included in the transportation capital improvements plan, operation or maintenance, upgrades not attributable to new development, upgrades to remedy lack of municipal funding of maintenance, and preparation of the transportation capital improvements plan except as specified further in Section 503-A(d)(5).
- Section 502-A has specific definitions for Article V-A.

**Impact fee ordinances**

503-A, 505-A

- Ordinances shall include but not be limited to:
  - Standards for the determination of impact fees.
  - Agency designated to administer impact fees.
  - Method and procedure for payment of impact fees and for issuance of any credits due to applicants.
  - Exemptions and credits, including 100% credit for development of affordable housing to low and moderate income persons, 100% credit for development serving an overriding public interest, and de minimus exemptions.
- Ordinances shall describe boundaries and impact fee schedules for each transportation service area.
- The ordinance must be available to the public at least 10 days prior to adoption; a municipality may publish notice of intent to adopt an impact fee ordinance, the first not before adoption of the impact fee advisory committee resolution, the second 1-3 weeks later.
- Impact fee provisions may be applied retroactively no more than 18 months in accord with Section 505-A(c)(2).
Transportation capital improvements plan
504-A

- A transportation capital improvements plan must be prepared and adopted by the governing body prior to enacting an impact fee ordinance
- Qualified professionals shall assist in preparing the plan and in calculating impact fees
- An impact fee advisory committee created by resolution assists in preparing the plan
- Transportation capital improvements plan shall include:
  - A land use assumptions report – details at 504-A(c)
  - A roadway sufficiency analysis – details at 504-A(d)
  - Proposed transportation capital improvement projects – details at 504-A(e)
- The advisory committee must hold public hearings pursuant to public notice prior to issuance of the land use assumptions report and after completion but prior to adoption of the transportation capital improvements plan
- The governing body, no more than annually, may ask the advisory committee to review the plan and impact fee charges and make recommendations for change based on new development, completion of capital improvements, delays in implementation, changes in land use assumptions, or changes in costs or funding

Impact fee advisory committee
504-A

- The advisory committee shall consist of 7 to 15 members, either residents or business people in the municipality, appointed by the governing body
  - At least 40% must be from real estate, residential and commercial development, and building industries
  - Traffic engineers and planners may be appointed upon approval by the rest of the committee
  - Municipal employees or officials or consultants employed in preparation of the transportation capital improvements plan may not be appointed
- The municipal planning commission may be designated as the impact fee advisory committee
  - If the planning commission lacks 40% membership as specified above, the governing body shall appoint ad hoc members from the aforementioned industries who may vote when the commission acts as the impact fee advisory committee
Establishment and administration of impact fees

505-A

- Impact fees shall be based on the total costs of road improvements included in the adopted capital improvements plan attributable to new development divided by the number of anticipated peak hour trips generated by all new development consistent with the adopted land use assumptions – details at 505-A(a)
  - Municipality may require preparation of a study to determine traffic generation for new non-residential development, or a municipality or developer may voluntarily prepare one
- Collected impact fees shall be deposited in an interest-bearing account and spent only for improvements for which the fees were collected; there are some exceptions – details at 505-A(d)
- Impact fees are payable when building permit is issued
- An applicant shall be given a credit for fair market value of land dedicated for road improvements or for value of any construction of improvements in the capital plan performed at the applicant’s expense
- Previously collected impact fees shall be refunded in circumstances specified in Section 505-A(g)
- An additional impact fee may be imposed on new developments that generate 1,000+ new peak-hour trips

Appeals

506-A

- Any person required to pay an impact fee has the right to contest the transportation capital improvements plan and fees by appeal to the court of common pleas following provisions specified in Section 506-A

Joint municipal impact fee ordinance

508-A

- One or more municipalities which have adopted a multi-municipal comprehensive plan in accord with Article XI may cooperate to enact, amend, or repeal an impact fee ordinance following procedures in Article V-A
- Each municipality party to the joint impact fee ordinance shall approve the advisory committee and shall adopt the land use assumptions, roadway sufficiency analysis, capital improvements plan and ordinance or amendment thereto; no such ordinance shall become effective until adopted by all participating municipalities
## Zoning (Article VI)

### Powers and purpose

<table>
<thead>
<tr>
<th>Article(s)</th>
<th>Description</th>
</tr>
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</table>
| 601, 602, 604 | - The governing body of each municipality may enact, amend, and repeal zoning ordinances to implement comprehensive plans and serve purposes of the MPC  
- County zoning powers are limited to municipalities that have no zoning ordinance in effect  
- If a municipality enacts a zoning ordinance, the county’s zoning ordinance is repealed in that municipality  
- Zoning provisions shall be designed to protect public health, safety, and welfare; promote coordinated development; provide adequate transportation, community facilities, recreation, and schools; preserve natural, historic, and agricultural resources; prevent blight, traffic congestion, and damage from fire, flood, and other dangers; provide for all types of housing; and accommodate reasonable growth |

### Content of zoning ordinances

<table>
<thead>
<tr>
<th>Article(s)</th>
<th>Description</th>
</tr>
</thead>
</table>
| 603, 613, 619.1 | - Zoning ordinances may regulate:  
  - Use of land  
  - Size, height, bulk, and construction of structures and areas of land occupied by uses and structures  
  - Density of population and intensity of use  
- Zoning ordinances may contain provisions for:  
  - Variances, special exceptions, and conditional uses  
  - Administration and enforcement  
  - Transferable development rights as further provided for in Section 619.1  
  - Promoting innovation and flexibility in development  
  - Regulating design and density of development to assure availability of adequate water supplies  
  - Promoting agricultural security areas  
  - Registration by the zoning officer of nonconforming uses, structures, and lots  
- Zoning ordinances shall:  
  - Protect prime agricultural land  
  - Protect natural and historic resources and features  
  - Encourage development and vitality of agricultural operations  
  - Provide for reasonable development of minerals |
**Limitations on zoning ordinance content**  
603, 619, 621

- Zoning ordinances may not:
  - Unduly restrict the display of religious symbols
  - Unreasonably restrict forestry activities
  - Restrict agricultural operations where agriculture has traditionally been present unless an ag operation will adversely affect public health and safety
- Zoning ordinances may not regulate matters preempted by state or federal laws, and may not have regulations exceeding those of certain laws, particularly regarding minerals and agriculture, identified in 603(b) and 603(h)
- Public utility buildings are generally exempt from zoning
- A methadone treatment facility may not locate within 500 feet of a school, park, residential area, child-care facility, or church – details in Section 621

**Zoning districts and classifications**  
605, 603(f), 603(l)

- Zoning ordinances may establish different districts containing different classifications of uses and structures
- Districts shall be described on a map in the ordinance
- Provisions for each class of uses or structures shall be uniform within each district, except for transitions between districts; regulation of nonconformities; and regulation on or near transportation facilities, physical features, historic places, or places of special character
- Forestry must be a permitted use by right in all districts
- No-impact home-based business must be a permitted use by right in all residential districts
- No part of a municipality shall be left unzoned; this provision does not apply to counties

**Consistency and coordination**  
603(j), 606, 608.1

- Zoning ordinances must be generally consistent with the municipal or multi-municipal and county comprehensive plans
- Zoning ordinances should reflect the municipality’s community development objectives either as included in the comprehensive plan or in a separate statement
- A municipal authority, water company, or other municipality must give notice by certified mail of intention to expand water or sewer service to give the municipality an opportunity to comment on consistency with the zoning ordinance – details in 608.1
Zoning (Article VI)  

Preparation and enactment of a zoning ordinance  
607, 608, 610

- Ordinance text and map shall be prepared by the planning agency upon request of the governing body
- Planning agency shall hold at least one public meeting pursuant to public notice
- Upon completion, planning agency shall present the proposed ordinance to the governing body
- The governing body shall hold a public hearing pursuant to public notice and, at least 45 days before the public hearing, submit the proposed ordinance to the county planning agency for recommendations
- Notice of proposed enactment, plus text of the ordinance or a summary prepared by the solicitor, must be published and the ordinance made available to the public as specified in Section 610
- If the proposed ordinance is substantially changed, a summary of provisions and changes must be published at least 10 days prior to enactment
- The governing body’s vote on enactment shall be within 90 days after the last public hearing
- Within 30 days after enactment, copy of the ordinance must be submitted to the county planning agency

Zoning ordinance amendments  
609

- Governing body shall hold a public hearing pursuant to public notice and, at least 30 days before the hearing, submit the amendment to the planning agency (if it did not prepare the amendment) and to the county planning agency for recommendations
- If a zoning map change, the previous notice must be posted along the property in question and mailed at least 30 days before the hearing to area property owners
- Notice of proposed enactment, plus text of the amendment or a summary prepared by the solicitor, must be published and the amendment made available to the public as specified in Section 610
- If the amendment is substantially changed, a summary of provisions and changes must be published at least 10 days prior to enactment and the governing body must hold another public hearing pursuant to public notice
- Within 30 days after enactment, copy of the amendment must be submitted to the county planning agency
Zoning (Article VI) Continued

Curative amendments 609.1, 609.2

- Landowner curative amendment:
  - A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map may submit in writing a curative amendment
  - The governing body shall consider the curative amendment in accord with procedures specified in Section 609.1 and other sections referenced therein
  - The governing body may accept the curative amendment, with or without revision, or may adopt an alternative amendment to cure the defect(s)

- Municipal curative amendment:
  - If a municipality determines its zoning ordinance is substantively invalid, it shall declare such invalidity and prepare and enact a curative amendment in accord with procedures specified in Section 609.2
  - Upon initiation of a municipal curative amendment, the municipality is not required to entertain any landowner curative amendment
  - After enactment, a municipality may not again use these procedures for 36 months (there are exceptions)

Administration and finances 614, 617.3

- A zoning officer, meeting qualifications demonstrating a working knowledge of zoning and not holding any municipal elective office, shall be appointed to administer the ordinance in accord with its literal terms
- The governing may appropriate funds to prepare a zoning ordinance and shall appropriate funds for administration and enforcement of the ordinance, including operations and costs of a zoning hearing board
- The governing body may prescribe reasonable fees for administration of the zoning ordinance in accord with allowances and restrictions specified in 617.3(e)
Enforcement
616.1, 617, 617.1, 617.2

- Upon appearance of a zoning ordinance violation, the municipality shall send to the property owner and select others an enforcement notice specifying the violation, dates to commence and achieve compliance, and right to appeal to the zoning hearing board – details in 616.1
- The municipality or property owner or tenant affected by a zoning violation may institute any appropriate action or proceeding to prevent, restrain, correct, or abate the act or conduct constituting a violation; a landowner or tenant must serve notice of said action on the municipality at least 30 days prior to the time the action is begun
- The municipality may commence a civil enforcement proceeding against any person, partnership, or corporation for violation of the zoning ordinance
  - If found liable, the violator shall pay a judgment of not more than $500 plus court costs and municipal attorney fees
  - Failure to pay or appeal the judgment entitles the municipality to further enforcement proceedings specified in Section 617.2
  - District justices have initial jurisdiction in enforcement proceedings

Additional effects of comprehensive plans and zoning ordinances
619.2

- When a county has properly adopted a comprehensive plan and any municipalities have properly adopted comprehensive plans and zoning ordinances, state agencies shall consider and may rely upon said plans and ordinances in reviewing funding applications or permitting infrastructure or facilities
- The Center for Local Government Services shall help coordinate state agency program resources with local planning and zoning and, upon request, shall help municipalities identify impacts of state agency decisions on local planning and zoning
- When municipalities adopt a joint municipal zoning ordinance, state agencies shall consider and may rely upon said ordinance for the funding or permitting of infrastructure or facilities, and municipalities may, by agreement, share tax revenues and fees
Planned Residential Development (Article VII)

Powers and purpose
701, 702, 703, 704

- The governing body of each municipality may enact, amend, and repeal provisions for planned residential development (PRD)
- PRD provisions are enacted within a zoning ordinance as an amendment in accord with Article VI
- The governing body has authority to approve, modify, or disapprove PRD development plans or may delegate such authority to the planning agency
- County PRD provisions shall not supercede municipal PRD, zoning, or S&LD ordinances; however, applications for municipal PRD tentative approval must be referred to the county planning agency for a review period of up to 30 days
- PRD provisions are designed to encourage innovation and variety in development, provide better opportunities for housing, recreation, and open space, and better relate development design to the particular site
- PRD provisions and consideration of applications for a PRD shall be based on the comprehensive plan or statement of community development objectives

PRD provisions, standards, and conditions
702.1, 705

- PRD provisions shall:
  - Set forth uses permitted in a PRD
  - Establish standards for density or intensity of uses
  - Set forth standards and criteria by which design, bulk, and location of buildings may be evaluated
  - Require applicants to present evidence of a bonafide public water provider if not using on-lot wells
- PRD provisions may:
  - Regulate the timing of various types of development
  - Establish standards encouraging flexibility of housing densities, design, and types for a PRD to be developed over a period of years
  - Require set aside of common open space as specified further in Section 705(f)
  - Require a PRD to have a minimum number of dwelling units
  - Provide for transferable development rights
Enforcement of PRD plan provisions
706

- All provisions of a PRD plan may be enforced at law or equity by the residents of the PRD; residents may modify their rights to enforce said provisions – details in 706
- Provisions of a PRD plan relating to use, bulk, location of buildings, density, and open space are enforceable in law or in equity or may be modified by the municipality – details in 706

PRD plan approval
707, 708, 709, 711

- Tentative approval of PRD plan:
  - Landowner or agent shall file application, upon payment of a reasonable fee, containing detailed information specified in Section 707
  - Within 60 days of filing, the governing body, or planning agency if so designated, shall hold a public hearing pursuant to public notice and may continue the hearing or refer the plan to the planning agency for a period no longer than 60 days after first hearing
  - Within sooner of 60 days after conclusion of public hearing or 180 days after filing, the governing body, or planning agency if so designated, shall in writing approve, approve with conditions, or deny PRD plan and provide findings of fact as specified in 709(b); failure to act timely results in deemed approval
- Final approval of a PRD plan:
  - Application for final approval including drawings and other information is submitted to municipality
  - If final plan complies with tentative approval, no public hearing shall be required and approval shall be granted within times specified in 711(b)
  - If final plan varies from tentative approval, the municipality may refuse to grant approval within times specified in 711(c); landowner may either refile the plan without objected variations or request a public hearing pursuant to public notice to be held within 30 days of the request; decision within 30 days of the hearing shall be in form and contain findings as specified for a tentative plan; failure to act timely results in deemed approval
### Planned Residential Development (Article VII)  

**Effect of PRD plan approvals**  
710, 711

- Upon tentative approval, the PRD is deemed an amendment to the zoning map, but is not qualified for recording or issuance of building permits
- Upon final approval, the PRD plan shall be so certified by the municipal approving body and shall be filed in the county recorder’s office
- Upon recording, zoning and subdivision regulations otherwise applicable to the land in the PRD plan shall cease to apply thereto

**Enforcement remedies**  
712.1, 712.2

- The municipality may commence a civil enforcement proceeding against any person, partnership, or corporation for violation of the PRD provisions
  - If found liable, the violator shall pay a judgment of not more than $500 plus court costs and municipal attorney fees
  - Failure to pay or appeal the judgment entitles the municipality to further enforcement proceedings specified in Section 712.2
  - District justices have initial jurisdiction in enforcement proceedings
### Traditional Neighborhood Development (Article VII-A)

#### Powers and purpose

<table>
<thead>
<tr>
<th>701-A, 702-A, 704-A, 708-A</th>
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<tbody>
<tr>
<td>- The governing body of each municipality may enact, amend, and repeal provisions for traditional neighborhood development (TND)</td>
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<tr>
<td>- TND provisions are enacted within a zoning ordinance as an amendment in accord with Article VI</td>
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<tr>
<td>- TND provisions are designed to encourage innovation and variety in development, provide better opportunities for housing, recreation, and access to services and employment, to promote pedestrian- and transit-oriented development, to foster a sense of place, and more</td>
</tr>
<tr>
<td>- TND provisions and consideration of applications for a TND shall be based on the comprehensive plan or statement of community development objectives</td>
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<tr>
<td>- The governing body may also adopt by ordinance a manual of design guidelines to assist in TND proposals</td>
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</table>

#### TND provisions, standards, and conditions

<table>
<thead>
<tr>
<th>702-A, 705-A, 706-A, 707-A</th>
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<tbody>
<tr>
<td>- A TND may be a new development; in such case TND designation shall be in the form of an overlay zone</td>
</tr>
<tr>
<td>- A TND may be an outgrowth of existing development or urban infill; in such case TND designation may be either an overlay zone or outright zoning designation</td>
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<tr>
<td>- TND provisions shall:</td>
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<tr>
<td>- Set forth uses permitted in a TND</td>
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<tr>
<td>- Establish standards for density or intensity of uses</td>
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<tr>
<td>- Set forth procedures for application for, hearing on, and preliminary and final approval of a TND</td>
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<tr>
<td>- TND provisions may:</td>
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<tr>
<td>- Regulate the timing of various types of development</td>
</tr>
<tr>
<td>- Establish standards encouraging flexibility of housing densities, design, and types for a TND to be developed over a period of years</td>
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<tr>
<td>- Require a minimum number of dwelling units</td>
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<tr>
<td>- Provide for transferable development rights</td>
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<tr>
<td>- TND provisions should include but not be limited to:</td>
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<tr>
<td>- Provision of open space, parks, and natural features</td>
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<tr>
<td>- Promotion of compact development, orientation to streets and sidewalks, and varying TND densities</td>
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<tr>
<td>- Other design guidelines specified in 706-A(d)</td>
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<tr>
<td>- A sketch plan may be presented and informally reviewed</td>
</tr>
</tbody>
</table>
Joint Municipal Zoning (Article VIII-A)

Powers
801-A

- Two or more municipalities may cooperate to enact, amend, or repeal a joint municipal zoning ordinance
- Must be based on a joint municipal comprehensive plan

Relation to county or municipal zoning
802-A

- Enactment by a municipality of a joint municipal ordinance acts as a repeal of a county or municipal zoning ordinance within that municipality

Joint municipal zoning generally follows provisions for municipal zoning in Article VI

- Joint municipal zoning ordinances follow provisions for municipal zoning in Article VI except as follows:
  - **Classifications** – No area of a municipality in a joint ordinance may be unzoned
  - **Community development objectives** – Every joint ordinance shall contain a statement of community development objectives, shall be based on the joint comprehensive plan, and shall:
    - Relate to the entire area covered by the ordinance
    - Identify objectives of each municipality and how they relate to the entire area
    - Include the basis for the geographic delineation of the area which the ordinance regulates
  - **Preparation** – A joint municipal planning commission shall prepare the ordinance directed by the governing bodies and shall hold the required public meeting
  - **Enactment** – Each municipality must enact the ordinance and no municipality may withdraw or repeal within 2-3 years of enactment
  - **Amendments** – An amendment must also be submitted to the joint municipal planning commission for 30-day review, governing bodies must submit recommendations, and the amendment must be adopted by each municipality
  - **Administration** – The governing bodies may create a joint zoning hearing board, and the ordinance must specify if there will be a zoning officer in each municipality or a single joint zoning officer
  - **Enforcement** – Enforcement remedies may be taken by one municipality against another
Curative amendments and validity challenges
810-A, 811-A, 812-A

- A landowner curative amendment is filed following requirements in Section 609.1 with the municipality in which the landowner’s property is located, provided that:
  - The challenge is directed to the validity of the entire area of the joint municipal zoning ordinance, with such due consideration also given by the court
  - A curative amendment may not be enacted without approval of all participating municipalities
- The governing bodies of all participating municipalities may declare the joint ordinance invalid and prepare a municipal curative amendment following Section 609.2, provided that:
  - The 36-month limitation on new municipal curative amendments applies to all municipalities
  - Where there are 2-3 participating municipalities, they shall have 9 months rather than 6 specified in 609.2(3) to enact the curative amendment; where there are more than 3 municipalities, the 9-month period shall be extended an additional month for each additional municipality; however, notwithstanding the previous extensions, a municipal curative amendment shall be enacted by the municipalities party to the joint ordinance within one year from the declaration of invalidity
Zoning Hearing Board and Other Administrative Proceedings (Article IX)

General Provisions

901, 904

- Every municipality that enacts zoning must create a zoning hearing board (board)

Membership, organization, and expenditures

903, 905, 906, 907

- 3-5 members, residents of the municipality, as determined and appointed by governing body resolution
- 3 member board serves 3 year terms staggered yearly; 5 member board serves 5 year terms staggered yearly
- 3 alternate members may be appointed for 3 year terms with duties and rights as further specified in 903(b)
- The board shall elect officers to serve one year
- A majority of board members shall constitute a quorum; when a quorum is lacking, the board chair shall designate alternate(s) to sit on the board to make a quorum, said alternate(s) serving in all proceedings of a case
- Members and alternates may receive compensation
- Board may employ or contract for necessary services

Hearings

908

- Board shall conduct hearings and decisions as follows:
  - Public notice shall be given; written notice shall be given to applicant, zoning officer, other designated persons, and persons making request, and posted on the affected land at least 1 week before the hearing
  - The governing body may require reasonable fees in accord with Section 908(1.1)
  - The first hearing shall commence within 60 days of the application, unless extension is agreed; next hearings shall occur within 45 days of prior hearing; cases shall be completely presented within 100 days of the first hearing as further specified in 908(1.2)
  - Hearings shall be conducted by the board or a hearing officer appointed by the board; the board shall render the decision and/or findings, though the applicant may waive same and accept a final decision or findings by the hearing officer
  - Board or hearing officer shall keep a stenographic record, costs of which are born in accord with 908(7)
  - Other procedures specified in 908(3), (4), (5), (6), (8)
Hearings (continued)

908

- The board or hearing officer shall render a decision, or written findings when no decision is rendered, within 45 days of the last hearing; content of decisions and further provisions are found in 908(9)
- Except for 916.1 challenges, where the board fails to render a decision within prescribed time limits or fails to commence, conduct, or complete hearing(s) as prescribed, decision shall be deemed rendered in favor of applicant unless agreeing in writing to an extension of time – additional details in 908(9)
- Final decision and findings shall be delivered to the applicant or mailed not later than the day after the decision; board shall mail a brief notice of decision or findings and the location where the full decision may be examined to other persons requesting same

Mediation

908.1

- Parties to proceedings in Articles IX and X-A may utilize mediation to supplement and aid in completing such proceedings – additional details in 908.1

Zoning hearing board jurisdiction

909.1, 910.2, 912.1

- The board shall have exclusive jurisdiction to hear and render final adjudications in the following:
  - Substantive challenges to the validity of any land use ordinance, except for curative amendments
  - Procedural challenges to the validity of any land use ordinance raised within 30 days of the effective date
  - Appeals from determinations of the zoning officer
  - Appeals from determinations of the zoning officer or municipal engineer regarding flood plain regulations, or administration of erosion and sedimentation controls or stormwater management in land use ordinances except for development involving applications covered by Articles V and VII
  - Variances to the zoning or flood plain regulations meeting criteria and further provisions in 910.2
  - Special exceptions in the zoning or flood plain regulations in accord with 912.1
  - Appeals from any officer charged with administering TDR or performance density provisions in zoning
Governing body and planning agency jurisdiction

909.1, 913.2

- The governing body shall have exclusive jurisdiction to hear and render final adjudications in the following:
  - Zoning conditional uses, following specific provisions for hearings, decisions, and time limits in Section 913.2
  - Curative amendments
  - Amendments to land use ordinances
- The governing body, or planning agency if so designated, shall have exclusive jurisdiction to hear and render final adjudications in the following:
  - PRD applications
  - Subdivision and land development applications
  - Appeals from determinations of the zoning officer or municipal engineer regarding administration of erosion and sedimentation controls or stormwater management in land use ordinances for development involving applications covered by Articles V and VII
  - Certain permits under an official map in accord with Sections 405 and 406

Parties who may appeal and time limits

913.3, 914.1

- Appeals may be filed with the board by the landowner affected, any officer or agency of the municipality, or persons aggrieved.
- Requests for a variance or special exception may be filed by a landowner or tenant with landowner’s permission
- If seeking to reverse or limit approval of a development, a proceeding with the board must be filed within 30 days after approval

Stay of proceedings

915.1

- After a proceeding is filed and while it is pending before the board, all land development related to the proceeding and all related official action shall be stayed unless the stay would cause imminent peril to life or property
- When a proceeding is filed to reverse or limit the approval of a development, the applicant for the development may petition the court to order persons filing the proceeding to post bond; court action on the bond shall follow provisions in 915.1
Validity of ordinance; substantive questions 916.1

- A landowner who desires to challenge the substantive validity of a land use ordinance may submit either:
  - A validity challenge to the zoning hearing board, or
  - A curative amendment to the governing body
- A person aggrieved by a permitted use or development who desires to challenge the validity of a land use ordinance must submit the challenge to the zoning hearing board
- A validity challenge shall follow procedures and criteria in 916.1(c), including:
  - It must be in writing and contain reasons
  - If the board finds the challenge has merit, its decision must include recommended ordinance amendments to cure the defect(s)
  - In reaching a decision, the board must consider impact to roads, public facilities, regional housing, natural features, preservation of agriculture and other land uses essential to public health and welfare, plus consider suitability of the site for proposed uses
- The board or governing body has 45 days of the last hearing to render a decision
- A deemed denial occurs if the board or governing body does not render a decision in 45 days or hold a hearing within 60 days after the request is filed
- For a zoning validity challenge involving multi-municipal zoning ordinances and plans, the board shall give consideration to the entire area covered by the ordinance or plan in accord with Section 916.1(h)

Procedure for preliminary opinion 916.2

- A landowner may seek a preliminary opinion on the compliance of a land use or development in accord with 916.2 in order to advance the opportunity for a challenge

Applicability of amendments 917

- An applicant for a special exception or conditional use is entitled to a decision in accord with the ordinance in effect at the time of application, even if it is subsequently amended – details in 917
## Appeals to Court (Article X-A)

### Jurisdiction and time for appeal

<table>
<thead>
<tr>
<th>1001-A, 1002-A</th>
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- All appeals from all land use decisions rendered pursuant to Article IX shall be taken to the court of common pleas of the district where the land in question is located
- Appeals shall be filed as provided in 42 Pa.C.S. 5572 within 30 days of entry of the decision or, in case of a deemed decision, within 30 days after notice of the deemed decision as set forth in 908(9)

### Appeals to court, procedures

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<tr>
<th>1003-A, 1004-A, 1005-A</th>
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- Details of procedure and timing are specified in Section 1003-A, including filing of a land use appeal notice, entering of appeals by the prothonotary or clerk, notice to the municipality, request for the municipality’s records on the matter, serving of notice to landowner, and ability to petition the court for a stay
- If the appeal is from a board or agency of the municipality, the municipality or a owner or tenant of affected property may file a notice of intervention in accord with Section 1004-A
- If additional evidence is desired and warranted, a judge of the court (in accord with Section 1005-A) may hold a hearing, remand the case to the body, agency, or officer whose decision has been appealed, or may refer the case to a referee

### Judicial relief

<table>
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<th>1006-A</th>
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</table>

- The court has the power to declare any ordinance or map invalid and set aside or modify any action, order, or decision of the municipality
- For a zoning validity challenge involving multi-municipal zoning ordinances and plans, the court shall give consideration to the entire area covered by the ordinance or plan in accord with Section 1006-A
- Notwithstanding any provisions of this section, each municipality shall provide reasonable opportunity in its zoning ordinance for coal mining
- The court may order approval of, in full or in part, a development or use judged to have been unlawfully prevented or restricted by the municipality
- The court may hold additional hearings to take evidence or employ experts to aid in framing an appropriate order
### Intergovernmental Cooperative Planning and Implementation Agreements (Article XI)

#### Powers and purpose

<table>
<thead>
<tr>
<th>1101, 1102</th>
</tr>
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<tbody>
<tr>
<td>The governing bodies of municipalities (including counties) may enter into intergovernmental cooperative agreements in accord with PA law to develop, adopt, and implement a comprehensive plan.</td>
</tr>
<tr>
<td>Plan can cover a county, areas within a county, or areas with municipalities in more than one county.</td>
</tr>
<tr>
<td>Agreements may also involve authorities and special districts providing water, sewer, transportation, or other services within the area of the plan.</td>
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</table>

#### County or multimunicipal comprehensive plans

<table>
<thead>
<tr>
<th>1103</th>
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</thead>
<tbody>
<tr>
<td>A cooperative comprehensive plan may be developed by the participating municipalities or, at their request, by the county planning agency(ies).</td>
</tr>
<tr>
<td>A cooperative comprehensive plan <strong>shall</strong>:</td>
</tr>
<tr>
<td>– Include all elements required or authorized in 301</td>
</tr>
<tr>
<td>– Include a public participation process for broad input prior to required public hearings</td>
</tr>
<tr>
<td>A cooperative comprehensive plan <strong>may</strong>:</td>
</tr>
<tr>
<td>– Designate growth areas to accommodate 20 years’ projected development of residential and mixed uses at 1+ unit per acre and of commercial and industrial development to meet economic needs, plus services for such development</td>
</tr>
<tr>
<td>– Designate potential future growth areas for orderly future extension of development and services</td>
</tr>
<tr>
<td>– Designate rural resource areas, if applicable, for rural resources and compatible development</td>
</tr>
<tr>
<td>– Plan for accommodation of all categories of uses within the area of the plan and not necessarily within each municipality</td>
</tr>
<tr>
<td>– Plan for developments of area wide significance</td>
</tr>
<tr>
<td>– Plan for conservation and enhancement of natural, scenic, historic, and aesthetic resources</td>
</tr>
<tr>
<td>Adoption of the plan or amendments must conform to Section 302, and may be reflected on the official map of participating municipalities pursuant to Section 401</td>
</tr>
</tbody>
</table>
• Municipalities and counties have authority to enter into intergovernmental cooperative agreements to implement multimunicipal comprehensive plans

• Cooperative implementation agreements shall:
  – Establish a process to achieve general consistency between the plan and zoning ordinances, subdivision and land development ordinances, and capital improvement plans in participating municipalities, including adoption of conforming ordinances within 2 years and a mechanism for dispute resolution
  – Establish a process for review and approval of developments of regional significance and impact, provided that subdivision and land development approval shall be exercised by the municipality in which the development is located
  – Establish implementation responsibilities of each municipality including infrastructure and affordable housing
  – Require exchange of a yearly annual report between the participating municipalities and the county planning agency
  – Describe other agreed duties and responsibilities

• Cooperative implementation agreements may:
  – Designate growth areas, future growth areas, and rural resources areas, and provide a process for amending the plan and redefining said areas

• The county may facilitate negotiation of agreements between municipalities, authorities, utilities, etc. for provision of public infrastructure and services recommended in a multimunicipal comprehensive plan
Intergovernmental cooperative planning and implementation agreements (Article XI)  Continued

**Legal effect**

1105

- Where municipalities have an adopted cooperative comprehensive plan, cooperative implementation agreement, and conforming ordinances:
  - The zoning hearing board and court shall consider availability of zoned uses across all participating municipalities in judging zoning challenges
  - State agencies shall consider and rely upon the plan and ordinances for funding or permitting of infrastructure or facilities
  - State agencies shall consider and give priority to funding and technical assistance for projects consistent with the plan
- Municipalities participating in agreements to implement a cooperative comprehensive plan have powers to:
  - Provide for sharing of tax revenues and fees
  - Adopt a transfer of development rights program that allows development rights to be transferred from a rural resource area in one municipality to a designated growth area in another municipality

**Specific plans**

1106

- Participating municipalities have authority to adopt a specific plan for any nonresidential part of the plan area
- Specific plan shall include text, diagram(s), and implementing ordinances which specify all of:
  - Location, standards, and design for land uses, water, sewer, transportation, and other essential facilities
  - Standards for population density & building intensity
  - Standards for preservation & use of natural resources
  - A program of financing for capital improvements and implementing regulations (zoning, subdivision, etc.); ordinances may be amended into existing ordinances or enacted separately, in which case they repeal ordinances in effect in the area of the specific plan
- Adoption of a specific plan shall follow MPC adoption procedures for comprehensive plans and ordinances
- Capital projects and development plans may be approved only if consistent with the adopted specific plan
- Within a specific plan area, only final plan application & approval is required for subdivision or land development