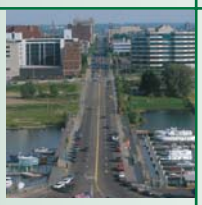
Governor's Center for Local Government Services

PLANNING SERIES #4


Zoning

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Zoning

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#7 Special Exceptions, Conditional Uses and Variances
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#9 The Zoning Officer
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NOTE: These publications are periodically revised or updated to reflect changes in Pennsylvania planning law.

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Introduction

While the comprehensive plan is used as more of a planning device, and subdivision and land development ordinances regulate the creation of property lines and development on those properties, zoning is a method a community may use to regulate the use of land and structures. It is initiated by the adoption of a zoning ordinance designed to protect the public health, safety, and welfare and to guide growth. It is one of three planning documents put in place to effectively plan for the future of a municipality.

When zoning was first utilized, its primary purpose was to prevent a property owner from using his or her property in ways which were a nuisance or actually harmful to neighboring property owners. Over the years, the scope of zoning has expanded. Municipal governments and the courts no longer look upon zoning only as a "negative" tool to keep certain land uses out of a neighborhood. They also recognize its value as a "positive" tool for encouraging certain development and for creating an attractive community. In addition, zoning now frequently attempts to control development in areas subject to flooding, to preserve natural features (i.e. wetlands, forests, aquifers) and historic features, and to save farmland.

The zoning ordinance is composed of two parts – the text and the zoning map. The text of the ordinance contains the community development objectives and the necessary technical provisions to regulate the use of land and structures and to establish bulk, height, area, setback and other standards. The zoning map delineates the boundaries of the specific districts or zones created in the ordinance.

The zoning ordinance can be a confusing document to the average person who is confronted with a myriad of rules and regulations. The zoning ordinance should not be maligned for being complicated. Land use regulation is a complicated endeavor. What is needed is some basic information that explains zoning, the ordinance, its development and its administration. This publication is designed to fulfill some of that need.

The Municipalities Planning Code: The Legal Framework

The power to zone and to adopt zoning ordinances is granted to local governments by the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as reenacted and amended. The MPC establishes the basic rules which a municipality must follow to enact, administer, enforce and amend a zoning ordinance, as well as the basic purposes of the ordinance. The MPC in Section 604 requires that a zoning ordinance be designed to:

1. Promote, protect and facilitate any or all of the following: public health, safety and general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations; airports, and national defense facilities; the provisions of adequate light and air; access to incident solar energy; police protection; vehicle parking and loading space; transportation; sewerage; schools; recreational facilities; public grounds; the provision of a safe; reliable and adequate water supply for domestic; commercial; agricultural or industrial use and other public requirements as well as preservation of the natural; scenic, and historic values in the environment and preservation of forests; wetlands; aquifers and floodplains.
2. Prevent one or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; loss of health, life or property from fire; flood, panic or other dangers.
3. Preserve prime agriculture and farmland considering topography, soil type and classification and present use.
4. Provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.
5. Accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and non-residential uses.

The MPC in Section 606 also envisions a statement of community development objectives. This statement can be an actual part of the zoning ordinance, or it can be supplied by reference to these objectives as contained within the comprehensive plan. The community development objectives are an extremely crucial part of the zoning ordinance. They are the basic philosophy that underlies the ordinance, and it is upon these objectives that the ordinance requirements will be judged in a legal challenge.

A basic requirement of the MPC found in Section 605 is that, except for counties, no part of any community enacting a zoning ordinance may be left unzoned. Different districts may be created, and different rules may apply within these districts, but the ordinance must provide for all areas of the municipality. The districts created must be delineated on a map. This map then becomes an integral part of the zoning ordinance.

The regulations within any one zoning district must be uniform throughout the district. However, the MPC in Section 605 grants authorization to vary such regulations for:

- making transitions at district boundaries;
- regulating nonconforming uses and structures;
- regulating, restricting or prohibiting uses and structures at, along, or near:

- major thoroughfares, their intersections and interchanges, transportation arteries and rail or transit terminals,
- natural or artificial bodies of water, boat docks, and related facilities,
- places of relatively steep slope or grade or other areas of hazardous geological or topographical features,
- public buildings and public grounds,
- aircraft, helicopter, rocket and spacecraft facilities,
- places having unique historical, architectural or patriotic interest or value,
- floodplain areas, agricultural areas, sanitary landfills and other places having a special character or use affecting and affected by their surroundings.

These latter provisions of the MPC invite the option of an overlay zone superimposed upon the established zoning district. That is, a specific district is established with its own particular explicit rules and regulations. If, for example, a floodplain lies within a district, the MPC permits the municipality to enforce a different set of regulations within the flood-prone area of the district than those that are enforced within the remaining portion of the district. Therefore, the provisions pertaining to the floodplain supplement the district provisions.

Today, the MPC provides for more innovative approaches to planning and development. By adopting these techniques or best practices, it is hoped that the economic vitality of a community can be obtained, while preserving the natural and cultural environment. In order to create viable and livable communities, municipalities should have an updated comprehensive plan, zoning ordinance, and subdivision and land development ordinance. Communities that adopt these planning documents will be better equipped to preserve the character of their municipality while still allowing growth to occur. Municipalities that encourage conservation design are places that are more attractive places to live, work and recreate.

Special Statewide Considerations

The Municipalities Planning Code provides protection for, and limitation in local regulation of, agriculture, forestry, mining activities, natural and cultural features. Municipalities are specifically authorized and required to address and/or accommodate the following:

- Protect prime agricultural land and promote the establishment of agricultural security areas and encourage the continuity development and viability of agricultural operations. Zoning ordinances may not restrict agricultural operations or the expansion of the operations in areas where agriculture has traditionally been present, unless it will have a direct adverse effect on public health and safety.
- Ensure forestry as a permitted use by right in all zoning districts in every municipality encouraging the maintenance and management of forested or wooded open space and promote economically viable use of forested land throughout the Commonwealth.
- Provide for the reasonable development of mining activities in each municipality.
- Promote and preserve environmentally sensitive areas, natural features and areas of historic or cultural significance.

Other statewide zoning considerations include zoning consistency, no-impact home-based businesses and location or expansion of methadone treatment facilities.

- Zoning ordinances adopted by municipalities shall be consistent with the municipal or multimunicipal comprehensive plan. Where no comprehensive plan exists, consistency with the county comprehensive plan is necessary.

- Permitting no-impact home-based businesses in all residential zones in every municipality by right except that any deed restriction or covenant applies to the use of the land.
- Establishing criteria under which municipal authorities, water companies or any other municipality that plans to expand water, sanitary sewer or storm sewer shall notify the municipality. The purpose is to determine if the expansion will enhance and support of conflict with the proposed land use planning.
- Establishing minimum separation distances for the location of defined methadone treatment facilities in regard to an existing school, public playground, public park, residential housing area, child care facility, church, meetinghouse, or other actual place of regularly stated worship.

Zoning Ordinances

The Relationship Between Planning and Zoning

In basic terms, a zoning ordinance divides all land within a municipality into districts, and creates regulations that apply generally to the municipality as a whole as well as specifically to individual districts. To properly delineate the boundaries of any district created within the zoning ordinance, and to determine the need for any specific district or districts, studies must be conducted in various areas. Based upon these studies, rational decisions can be made concerning the zoning districts.

The comprehensive plan is a document that contains the studies and the recommendations referred to above. It is upon these studies and recommendations that the zoning ordinance is based. Hence, zoning is ultimately based upon planning. (See DCED Planning Series No. 3: *The Comprehensive Plan*.) Zoning ordinance amendments must be generally consistent with the comprehensive plan. If this is not the case, the comprehensive plan should be amended to reflect these updates. Note: State agencies, in their review of infrastructure improvements and permitting applications, are to consider zoning ordinances and their consistency with the comprehensive plan.

The terms "planning" and "zoning" are often used interchangeably, but there is a definite distinction made between the two. Planning involves taking an inventory of the development alternatives, analyzing the collected data, projecting the future growth and development alternatives, and establishing policies to be implemented in the future. It is a blueprint for future development of the community.

Zoning is one method of implementing the plan. It is based upon the plan, and helps to put the plan into effect. State law requires that zoning ordinances be generally consistent with the municipal comprehensive plan, as well as the county comprehensive plan. If a zoning ordinance is amended in terms inconsistent with the existing municipal comprehensive plan, the plan must also be amended concurrently. Zoning is oriented to the present, whereas, a comprehensive plan has a horizon of 15 to 20 years and should, at a minimum, be reviewed once every 10 years.

Preparation of the Ordinance

The zoning ordinance serves a dual purpose: to coordinate and guide development and to provide certain standards for development. It is the tool by which the municipality's comprehensive plan can be related to the needs of the community by providing a means for orderly development.

Every municipality has its own specific needs. It is not feasible, therefore, for a community to adopt the zoning ordinance of another municipality. Also, it is difficult for a local planning commission to draft an ordinance without technical assistance. Therefore, the local planning commission usually works with staff, a county planner or a consultant to prepare a suitable ordinance. The planning commission may want to involve other citizens or local interest groups in the process. When the ordinance is complete, the planning commission presents it to the local elected officials for any revisions.

The preparation of a zoning ordinance should be preceded by the development of a comprehensive plan. The size, population and existing physical and social characteristics of the municipality will determine the overall approach to be taken in the planning effort.

The first step in developing the plan is to collect, tabulate and map all pertinent facts on existing conditions in the municipality and in adjoining areas. Land use maps, topographical maps and field surveys come into play

here, as do studies on such community aspects as natural features, agricultural land, street classifications, traffic volumes, transportation patterns, parking facilities, sewage, stormwater, drainage and community water supply. These studies should be made of existing facilities, their adequacy and accessibility, the need for future sites and their size, location and correlation with existing improvements.

Population is an important factor. The plan and the zoning ordinance will be dealing with people, and it must be reflective of present and projected future demographic conditions. This, combined with studies of the factors contributing to the economic base of the community, is necessary to estimate the future population, the areas that will be needed for population growth and areas in need or desirous of protection. An analysis of housing conditions and needs is also critical in planning for the future accommodation of the citizenry and the establishment of residential neighborhoods.

Contents of the Zoning Ordinance: An Overview

The text of the zoning ordinance contains numerous regulations. Some of these apply equally to every area within the municipality. Others vary from zone to zone. The following is a basic explanation of these regulations.

Control over the use of land is the most commonly referred to concept of the traditional zoning ordinance and the most important type of regulation contained within the ordinance. All land within the municipality is divided into various districts, with different types of land uses permitted within each district. For example, specific zones or districts are usually created for residential, agricultural, commercial and industrial uses. This attempts to keep land uses basically compatible, as well as to guide future growth and development.

The methods employed to achieve these goals are granted to municipalities within the Commonwealth with the understanding that certain activities (mineral extraction, coal extraction, commercial agricultural production, forestry) are also regulated by state or, in some cases, federal legislation that may supersede or preempt local land use ordinances. Municipalities must account for these activities and their continued viability and reasonable development, while at the same time attempting to balance these interests with the protection and promotion of its prime agricultural lands, environmentally sensitive areas and historically significant areas.

Regulations establishing lot size and development standards are also familiar to most people. Different lot sizes are commonly established for each zone or for various types of land uses. For example, a single family residential district may have a minimum lot size requirement of 10,000 square feet, while in a conservation district the minimum lot size requirement may be one acre or larger. Additionally, special standards may be enacted within an agricultural district if the municipality is actively participating in an agricultural security area program. Zoning ordinances may encourage the continuity, development and viability of agricultural operations. Conversely, a zoning ordinance may not restrict agricultural operations or changes to or expansions of agricultural operations in geographic areas where agriculture has traditionally been present.

Hand-in-hand with lot size regulations are requirements that all lots have a certain width and depth, and that certain front, side and rear yard requirements be observed. These regulations are designed to provide sufficient light and ventilation to insure privacy and to protect the public safety by maintaining space between buildings and between streets. Building heights can also be controlled. While this type of requirement is not mandatory, such provisions are common.

Performance standards, often designed for industry and other potentially harmful or annoying uses, are more frequently being included within zoning ordinances. They can be designed to add an extra measure of protection for the inhabitants of the municipality and for the environment, or they can be designed to add greater flexibility to an ordinance. Two uses that could be incompatible if allowed to exist side by side with no limitations could fit very nicely together if performance standards are used. Frequently, such factors as noise,

odor, glare, light, dust and vibration are regulated. For example, a zoning ordinance may require that the sound emitted from an industrial use not exceed a specified number of decibels within 50 feet of a residential area.

Zoning ordinances usually contain additional regulations for such items as parking and signs. These types of regulations are used to improve the appearance of a community and to promote public safety.

When any zoning ordinance is enacted, certain existing structures and uses of land may not meet the new zoning regulations. These are known as nonconforming uses, lots, or structures and, while such uses are permitted to continue, they are regulated by provisions in the zoning ordinance. Usually, these regulations deal with the continuation, expansion, change, restoration and abandonment of such uses.

In addition to regulations concerning land use, the zoning ordinance also contains certain regulations necessary to administer the ordinance. A zoning officer is appointed and his or her powers and duties are specified. (See Planning Series No. 9: *The Zoning Officer*.) Also, a zoning hearing board is established and its organization and functions are listed. (See DCED Planning Series No. 6: *The Zoning Hearing Board.*)

Adopting the Ordinance

The law provides that after the initial draft of the zoning ordinance has been prepared, the planning commission is required to hold at least one public meeting at which all citizens are given the opportunity to express their views concerning the ordinance as a whole or its application to individual properties. The planning commission may hold as many public meetings as it feels are necessary to provide the public with a full explanation and an opportunity to comment. All public meetings held by the planning commission must be advertised according to the MPC requirements for public notice. Notice must be published once each week for two successive weeks in a newspaper of general circulation in the municipality. The second publication must be at least 7 days and the first publication no more than 30 days from the meeting. Following the meetings, the commission should make such changes or revisions, as it deems advisable and submit its final report and recommendations to the governing body.

Following the public meeting by the planning commission, the zoning ordinance is submitted to the county planning agency for review and comment. Forty-five days following the submission to the county, the planning commission submits the proposed ordinance to the governing body.

The governing body must proceed, in turn, to hold at least one public hearing (or more if necessary) at which all interested parties are given the opportunity to be heard. This hearing must also be advertised according to the MPC guidelines for public notice. Following this hearing, the governing body may adopt the zoning ordinance in the same manner as for other enactments except that the full provisions of this ordinance need not be advertised, but may be supplied in summary form as prepared by the municipal solicitor.

Prior to the vote to adopt the ordinance, a notice of proposed enactment must be published at least once in a newspaper of general circulation not more than 60 days nor less than 7 days prior to passage. (See Appendix I) The public notice and advertising requirements serve several purposes. The first is to clearly state the intent of the planning commission or governing body (see below). The second is to make the local citizenry aware of the planning efforts within the municipality and to afford them an opportunity to participate in the planning effort. Such advertising requirements also meet the mandates of Pennsylvania's "Sunshine Act" (P.L. 388, No. 84, 1986).

The procedural elements discussed above are extremely important. They are a precedent to the validity of the zoning ordinance. If these procedures are not followed, the ordinance could be declared null and void by a court of law in legal challenge to the ordinance. (See Appendix II for initial zoning adoption procedures.) A legal challenge on procedural grounds or alleged defects in the process of enactment goes to the zoning hearing board, but if the appeal is from the enactment of an initial zoning ordinance and no zoning hearing board has yet been established, then the appeal goes directly to court.

If a contiguous municipality firmly believes that the adoption of the ordinance (or a subsequent amendment) will result in a potentially harmful circumstance for its citizens, the county planning commission serves as a mediator. The county will offer its services in mediation, assuming both affected municipalities agree to participate voluntarily. Under this option, the additional cost associated with mediation is usually shared equally by the two municipalities.

For administrative purposes, the MPC in Section 614 requires that any community adopting a zoning ordinance appoint a zoning officer and establish a zoning hearing board. The zoning officer handles the day-to-day matters dealing with the zoning ordinance and is responsible for its administration. The zoning hearing board hears appeals dealing with the actions of the zoning officer, challenges to the validity of an ordinance or map, procedural challenges, requests for variances, requests for special exceptions, and appeals from certain actions of the municipal engineer. (See DCED Planning Series No. 6: *The Zoning Hearing Board*.)

Procedures Adding Flexibility to the Zoning Ordinance

No zoning ordinance can be considered flawless, nor can zoning provide a solution for every conceivable situation. Some land uses may be acceptable within a district only when additional regulations or standards are applied. Provisions of the zoning ordinance may place undue hardship upon a property owner. Certain land uses may have been excluded from a particular zone or may have been inadvertently omitted from the municipality entirely. Court decisions frown upon excluding any legitimate land uses. If a use is excluded, the burden of proof shifts to the municipality. However, the zoning ordinance contains provisions designed to provide for or to remedy these situations.

Special Exceptions and Conditional Uses

A zoning district provides for certain uses by right. Other uses are provided by special exception or conditional use. The uses permitted by special exception or by conditional use, while they are permissible and legitimate uses within the district, require a closer examination by the body granting their approval. For example, a district may provide for single-family houses by right, but may provide for townhouses by special exception or conditional use. Both uses are permitted within the district. However, the individual wishing to construct townhouses must meet additional requirements to proceed with his or her plans while the individual desiring to construct a single family house does not. Both must secure a zoning and/or building permit and usually an occupancy permit upon completion and inspection. Subdivision or land development plan approvals are obtained after zoning approvals.

Special exceptions and conditional uses are usually reserved for those land uses that will have a significant impact on the district or the whole community, or for those uses that necessitate more control or additional safeguards. They are not uses that can be excluded from a district, but rather are those uses that the community feels deserve a closer examination. In the example referred to above, the proposed townhouse development could be examined for off-street parking, open space, and other such items. Specific standards for issuing special exceptions and conditional uses must be contained within the zoning ordinance and may not be related to off-site transportation improvements. When standards are not included, the municipality or zoning hearing board may not be able to defend their decision if an appeal to the courts is made.

The prime difference between a special exception and a conditional use is the entity making the decision. Special exceptions are granted by the zoning hearing board. Conditional uses are granted by the governing body of a municipality. Both uses require a public hearing prior to any approval or disapproval. While there is no rule saying which of these a community should use and for what specific uses each is warranted, many communities reserve conditional uses only for those permissible uses that will have a significant impact on the entire municipality. Uses which have a lesser impact on the entire community but which still require a closer

examination are often reviewed via special exception procedures. (See DCED Planning Series No. 7: *Special Exceptions, Conditional Uses and Variances*.)

Variances

A variance is a means of adjusting the literal terms, the detailed preset regulations, of the zoning ordinance to fit the land which it regulates. It enables a property owner to use his or her land which, due to specific location, topography, size or shape, would otherwise not be suitable for development under the strict interpretation of the zoning ordinance. It is a permission granted as relief from unnecessary hardship that would be imposed by strict adherence to ordinance provisions. The variance acts as a relief valve to solve problems in applying general legislation to specific situations.

Suppose an individual owned a lot platted prior to the adoption of the zoning ordinance. If the requirements (i.e., lot size, setbacks) of the zoning ordinance prevent any reasonable use of the individual's property, and if the proposed use is consistent with the public interest and the hardship to the applicant is not self-inflicted or financially related, a variance is usually in order to avoid a taking or confiscation of the property.

A variance is granted by the zoning hearing board. The MPC in Section 910.2 contains strict standards that must be met before a variance can be issued. The board may grant a variance provided that all of the following findings are made where relevant:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
3. That such unnecessary hardship has not been created by the applicant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and the zoning ordinance. (See DCED Planning Series No. 7: *Special Exceptions, Conditional Uses and Variances*.)

Amending the Zoning Ordinance

There will be occasions when an amendment to the zoning ordinance, whether textual in nature or a map change, is necessary. This could be caused by a change in the MPC, or by an external or internal force or policy, such as an extension of utilities. Amendments could be substantive as well as procedural. For example, a new use permitted within a district or an enlargement of a district would be substantive, while a change in the number of days to act upon a matter would be procedural.

Zoning amendments per se are not necessarily detrimental. Properly prepared and thought out, they enable a municipality to adjust to altering circumstances and needs.In the event a zoning ordinance amendment is proposed involving the zoning map, the municipality shall send notice of a public hearing to the affected property owners within the area proposed to be rezoned. Notification by first class mail at least 30 days prior to the date of the hearing shall be sent to all proprerty owners in the area to be rezoned. This notification requirement does not apply when the rezoning constitutes a comprehensive rezoning.

Zoning Districts

The zoning ordinance divides all land within the municipality into districts. Land within these districts is restricted to certain general uses. There are no requirements as to the number or type of districts that a municipality may create. The only MPC requirement is that no area be left unzoned, except in the case of a county ordinance.

The types of districts most commonly found in zoning ordinances are residential, commercial, industrial and protective or special purpose districts. There can be many variations of these specific districts. For example, there may be several different residential districts, each accommodating a different density of development. The same holds true for commercial, industrial and conservation districts. A different district can be created for each general type of use, for example, central business district, village center, highway commercial, professional office, light industrial, heavy industrial, forest, agricultural, floodplain, etc. Different regulations would apply to each district, making the districts more than semantically different. Strict segregation of uses can be carefully modified to allow mixed-use districts that may enable, for instance, apartments to be built in commercial and/or office districts.

Districts other than those mentioned above – for instance, an institutional district – may be created. They are usually designed to meet a specific need of a community. These districts, which are not commonly found in most municipal zoning ordinances, are peculiar to each separate municipality and therefore are not addressed in detail in this document.

Miscellaneous Zoning Ordinance Provisions

A basic aim of the zoning ordinance is to designate specific areas of the municipality for different types of land uses. Consequently, a large portion of the zoning ordinance is devoted to the districts created and the regulations pertinent to those districts. District provisions contain “bulk” regulations that govern building heights, yard setbacks, and density.

There are, however, other elements that are commonly included in zoning ordinances. They are not limited to any one district, but apply uniformly to the municipality as a whole. The most familiar of these are off-street parking, sign regulations, floodplain management regulations, and performance standards.

Off-street parking requirements generally specify a certain number of spaces for each type of land use. For example, most apartment buildings may need two parking spaces per dwelling unit, while an apartment for the elderly may only need one space per unit. Places that generate a high volume of traffic require more parking spaces. For offices, one space may be required for each occupant, plus additional spaces for visitors. It is not uncommon for retail stores to have their parking standards based upon floor area; one space for every two hundred square feet of gross leaseable area, for example.

Few persons in our older urban areas can refute the need for off-street parking requirements. The change in preferred transportation mode from horse and buggy to the automobile left many cities with narrow and congested streets. Due to population growth and the rise in automobile use and ownership, the need for parking requirements is self-evident.

Signs are another issue frequently addressed in the zoning ordinance. The size, type and location of signs are usually regulated. In addition to aesthetic reasons, sign control can be used to protect the public safety and welfare. Billboards are often restricted to industrial and commercial zones.

Performance standards, particularly for industry, are more frequently being written into zoning ordinances to reduce and minimize objectionable impacts. Essentially, no use or activity that will create any dangerous, injurious, or noxious situation would be permissible. The kinds of things generally regulated are fumes, smoke, odor, dust, radioactivity, noise, vibration, heat, glare, effluent discharge, and other similar items. A manufacturing plant would be permitted to locate in the industrial district, or in certain instances other districts, if it could certify that its operation would not exceed the permitted performance standards.

Zoning ordinances impact municipal authorities and water companies to a certain extent as well. These entities can significantly impact development patterns in a community once a decision is made to extend water, sanitary sewer or storm sewer service to an area. Occasionally, such a decision is arrived at without the benefit of a municipal approval of the proposed development for which service is targeted. In the event of such a scenario, the provider is required to notify the affected municipality of the proposed expansion of service. The municipality is then afforded the opportunity to comment on the proposal with regard to its potential impact on municipal land use planning objectives.

Enacted Zoning Ordinances

Administration of the Zoning Ordinance

Once a zoning ordinance is enacted, neither the planning commission nor the governing body are directly involved in its day-to-day administration. The MPC requires that two separate entities – a zoning officer and a zoning hearing board – be created for this purpose.

Zoning Officer

The day-to-day administration procedures provided for in the ordinance are the responsibility of the zoning officer. The zoning officer's duties generally involve receiving, reviewing, and issuing permits for building and zoning purposes and certificates of occupancy, maintaining records of applications and permits, performing inspections to determine compliance with the ordinance, notifying persons violating the ordinance, keeping the zoning ordinance and map up-to-date, registration of nonconforming uses, and accepting applications for and presenting facts at hearings before the zoning hearing board. The zoning officer must administer the ordinance by its literal terms. The zoning officer does not have any discretionary power and can neither waive nor tighten any requirement of the ordinance. The MPC prevents the zoning officer from holding any elective office within the municipality. The zoning officer is required to meet qualifications established by the municipality and must be able to demonstrate a working knowledge of municipal zoning. (See DCED Planning Series No. 9: *The Zoning Officer*.)

The MPC authorizes that any action in violation of a municipal zoning ordinance can be remedied by either the municipal governing body or any aggrieved property owner who will be substantially affected by the violation. Remedies may include any appropriate action to prevent, restrain, correct or abate such a violation. In the case of an aggrieved property owner, notice of the proposed action must be served upon the municipality at least 30 days prior to the time the action is initiated. Enforcement remedies are also included as provisions within the MPC. Any person, partnership or corporation found in violation of the zoning ordinance shall pay a judgment of not more than $500 plus all associated court costs upon being found liable in a civil proceeding. Each day that a violation continues after this determination may constitute a separate offense. All judgments and associated costs shall be paid over to the municipality whose ordinance was violated.

Zoning Hearing Board

The zoning hearing board is created to help assure fair and equitable application and administration of the zoning ordinance. It is a "local court" for zoning matters. The board can hear various appeals and can grant relief from the literal enforcement of the ordinance. It must, however, follow the procedures prescribed by the zoning ordinance and by the MPC, and can neither make nor modify policy. The zoning hearing board consists of 3 or 5 members, appointed by resolution of the governing body. One to three alternate board members may also be appointed by the governing body to conduct a hearing if the zoning hearing board is unable to reach a quorum due to absences or disqualifications. These alternates, when designated as voting members by the chairman of the zoning hearing board, are entitled to participate in all proceedings to the same and full extent as any regular board member.

The zoning hearing board has jurisdiction in nine areas as enumerated in MPC Section 909.1(a). These areas are:

1. Substantive challenges to the validity of any land use ordinance;
2. Challenges raising procedural questions or alleged defects in the enactment or adoption process of a land use ordinance;
3. Appeals from the determination of the zoning officer;
4. Appeals from a determination by the municipal engineer or the zoning officer with regards to the administration of any floodplain or flood hazard regulations;
5. Applications for variances;
6. Applications for special exceptions;
7. Appeals from determinations regarding the administration of transfers of development rights or performance density provisions;
8. Appeals from the zoning officer's determination regarding preliminary opinions;
9. Appeals from the municipal engineer's or zoning officer's determination in the administration of any land use ordinance regarding stormwater management and erosion and sediment control not involving subdivision, land development or planned residential development applications. (See DCED Planning Series No. 6, *The Zoning Hearing Board*.)

Curative Amendments

There have traditionally been two methods for an individual to appeal or challenge a zoning ordinance as it applies to his or her property: a zoning amendment, which requires a change of classification; and a variance, which requests relief from the literal enforcement of the zoning ordinance in hardship situations.

In 1972, an amendment to the MPC added a third method: the curative amendment (see Section 609.1 of the MPC). The curative amendment is a hybrid form of challenge to the zoning ordinance; it is both an appeal from and (if granted) an amendment to the zoning ordinance. It is a suggested provision to a zoning ordinance prepared and submitted by a landowner challenging the validity of the ordinance.

If the landowner feels that a zoning ordinance or map, or any provision of the ordinance prohibits or restricts the use or development of land in which he or she has an interest, he or she may submit a curative amendment to the governing body. It is a substantive challenge to the validity of the ordinance or map, and the applicant is asking the governing body to hear the challenge and to decide upon the matter. The landowner has the option to file the challenge with either the governing body or the zoning hearing board. If the body hearing the challenges finds that the challenge has merit, the decision must include recommended amendments to the challenged ordinance in order to cure the defects. In reaching its decision, the body hearing the challenge must also consider five planning criteria enumerated in subsection (5) of Section 916.1(c). In abbreviated terms, these 5 factors include:

1. The impact of the proposal upon roads, schools, and public utility and service facilities;
2. The impact of the proposal upon regional housing needs;
3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, aquifers, natural resources and other natural features;
4. The impact of the proposed use on the site's natural features; and
5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to the public health and welfare.

A curative amendment should not be used in a variance situation. If a variance is determined to be the correct form of relief, the governing body should not approve the curative amendment. However, where a municipality's zoning ordinance is defective, by totally excluding certain land uses or requiring excessively large lot sizes without providing for increased density in some area of the community, for example, a curative amendment might be appropriate.

Recent changes to the MPC clarify an exception to the requirement that the hearings for landowner curative amendments be conducted in accordance with Section 908 by stating that deemed approvals under section 908(9) shall not apply to landowner curative amendments and that deemed denial provisions of Section 916.1(f) shall control. Similarly, recent changes clarified that in hearings for landowner curative amendments Section 916.1(c), (d), and (f) controls.

Act 127 of 2000 limited the number of landowner challenges on the same property. A landowner cannot file simultaneously challenges for different uses on the same property. An original challenge must be finally determined or withdrawn before a different challenge can be filed on the identical property. This limitation applies unless the municipality adopts a substantially new or different zoning ordinance text or map.

Where a zoning ordinance is based on sound planning, it can be sustained against landowner challenges. However, as is so accurately reflected in this statement by the Commonwealth Court:

> *"A municipality with a defective ordinance runs the risk that a landowner will successfully challenge the ordinance and be permitted to proceed with a development which may be quite contrary to the intent of the governing body, its defective ordinance and the comprehensive plan."* Ellick v. Worcester Township, 17 Pa Commonwealth Ct. 404 at 417, 333 A.2d 239 at 247 (1975).

Municipal Curative Amendments

As stated earlier, there is also a prescribed method within the MPC for municipalities to prepare their own municipal curative amendments. When the zoning ordinance or a portion thereof is determined to be substantively invalid by the municipality by formal action, there is a 30 day time limit during which a resolution setting forth specific findings regarding the declared invalidity must be passed. A municipal curative amendment correcting the declared invalidity must be enacted within 180 days of the initial declaration. This procedure, once initiated, also places a limited moratorium on consideration of any landowner's curative amendments, which are identical or substantially similar to the invalidity declared by the pending municipal curative amendment. Once a municipal curative amendment is enacted, the municipality may not utilize this procedure again for 36 months except for circumstances involving change in statute or a Pennsylvania Appellate Court decision that imposes a new obligation upon the municipality. The critical element to remember with these procedures is that they should be considered mandatory when a municipality determines that its zoning ordinance is substantively invalid as opposed to the more commonly encountered need for one or several procedural or substantive amendments.

Problems With Zoning

Zoning is not a panacea for all of a community's land use problems. While the zoning ordinance may state where a type of use is permissible, it does not contain design or construction specifications. It cannot correct the mistakes of the past; rather, it attempts to prevent unwise development and development patterns from occurring in the future. It should not stand alone, but should be complemented an up-to-date comprehensive plan, by a subdivision and land development ordinance an official map ordinance, and by building, housing and other such codes.

In its preparation stage, the zoning ordinance must be thoroughly deliberated and its districts clearly defined. It should be based upon existing and future needs, as documented in the comprehensive plan. The ordinance should not be exclusionary and should permit all feasible land uses and developments. Zoning standards should be reasonable, not excessive. Unnecessarily stringent standards often contribute to unhealthy community trends such as unaffordable housing. A municipality faces a difficult challenge to defend an ambiguous or an exclusionary ordinance in any court proceedings.

Even if a zoning ordinance is well conceived and adopted, the true test of its effectiveness lies in its administration. The zoning officer must completely understand his or her duties, and must have a working knowledge of both the local zoning ordinance and ...the planning code. The zoning hearing board must endeavor to understand its responsibility and to act wisely on any matter that comes before it. Improperly issued variances can destroy the integrity of a zoning district and set undesired precedents for future requests.

In addition to proper preparation and administration, the planning commission and the governing body must periodically review the contents of the zoning ordinance. At a minimum, a planning commission must review the zoning ordinance no less frequently than it reviews the comprehensive plan. DCED suggests a review at least once every three to five years. The ordinance will require amendments from time to time to accommodate changes in the community, in land use concepts and in the planning code. By analyzing change and by adjusting the zoning ordinance accordingly, the community will be prepared to defend the legality and constitutionality of its ordinance.

The integrity of zoning can be damaged not only by misuse of variances, but also by frivolous amendments. One such pitfall is “spot zoning” - a singling out of one lot or small area for different treatment from that accorded to similar surrounding land from which it is indistinguishable in character for the economic benefit (or detriment) of the property owners. For example, an individual desiring a land use for his or her property not permissible within the zoning district and not meeting the requirements for a variance might request a zoning amendment. If the request would treat this property differently from the surrounding land from which it is physically indistinguishable, and if the proposed use would be detrimental to the public health, safety and welfare, the request should be denied.

Zoning ordinances impact municipal authorities and water companies to a certain extent as well. These entities can significantly impact development patterns in a community once a decision is made to extend water, sanitary sewer or storm sewer service to an area. Occasionally, such a decision is arrived at without the benefit of a municipal approval of the proposed development for which service is targeted. In the event of such a scenario, the provider is required to notify the affected municipality of the proposed expansion of service. The municipality is then afforded the opportunity to comment on the proposal with regard to its potential impact on municipal land use planning objectives.

Alternative Approaches in Zoning

In the past, many communities attempted to prohibit certain uses from locating within the municipality and to restrict development in some areas to preserve open space. Under traditional zoning, these efforts, no matter how well intentioned, produced a hardship for the developer and for the property owner. In recent years, a variety of approaches have been developed to attempt to alleviate these problems by providing alternative methods to traditional zoning.

Density bonuses or incentives are a useful tool for municipalities to provide community amenities or other benefits through the subdivision and land development process. In return for additional landscaping, affordable housing opportunities, recreation facilities or transportation improvements, developers may be eligible for reduced parking or setback requirements or higher densities. The concept of density bonuses or incentives is also commonly used as a supplement to many of the other zoning approaches that follow.

The MPC specifically authorizes that zoning ordinances may contain provisions to encourage innovation and to promote flexibility, economy and ingenuity in development. It also contains provisions authorizing increases in the permissible density of population or intensity of a particular use based upon expressed standards and criteria, possibly to encourage affordable housing. A description of some of these approaches follows. A community considering adoption of any of the following zoning approaches should also review its subdivision and land development and other land use ordinances to assure consistent standards among all.

Lot Averaging

Lot averaging is a means of gaining design flexibility for the purpose of avoiding encroachment into environmentally sensitive areas or preserving historic structures on larger lots. It permits certain lot sizes to be reduced below the standard minimum, provided certain other lots are increased by the same size, as long as the resulting average lot size is not less than the stated minimum for that specific zoning district. The number of permitted dwelling units is usually not decreased, and common open space is not created.

Clustering

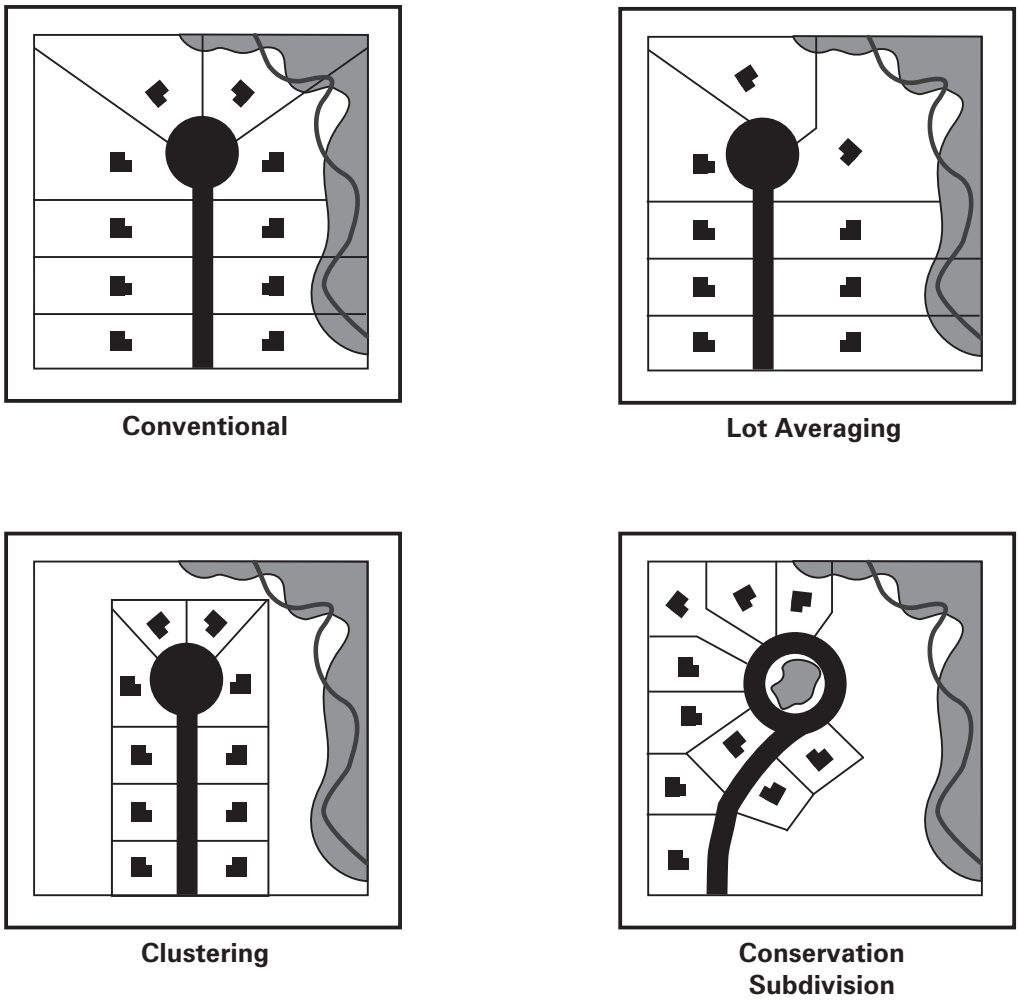
Clustering provides more design flexibility than lot averaging and conserves common open space as well. Clustering involves the arrangement of residential building lots in groups through a reduction in lot area and building setback requirements while still adhering to overall permitted density regulations or perhaps utilizing a modest density incentive. This allows the remaining area of the development to be incorporated as open space, often based upon the preservation of environmentally sensitive areas (i.e., woodlands, wetlands, prime farmland, floodplains, or severely steep slopes). The option of clustering is intended to produce several desired results including the creation of recreational opportunities and open space, attractive housing layouts, the preservation of natural or historic features and resources, and a reduction of infrastructure and maintenance expenses.

Conservation Zoning

Conservation zoning uses the development process to conserve a community-wide network of open space. It is an improved form of cluster development that requires open space to be delineated first with development designed around the special features of the site. Full density is achieved only when at least 50 percent of the buildable land is set aside as open space. Conservation zoning is a basic, use-by-right use that is not required

to follow a special procedure such as a conditional use or special exception. Communities that adopt this approach no longer allow, or impose severe density penalties on, conventional development without open space. Conservation zoning standards would also require the adoption of similar standards in the subdivision and land development ordinance.

Alternative Zoning Methods - Diagram



Modified from a drawing from *Linking Landscapes: A Plan for the Protected Open Space Network in Chester County, PA,* 2002. Reprinted with permission of the Chester County Planning Commission, West Chester, PA.

Transferable Development Rights (TDRs)

Transferable development rights is a tool that can be used by a municipality to help make regulation of its development more financially equitable to landowners. The process attempts to deal with the financial burden that zoning changes may place on property owners whose rights are in conflict with the public interest. This is done by giving landowners something of value that they can sell in exchange for not developing their land: development rights. These rights may be sold to a builder who wishes to increase development densities in another area of the community considered suitable for development.

The underlying principle is that real property is a bundle of rights rather than a single entity. Just as mineral rights can be separated from the land, so can the right to develop. The development right can be transferred from one site to another, from an area to be preserved or protected to an area where growth can be accommodated and is desirable. The property owner whose land is being restricted would therefore be fairly compensated and the taking issue would be avoided. The TDR option promises to be an effective planning tool to protect a variety of threatened land uses such as prime farmland and historic resources.

With recent amendments to the MPC, development rights are now transferable beyond the municipal boundary. However, any transfer of a development right beyond a municipal boundary may only occur if the municipality is participating in a joint municipal zoning ordinance or where a written agreement exists between the affected municipalities. These development rights are conveyed by a deed recorded in the county recorder of deeds office. This deed must bear the endorsement of the local municipal governing body having jurisdiction over the property or properties involved in the conveyance of rights.

Effective Agricultural Zoning (EAZ)

Because of the value and abundance of fertile agricultural ground that spans the Commonwealth, prime farmland is one of the resources most often targeted for protection. On the national, state and local level, several methods exist to determine prime agricultural land as well as protect it. Nationally, prime agricultural land, as defined by the United States Department of Agriculture, is agricultural land that contains soils of the first, second, and third classes. This is a good indication of prime soils, however, when creating a municipal ordinance additional consideration should be given to a number of factors including surrounding land use, development pressures, and other local factors.

Effective agricultural zoning (EAZ) can take several forms, each emphasizing the preservation of areas of agricultural importance by limiting the allowable density of development. Other controls such as maximum lot sizes, permanent conservation easements, and locational criteria are commonly included with EAZ to further guarantee that the best agricultural land remains undeveloped and protected.

Some townships in Pennsylvania have adopted Agricultural Security Areas (ASA - Act 43) as a land use tool in combination or addition to agricultural zoning. Most importantly, ASAs protect farmers from local nuisance complaints. Other state programs include Agricultural Conservation Easements (ACE) and Clean and Green (Act 319). These programs protect our agricultural lands as well as help municipalities define their agriculturally dominant areas. If there is a large agricultural component to a community, they may opt to create an agricultural zone in addition to ASAs and ACEs, which would afford another layer of protection to a local farm or farm community. Whatever the final approach selected, municipalities interested in pursuing this approach to zoning must have a firm base of support within the local farming community and should not be subject to significant and ongoing development pressures occurring within the natural path of growth.

Effective agricultural zones, for example, are zones that may provide for services and facilities to support a township's agricultural and farming related businesses, permitting agriculturally related commercial uses that can be located among an area devoted to farming. Generally, effective agricultural zoning does not permit large residential developments or unrelated commercial or industrial uses. Other than agriculture and agriculturally related businesses, effective agricultural zones may provide for a few small residential lots depending on the parent tract size. This is to allow for a potential secondary residence for future generations (See *Planning for Agriculture*, from DCED).

Performance Zoning

Traditional zoning establishes an array of zoning districts under which specific permitted uses are listed. A zoning variant known as performance zoning relies not on a list of specific permitted uses, but rather on a list of specific quantifiable criteria which must be met by any proposed use. Performance zoning originated as an industrially related concept. Standards were established for such elements of industry as particle emissions, noise, glare, and vibration. When a particular use could prove that it was able to meet these certain standards, it would then be accepted as a permitted use in that district.

Performance zoning has now been expanded to include land uses other than industry in particular residential uses. The performance standards typically applied in residential instances may include the reduction of impact on environmentally sensitive areas (i.e., floodplain, wetlands, prime agricultural land, steep slopes, forest), the allocation of required recreational land and open space, and total tract size, density, the ratio of impervious surfaces, and a minimum percentage of community open space. Such environmental standards are instituted for the purpose of natural resource protection.

Environmental performance zoning attempts to relate the intensity of development to the site's natural carrying capacity. This type of performance zoning differs from the earlier referred to industrial method by determining a quantity or degree of permissible development and consequently the number of lots allowable, not whether a particular use is permitted. Performance zoning standards provide a greater degree of specific control to the municipality while also affording developers increased design flexibility. Although this approach does offer several advantages, it also creates an additional burden with respect to the administration and enforcement of the zoning ordinance. It is for this reason that professional staffing is recommended.

Planned Residential Development

Planned residential development (PRD) is a land use control device that combines elements of both the zoning and the subdivision and land development ordinances. It brings together mixed residential and non-residential development and open space and recreational facilities within the same development.

The basic concept behind PRD regulations is the establishment by the municipality of certain general overall density, water supply, sewage disposal, and percentage of open space standards, and the permission for the developer to develop with considerable flexibility within these established criteria. PRD should, however, only be an option available to the developer meeting certain criteria. It should not be a form of development specifically mandated by a local ordinance.

PRD provisions are special and unique. As previously mentioned, they combine elements of both the zoning and subdivision and land development ordinances. The MPC requires that PRD provisions be included as part of the municipality's zoning ordinance. Public hearings are required to be held prior to the tentative approval of all PRDs.

A properly designed PRD can benefit both the developer and the municipality. Generally, although not necessarily, the PRD permits the developer to increase his overall density in return for devoting a percentage of total land for common open space. The common open space is usually owned and maintained by a homeowners association or by the developer. The developer may benefit by having to install fewer roads and utility lines, while the municipality benefits by centralization of service areas and less maintenance. Also, the developer is permitted added design flexibility. Since density can be increased in some areas, other areas that should not be developed can be left untouched, e.g., wooded areas, a floodplain, etc. It is conceivable that the community may gain title to some or all of the common open space, adding further to the municipal gain from utilizing the PRD.

PRDs can be allowed throughout the community or restricted to specific districts. Also, varying degrees of density can be permitted among those districts authorized for planned residential development. For example, PRD might be permitted in a "residential-agricultural" district at a density of 2 or 3 dwelling units per acre with 40 percent of the total land area in common open space; in a "residential" district, perhaps 5 to 9 or more dwelling units per acre can be permitted with 30 percent of the total land area in common open space.

It is probably not advisable for a community to allow for PRD everywhere within its borders. Rather, this type of development could be channeled to those areas where it is felt that it would be most beneficial; in some "agricultural" districts, perhaps with reduced density in a "conservation" district, in most "residential" districts, or perhaps in a neighborhood oriented "commercial" district. Since a significant feature of PRD is the preservation of open space, thought should be given to any outstanding natural features or historic sites worthy of preservation. PRD can then be used as a tool to achieve some type of open space preservation. It can also be extremely useful to provide the transfer of a development rights option as part of the PRD regulations.

Planned residential development is a concept with several advantages over a typical development. The process differs sharply from those followed in other land development situations in that the PRD regulations provide for flexibility in site and design, and not for rigidly imposed standards. For this reason, PRD enhances subdivisions designed for such criteria as solar orientation and energy conservation, as well as for conserving natural resources. This flexibility leads the way to negotiations with the prospective developer in attempting to produce an acceptable and quality development for both the community and for the developer. The PRD is essentially a straightforward procedure. However, considerable time and effort must be devoted to both its development and to its ultimate administration.

Traditional Neighborhood Development (TND)

Many municipalities have searched high and low for a way to reintroduce small town character and a sense of community to their respective areas. For some, the concept of traditional neighborhood development (TND) has provided a solution through zoning. The TND attempts to recapture the village and town square flavor of a pedestrian oriented setting. By utilizing traffic calming design measures such as narrow streets, frequent intersections and on-street parking in combination with a mixed array and proximity to types other of housing, businesses and services, the TND also integrates different segments of the population otherwise separated by age or income.

Sidewalks, parks and ample open space along with the opportunity for viable public transportation are essential elements to the success of the TND. This form of development can occur either as an extension of existing areas, as a form of urban infill, or as an independent entity. As with many of these alternative approaches to zoning, modifications to otherwise strict density and dimensional requirements may be necessary. Large sites are usually required along with some level of coordination with adjacent developments. Overall, the positive impacts of a TND can be felt through an increase in safety and a resulting enhancement in community camaraderie.

Conclusion

The zoning ordinance regulates the use of land within a municipality. To be truly effective, it must be based upon sound data and must adequately reflect the policy goals of the community. Although the zoning ordinance is a document that is enacted only after long hours of deliberation and months of professional consultation and public debate, it must be properly administered and must be reviewed periodically for necessary changes in order to be continually effective. Failure to do either could well defeat the purposes of the ordinance.

There are several methods of lending flexibility to the zoning ordinance and to its administration. Variances offer relief in hardship situations, but should be used sparingly. Clustering, performance zoning, planned residential development and other similar approaches add flexibility to site design. They can benefit both the developer and the municipality, and should warrant consideration by all communities.

A zoning ordinance can be a positive force for quality community development depending upon the amount of thought that goes into its preparation and the effectiveness with which it is administered. However, with adequate planning and foresight, a community can be prepared to meet the demands of providing for substantial growth and development and also providing its residents with a better place to live and work.

Appendix I

Timing Provisions in the Municipalities Planning Code

(As of January 2003)

Note: Below information is general in nature. Users should refer to the section cited for additional de-tails and requirements related to timing provisions.

Section	Subject	Time Period	Description
		ARTICLE I	**General Provisions**
107	Public Notice	Once each week for 2 successive weeks	How often notice shall be published in a newspaper of general circulation (required for certain public hearings and meetings)
107	Public Notice	30 days/7 days	First publication shall be no more than 30 days and second publication shall be no less than 7 days from the date of the hearing/meeting.
		ARTICLE II	**Planning Agencies**
203(b)	Planning commissions	4 years	Term of each planning commission member.
206	Removal of planning commission member	15 days	Advance notice that must be given to a planning commission member prior to vote by the governing body to remove the member.
207	Annual report	By March 1	Date each year by which a planning commission shall submit a written report of its record of business.
		ARTICLE III	**Comprehensive Plan**
301(c) 302(d)	Comprehensive plan review and update	At least every 10 years	Time frame within which a municipal or multimunicipal comprehensive plan shall be reviewed and a county comprehensive plan shall be updated.
301.3	Submission of municipal plan to county planning	At least 45 days	Time prior to the required public hearing in which a copy of a proposed municipal comprehensive plan or amendment must be forwarded to the county planning agency for comments.
301.4	County comprehen-sive plan	3 years	Period beginning with the effective date of the act (Act 170 of 1988) by which counties shall have prepared and adopted a comprehensive plan.
302(a)	Comments on a municipal comprehen-sive plan	45 days	Time allotted to the county, contiguous municipalities, and the local school district to make comments on a municipal comprehensive plan; the governing body may act to adopt the plan upon receipt of comments from all said bodies, or after 45 days if comments are not received.
302(a.1)	Comments on a county comprehensive plan	45 days	Time allotted to municipalities and school districts within the county and contiguous municipalities, school districts, and counties to make comments on a municipal comprehensive plan; the governing body may act to adopt the plan upon receipt of comments from all said bodies, or after 45 days if comments are not received.
303(b)	Planning agency comments on certain municipal actions affecting a comp plan	45 days	Time within which recommendations of a planning agency regarding whether certain proposed municipal actions are in accord with the objectives of the adopted comprehensive plan shall be made in writing to the governing body.

Section	Subject	Time Period	Description
304(b)	County planning agency recommendations on certain municipal actions affecting a county comp plan	45 days	Time within which recommendations of a county planning agency regarding certain proposed municipal actions shall be made to the municipal governing body; the governing body may take said action upon receipt of recommendations from the county planning agency, or after 45 days if recommendations are not received.
305	Municipal and county planning agency recommendations on certain school district actions affecting municipal & county comp plans	At least 45 days	Time allotted to municipal and county planning agencies to make recommendations prior to execution of certain actions by a school district.
306(b)	Forwarding of adopted municipal comp plan	30 days	Time after adoption within which a municipal governing body shall forward a certified copy of its comprehensive plan or amendment thereto to the county planning agency.
307	State land use and growth management report	2005, then 5-year intervals	Year by which the Center for Local Government Services shall issue a land use and growth management report, and interval at which the report shall be reviewed and updated.
ARTICLE IV Official Map			
402(a)	Planning agency review of proposed official map or amendment	45 days	Time, after referral by the governing body to the planning agency of a proposed official map or amendment thereto, within which the planning agency shall report its recommendations to the governing body on a proposed official map or amendment, unless the governing body agrees to an extension of time, and after which the governing body may proceed without planning agency recommendations.
402(b) 408(b)	County review of proposed official map or amendment	45 days	Time, after a proposed official map or amendment thereto shall be forwarded to a county planning agency (or county governing body if no planning agency exists), within which the county planning agency shall make comments to the municipal governing body, and after which the municipal governing body may proceed without county comments. This 45-day time period shall occur at the same time as 45-day municipal planning agency review period.
402(b) 408(c)	Adjacent municipality review of proposed official map or amendment	45 days	Time, after a proposed official map or amendment thereto that shows any street or public lands intended to lead into an adjacent municipality shall be forwarded to an adjacent municipality, within which the adjacent municipality shall make comments to the governing body proposing the official map or amendment, and after which the governing body of the proposing municipality may proceed without adjacent municipality comments. This 45-day time period shall occur at the same time as 45-day municipal planning agency review period.
402(b)	Other public body review of proposed official map or amendment	45 days	Same time period as open for review and comments by the municipal planning agency, county planning agency, and adjacent municipalities within which local authorities, park boards, environmental boards, or similar public bodies may offer comments and recommendations to the governing body or planning agency, if requested by same.
402(c)	Recording of official map or amendment	60 days	Time from the effective date within which a copy of an official map or amendment thereto, verified by the governing body, shall be submitted to the county recorder of deed and recorded.
405	Planning agency review of proposed special encroachment permit	30 days	Time, before granting any special encroachment permit authorized in Section 405, which the governing body may allow the planning agency to review and comment on the special permit application.

Section	Subject	Time Period	Description
406	Time limitation on official map public reservations	1 year	Time after which the reservation for streets, watercourses, and public grounds shall lapse and become void after an owner of such property submitted written notice of intention to build, subdivide, or develop the land or made application for a building permit, unless the governing body shall have acquired the property or begun condemnation proceedings.
408(c)	Forwarding an official map or amendments to the county and adjacent municipalities	30 days	Time after adoption within which a municipality shall forward a certified copy of an official map, the adopting ordinance, and later amendments to the county planning agency (or county governing body where no county planning agency exists) and any adjacent municipalities into which proposed streets or lands are intended to lead.
ARTICLE V Subdivision and Land Development			
502(b)	County planning agency review of municipal subdivisions & land developments	30 days	Time allotted to the county planning agency to for review and report on applications for subdivisions or land developments in municipalities with their own S&LD ordinance. Municipalities shall not approve such applications until receipt of the county report or expiration of the 30 days.
503(1)(i)	Applicant dispute of S&LD review fees	14 days	Time from the applicant's receipt of the bill for the S&LD fees within which the applicant shall notify the municipality that such fees are disputed (in which case the municipality shall not delay approval or disapprove the application).
504(a)	Municipal and county planning agency review of proposed S&LD ordinance	At least 45 days	Time prior to a public hearing on a proposed S&LD ordinance in which the governing body shall submit the proposed ordinance to the planning agency (unless the proposed ordinance was prepared by the planning agency) and the county planning agency (where one exists) for recommendations.
504(b)	Forwarding an adopted S&LD ordinance to the county	30 days	Time after adoption within which a municipal (not including county) governing body shall forward a certified copy of the S&LD ordinance to the county planning agency (or county governing body where no county planning agency exists).
505(a)	Municipal and county planning agency review of proposed S&LD amendments	At least 30 days	Time prior to a public hearing on a proposed S&LD amendment in which the governing body shall submit the proposed ordinance to the planning agency (unless the proposed ordinance was prepared by the planning agency) and the county planning agency (where one exists) for recommendations.
505(b)	Forwarding an adopted S&LD amendment to the county	30 days	Time after adoption within which a municipal (not including county) governing body shall forward a certified copy of a S&LD amendment to the county planning agency (or county governing body where no county planning agency exists).
506(a)	Publication and advertisement of proposed S&LD ordinance or amendment	60 days/7 days	Time no more than (60 days) nor less than (7 days) prior to passage of a proposed S&LD ordinance or amendment during which the governing body shall publish the proposed ordinance or amendment (or the title and a brief summary prepared by the municipal solicitor) in a newspaper of general circulation in the municipality.
506(b)	Readvertisement of proposed S&LD ordinance or amendment in the event of changes	At least 10 days	In event substantial amendments are made to the proposed S&LD ordinance or amendment, time prior to enactment in which the governing body shall readvertise in a newspaper of general circulation a brief summary of all the provisions in reasonable detail together with a summary of the amendments.

Section	Subject	Time Period	Description
508	Decision on applications for plat approval	No later than 90 days	Time during which the governing body or planning agency shall render its decision on an application for plat approval and communicate the decision to the applicant. The 90-day time period begins following the date of the regular meeting of the governing body or planning agency (whichever first reviews the application) next following the date the application is filed, or after a final order of court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application, or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the application has been filed.
508(1)	Decision on applications for plat approval	No later than 15 days	Time following a decision on an application for plat approval in which the governing body or planning agency shall communicate a written decision to the applicant personally or by mail to the last know address.
508(3)	Decision on applications for plat approval	No later than 90 days; no later than 15 days	Time frames, in accord with 508 and 508(1), within which if the governing body or planning agency fails to render or communicate a decision the plat shall be deemed approved unless the applicant agrees to a time extension or a change in the manner of presentation/communication of the decision.
508(4)(ii)	Application of S&LD ordinance changes to approved plat	5 years	Time from approval of a plat within which no subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to adversely affect the right of the applicant to commence and complete any aspect of the approved development in accordance with the terms of such approval. (NOTE: Please refer to Sections 508(4)(iii), (iv), (v), (vi), and (vii) for additional criteria and provisions related to the 5-year vested interest in an approved plat.)
508(6)	Action on state high occupancy permit	60 days	Time from the date of an application for a state highway occupancy permit for driveway access (presumably for a proposed subdivision or land development, though the MPC is silent on this) within which the PA Department of Transportation shall act on the permit application by either approval, denial, return of the application for more information or correction, or determination that no permit is required.
509(b)	Resolution of contingent approval of a final plan	90 days	Time after which a resolution of the governing body or planning agency indicating approval of a final plat contingent on the developer obtaining satisfactory financial security shall expire unless a written extension, not to be unreasonably withheld, is granted in writing by the governing body.
509(f)	Estimate of cost of completion of required improvements	90 days following scheduled completion date	Date on which a cost estimate for required improvements in a subdivision or land development is based for purposes of determining the amount of required financial security (110% of said cost estimate)
509(h)	Increase in amount of financial security	1 year	Time after posting of financial security in which, if more time is needed to complete required improvements, the amount of financial security may be increased by an additional 10% for each one-year period or to an amount not exceeding 110% of the cost of completing improvements as reestablished on the expiration of the preceding one-year period.
509(j)	Partial release of financial security	45 days	Time, after receipt of a request to release such portions of financial security necessary for payment to contractors performing work on required improvements, which the municipal engineer shall have to certify in writing to the governing body that such portion of work has been completed in compliance with the approved plat, and after which the governing body if failing to act shall be deemed to have approved the release of funds as requested. (The governing body may require retention of 10% of the estimated cost of said work.)
509(k)	Financial security for performance	Not to exceed 18 months	Term permissible for financial security which may be required to secure the structural integrity and functioning of required improvements.

Section	Subject	Time Period	Description
510(a)	Release from improvement bond	10 days	Time, after receipt of notice by registered mail of the completion of required improvements, within which the municipality shall direct the municipal engineer to inspect said improvements.
510(a)	Release from improvement bond	30 days	Time, after receipt by the municipal engineer of the notice of completion of improvements, within which the engineer shall file with the governing body and make and mail to the developer by registered mail a written report indicating approval or rejection of said improvements.
510(b)	Release from improvement bond	15 days	Time, after receipt of the engineer's report, in which the governing body shall notify the developer in writing by registered mail of the governing body's action (presumably with regard to approval or rejection). (NOTE: If the governing body or engineer fail to comply with the specified time limitations, all improvements will be deemed to have been improved and the developer shall be released from liability pursuant to its financial security.
510(g)(1)	Developer reimbursement of inspection expense	10 working days	Time, after date of billing for reimbursement of expenses incurred for inspection of required improvements, within which an applicant shall notify the municipality that such expenses are disputed as unreasonable or unnecessary (in which case the municipality shall not delay approval or disapprove the subdivision or land development or related permit).
510(g)(2)	Failure to agree on amount of inspection expenses	20 days	Time, from the date of billing, within which, if the municipality and the applicant cannot agree on the amount of expenses that are reasonable and necessary, the applicant and municipality shall be mutual agreement appoint another licensed professional engineer to make a determination of the amount of reasonable and necessary expenses.
510(g)(3)	Decision on disputed amount of inspection expenses	50 days	Time, from the date of billing, within which the mutually appointed engineer shall hear evidence, review documentation, and render a decision on the amount of reasonable and necessary expenses.
510(g)(4)	Failure to agree on amount of inspection expense and appointed engineer	20 days	Time, from the date of billing, within which, if the municipality and applicant cannot agree on an engineer to resolve disputed inspection expenses, the President Judge of the Court of Common Pleas shall appoint such engineer who shall not be the municipal or applicant's engineer.
513(a)	Recording of plats	90 days	Time, after final approval or the date the approval is noted on the plat, whichever is later, within which the developer shall record such plat in with the county recorder of deeds.
ARTICLE V-A Municipal Capital Improvement			
504-A(b)(4)	Challenge to composition of advisory committee	90 days	Time, following the first meeting of the impact fee advisory committee, after which a legal action challenging the composition of the advisory committee may not result in invalidation of the impact fee ordinance.
504-A (c)(2)(ii)	Land use assumptions	At least 5 years	Future time period for which land use assumptions serving as prerequisite for the transportation capital improvements plan shall project changes in land use and development.
504-A(c)(3)	County planning review of land use assumptions	At least 30 days	Time prior to the required public hearing in which the advisory shall forward land use assumptions to the county planning agency for comments.
504-A (d)(1)(v)	Projection of traffic volumes	Not less than 5 years	Time period from the date of the preparation of the roadway sufficiency analysis for which a projection of anticipated traffic volumes must be projected for the analysis.
504-A(e)(3)	Transportation capital improvements plan	At least 10 working days	Time prior to the date of the required public hearing in which the transportation capital improvements plan shall be made available for public inspection.

Section	Subject	Time Period	Description
504-A(e)(4)	Transportation capital improvements plan	No more than annually	Frequency with which the governing body may request the impact fee advisory committee to review and make recommendations on the capital improvements plan and impact fee charges.
505-A(b)	Impact fee ordinance	At least 10 working days	Time prior to adoption of the impact fee ordinance in which the ordinance shall be available for public inspection.
505-A(c)(1)	Impact fee ordinance	Not before adoption of the resolution creating the impact fee advisory committee/ Not less than 1 nor more than 3 weeks	Two different instances in which a municipality shall publish intention to adopt an impact fee ordinance if it chooses the option to publish such notice.
505-A(c)(2) & (3)	Impact fee ordinance period of pendancy	Not to exceed 18 months	Period, after adoption of the resolution creating the impact fee advisory committee, for which an impact fee may have retroactive application (meeting certain provisions). An ordinance adopted after more than 18 months shall not be retroactive to plats submitted for preliminary or tentative approval prior to the legal publication of the proposed ordinance. In such case, any fees collected shall be refunded.
505-A(g)(1)	Certain refunds of impact fees	1 year	Time, following written notice of completion, with undispersed funds, of the transportation capital improvements plan sent by certified mail to those persons who previously paid impact fees, after which if there is no claim for refund the funds may be transferred to other municipal account.
505-A(g)(1)	Certain refunds of impact fees	3 years	Time within which, if the municipality fails to commence any road improvement, any person who paid impact fees shall upon written request receive a refund (plus interest) of that portion of the fee attributable to the uncommenced road improvement.
ARTICLE VI Zoning			
607(e)	Enactment of zoning ordinance Review by County	45-days prior to public hearing	Provides for a 45-day review time by County planning agency.
608	Enactment of zoning ordinance	Within 90 days of last public hearing	Provision for the governing bodies to vote on enactment.
608	Filing zoning ordinance	Within 30 days after enactment	Requirement that the municipal zoning ordinance be filed with the county planning agency or governing body.
609(b)(1)	Posting property for zoning map change	One week prior to hearing	Requirement that properties subject to zoning map changes be posted.
609(b)(2)	Zoning map change notice(s)	30 days prior to hearing	Owners of parcels affected by proposed zoning map change to be mailed notice of public hearing (not required for a comprehensive rezoning).
609(c)	Referral to municipal planning agency (amendments)	30 days prior to pubic hearing	Time of referral to planning agency of any zoning amendment not prepared by same.
609(e)	Referral to county planning agency (amendments)	30 days prior to public hearing	Time of referral to county planning agency of zoning amendments.
609(g)	Filing zoning amendment	Within 30 days after adoption	Requirement that amendments to the zoning ordinance be filed with the county planning agency or governing body.
609.1(a)	Curative amendment hearing	60 days	Time required for commencement of required hearing.
609.1(a)	Curative amendment planning agency review	30 days	Required referral to planning agency(ies) (per 609). This would include both the municipal and county agencies.

Section	Subject	Time Period	Description
609.1(a)	Curative amendment notice of hearing	60-7 days	A single notice is required not more than 60 nor less than 7 days prior to passage.
609.2(1)	Municipal curative amendment	30 days	Time for municipality to declare by resolution specific substantive problems of a zoning ordinance and begin process of preparing a curative amendment.
609.2(2)	Enactment of municipal curative amendment	180 days	Time from 609.2(1) declaration to enact municipal curative amendment or reaffirm validity.
609.2(4)	Limitation municipal curative amendment	36 months	Time limit to use municipal curative amendment (can be waived if law changes or per Appellate Court order).
610(a)	Notice of enactment	60-7 days prior to enactment	Dates for the publication of a notice of proposed enactment (once only) prior to vote.
610(b)	Notice of enactment substantial amendments	10 days prior to enactment	Time for subsequent notice of enactment if substantial amendments are made to the ordinance prior to vote.
617	Causes of action	30 days	Time of notice an aggrieved owner/tenant must give to municipality before beginning action under 617 (present, restrain, correct or abate).
621	Methadone treatment facilities permit	14 days	Time for public hearing(s) prior to vote on permitting Methadone treatment facilities within 500 feet of certain land uses.
ARTICLE VII Planned Residential Development			
704	Referral of tentative approval	30 days	Time period for county planning agency to review and comment on tentative municipal PRD applications.
705(f)(2)	Remedial action for common open space maintenance	30 days and 14 days	The 30-day period is the time in the notice for the corrective action of common open space maintenance. The 14 days is the date of a hearing on such deficiencies, counted from the date of the notice.
705(f)(3) and (4)	Municipal maintenance of common open space	One year	Time period for municipal maintenance of PRD common open space before a second hearing is required on subject.
709(c)	Timing for final PRD approval, not phased Timing for final PRD approval phase	3 months12 months	Un-phased PRD to be given final approval* Time between application for approval.* *Can be extended upon consent of landowner.
711(b)(c)	Final PRD approval or refusal	45 days	Final approval to be granted from date of meeting of first reviewing body
Special Note: 711(c) also contains options for the applicant to file for alternate actions in case of refusal, i.e. delete unapproved variations or file for a public hearing on the application.			
711(e)	Time for PRD development to be considered as abandoned	See 508	See timing required of Section 508.
ARTICLE VII-A Traditional Neighborhood Development			
Section 702-A – Grant of Power – Relates the TND procedures (including timing) shall follow Section 609 (Zoning Ordinance Amendments).			

Section	Subject	Time Period	Description
ARTICLE VIII-A Joint Municipal Zoning			
For adoption, amendments and notices of intent to adopt, the procedures of Article VI Zoning will be used (see 608, 609 and 610).			
808-A	Withdrawal from a joint zoning ordinance	3 years, 1 year	Any municipality wishing to withdraw from a joint zoning ordinance cannot do so for 3 the first years and must always give a one-year notice to other participants. After 3 years 1 year notice can be waived see 808
ARTICLE IX Zoning Hearing Board and other Administrative Proceedings			
903	Term of Membership Zoning Hearing Board	3 years to 5 years	Three-member board 3 years; five-member board 5 years. Term to be staggered, one per year.
905	Removal of Zoning Hearing Board member	15 days	Required notice to a Zoning Hearing Board member to be removed for cause.
908(1)	Hearing notices – Zoning Hearing Board Posting of property	See 107One week	Public hearing notice per Section 107, property to be posted one week prior to hearing.
908(1.2)	Zoning Hearing Board Hearing(s)	60-45 days100 days	The first hearing to be commenced 60 days from request; subsequent hearing not more than 45 days apart; hearings to conclude 100 days from completion of applicant's case-in-chief, applicant entitled to 7 hours of hearing. See amendment for details. Process is quite complex.
908(9)	Decision/finding of Hearing Officer with no stipulation of acceptance	45 days30 days	Time to make Hearing Officer's finding and conclusion available to all parties.Time for board to make decision findings based on Hearing Officer's report.
908(9)	Deemed decision notice	10 days	If Zoning Hearing Board/Hearing Officer fails to meet time requirements (and applicant has not agreed to an extension), notice of deemed approval required.
908(10)	Copy of decision/finding	1 day	Time to deliver/mail copy of decision to applicant. To other parties, a brief summary is sufficient.
909.1(2)	Challenge to procedural defects in adoption	30 days	Time period for procedural deficiency challenge.
913.2(b)(1)	Decision on Conditional Use	45 days	Decision to be within 45 days of last hearing.
913.2(b)(2)	Deemed approval on Conditional Uses	60 or 100 days	Failure to commence hearing within 60 days of request or failure to render a decision in 100 days from presentation of applicant's "case-in-chief" is a deemed approval.
913.2(b)(2)	Notice of deemed approval	10 days	Public notice of deemed decision either by governing body or applicant.
913.2(b)(3)	Copy of decision	1 day	Final decision/findings delivered to applicant or mailed by the day after its date.
914.1	Time limits on appeals	30 days	Limit on time for appeals on approved preliminary or final application to the Zoning Hearing Board.
916.1(c)(6)	Issues on validity, curative amendment, time for decision	45 days	Time from last hearing to Zoning Hearing Board or governing body decision.
916.1(c)(7)	Deemed denial , validity issues and curative amendments	46 days	If no decision is reached in the above-referenced, 46 days - request is a deemed denial.

Section	Subject	Time Period	Description
916(d)	Time to commence Hearings	60 days	Time for Zoning Hearing Board, governing body to commence validity/curative amendment hearing (time extension possible).
916(g)	Time for developer to file application	2 years1 year	If a curative amendment or validity challenge is upheld, applicant has up to 2 years to file application for preliminary or tentative approval (subdivision PRD or land development) or one year to obtain a building permit (zoning).
916.2	Preliminary approval	2 weeks	A device used to obtain a preliminary opinion to limit challenges to ordinance or map, public notice for 2 successive weeks.
917	Application of amendments	6 months	Once a special exception or conditional use is approved, and the development is a subdivision or land development, the developer has a 6-month window to file for same based on the ordinance at the time of special exception or conditional use approval.
ARTICLE X-A Appeals to Court			
1002-A	Appeals on land use decisions	30 days	Time from date of entry of decision to appeal to Common Pleas Court.
1003-A(a)	Notice of appeal	20 days	Court must advise municipality within 20 days of any land use decision appeal (1002-A).
1004-A	Intervention	30 days	Any filing of intervention must occur within 30 days of the filing of appeal.
ARTICLE XI Intergovernmental Cooperative Planning and Implementation Agreements			
1103(c)	County municipal agreement	5 years prior to 8/2000	Time limit for cooperative agreement under county/municipal plans conforming to this article (grandfather clause).
1104(b)(1)	County and/or multi-municipal cooperative agreement	2 years	Time limit to achieve general consistency between county/multi-municipal plan and local ordinance.
1104(b)(4)	Annual Reports	Yearly	Annual Reports on activities under agreements.

Special Note: Amendment of Article VII PRD relative to timing via Act 2 of 2002 had no practical impact.

Appendix II

Initial Zoning Ordinance Adoption Procedures

1. Preparation of rough draft ordinance and map by the planning agency.
2. The planning agency sets a date for a public meeting and advertises said meeting through public notice in a local newspaper.
3. Upon completion of the public meeting, the planning agency shall determine whether an additional public meeting or meetings are necessary. Following the end of the final public meeting, the planning agency shall present to the governing body the proposed ordinance along with any recommendations.
4. A copy of the proposed ordinance is forwarded to the county planning agency for recommendations. The county planning agency has 45 days to respond to the municipality with its comments.
5. Following the county's 45 day review period, the governing body may hold a public hearing on the proposed ordinance. Once again, this hearing must be advertised via public notice.
6. At the conclusion of the public hearing, the governing body should determine whether additional hearings are required. In the event substantial amendments are made, prior to voting upon enactment, the governing body must readvertise a brief summary at least 10 days prior to enactment. At the end of the final hearing, the governing body has a period of 90 days within which to vote on the enactment of the zoning ordinance. This enactment must be preceded by a notice of proposed enactment published at least once in a newspaper of general circulation at least 7 and no more than 60 days prior to passage, unless a vote to enact occurs within 60 days of the last date of publication of the hearing notice in which case no further notice is required.
7. Once the ordinance has been adopted, an official copy of the ordinance must be forwarded to the county. The zoning ordinance may be incorporated into an official ordinance book by reference with the same effect as if it were actually recorded therein.
8. In the event a zoning ordinance amendment is proposed involving the zoning map, the municipality shall send notice of a public hearing to property owners within the area being rezoned. Notification by first class mail at least 30 days prior to the date of the hearing shall be sent to all property owners in the area to be rezoned. This does not apply when the rezoning constitutes a comprehensive rezoning.
9. Within 30 days after enactment, a copy of the zoning ordinance shall be forwarded to the county planning agency.

Appendix III

Zoning Ordinance Amendment Procedures

1. Preparation of the proposed amendment to the zoning ordinance.
2. If the proposed amendment was not prepared by the planning agency, the governing body must submit the amendment to the planning agency 30 days prior to a public hearing for its recommendations.
3. It shall be optional during the amendment procedure for the planning agency to hold a public meeting on said amendment. Such a public meeting must be advertised via public notice.
4. The proposed amendment must also be forwarded to the county planning agency for recommendations at least 30 days prior to the governing body's public hearing.
5. If the amendment involves a change in the zoning map, notice of the hearing must also be conspicuously posted by the municipality at points deemed sufficient by the municipality along the affected property at least one week prior to the public hearing.
6. A public hearing is held by the governing body pursuant to public notice. If the proposed amendment is altered substantially or is revised to include land not previously affected, another public hearing must be held pursuant to public notice. Notice of the amendment must be published at least 10 days prior to enactment. Either of the previous publications in compliance with public notice may qualify as the readvertisement. The aforementioned readvertisement in the event of substantial amendment must contain a brief summary of the provisions in reasonable detail together with a summary of the amendments.
7. Following the final public hearing, the governing body may vote to adopt the amendment. To be a legally enacted amendment, notice of proposed enactment must be published at least once in one newspaper of general circulation not more than 60 days nor less than 7 days prior to passage, unless a vote to enact occurs within 60 days of the last public hearing notice in which case no further advertisement is necessary. A vote to enact an amendment must be taken within 60 days of publication notice. Should the date of the vote be later than either or both of the above requirements, then another advertisement or hearing, as appropriate, must be accomplished.
8. Within 30 days after enactment, a copy of the amendment shall be forwarded to the county planning agency.

Appendix IV

Planning Assistance from the Governor's Center for Local Government Services

The Governor's Center for Local Government Services is available to assist municipalities. Assistance is offered in an attempt to assess the impact of state agency decisions on local planning and zoning activities. Municipalities with an adopted comprehensive plan and zoning ordinance located within a county with an adopted comprehensive plan have the benefit by Commonwealth agencies considering the documents when reviewing applications for the funding or permitting of municipal infrastructure or other facilities. In addition, the Center offers grant assistance to prepare and/or update these important land use documents.

The Land Use Planning and Technical Assistance Program (LUPTAP) is a significant component of the Growing Smarter Action Plan of the Governor's Center for Local Government Services. The LUPTAP provides matching grants for municipalities preparing to develop and strengthen community planning and land use management practices.

Guidelines for LUPTAP incorporate the principles of the Land Use Planning Executive Order 1999-1 and the recent changes to the MPC. The guidelines make clear that priority consideration for funding is given to municipalities that incorporate multimunicipal approaches into their planning efforts. Similarly, those municipalities that strive for general consistency between their comprehensive plan, the county comprehensive plan and local zoning ordinances also receive priority consideration.

LUPTAP funding is one of the Center's most significant support programs. It allows municipalities to use funds to develop new or update existing comprehensive plans and land use implementation ordinances. It also allows municipalities to prepare strategies or special studies that will support the comprehensive planning process. LUPTAP funds can also be used to develop or update zoning or subdivision and land development ordinances. Municipalities are permitted and encouraged to use up to $1,000 of the funding received toward educational programs on planning issues for local officials. The training and education program offered the Center's training partners represent an excellent use of the funds.

The goal of the Center is to enhance the existing planning curriculum by offering new courses to local government officials through established partnerships with the Pennsylvania State Association of Boroughs (PSAB) and the Pennsylvania State Association of Township Supervisors (PSATS). The Center is proud to partner with PSAB and PSATS and draw on their understanding and experience in planning and growth issues to develop, promote and conduct new courses.

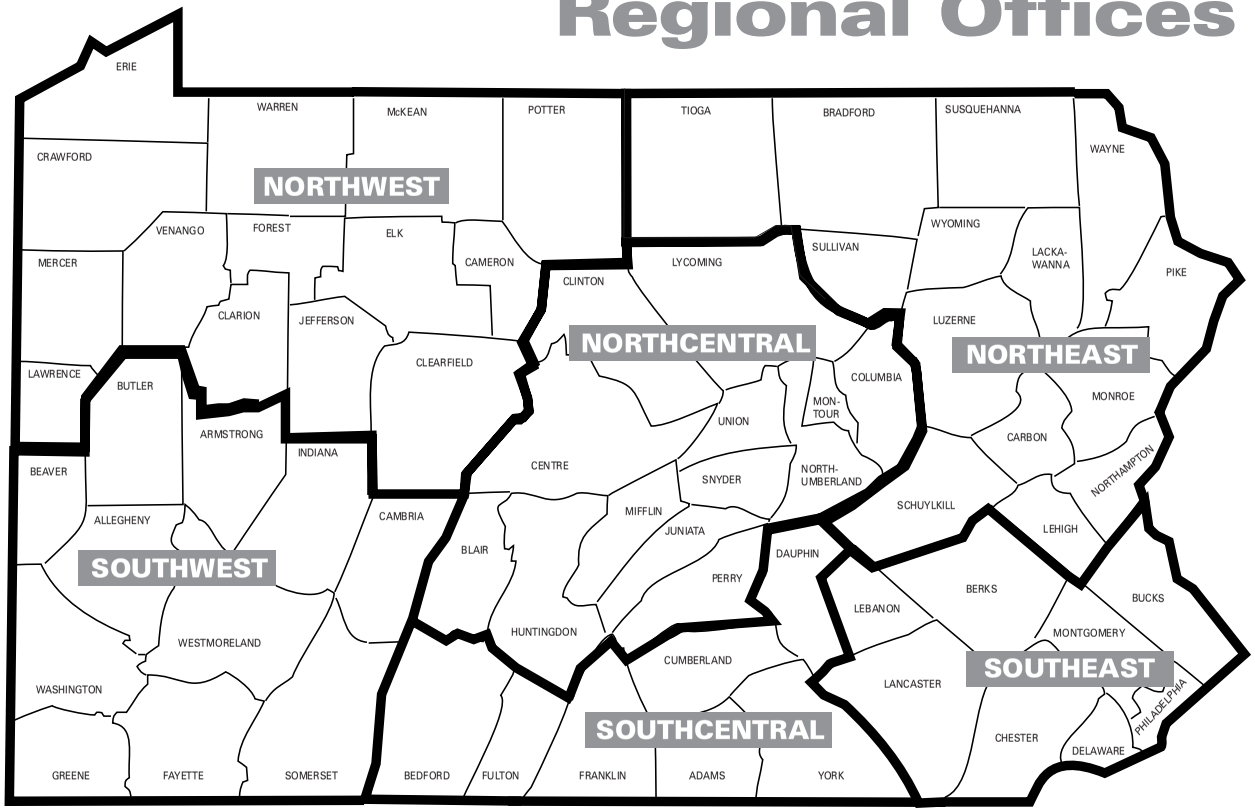
The courses offered by PSAB are directed primarily at economic development and downtown revitalization efforts as alternatives to sprawl. The courses PSATS offers focus on best practices and conservation. The primary audience for education and training programs is local government officials, however, other groups such as professional planners, municipal solicitors, elected officials, and citizens, in general, can benefit from these enhanced planning programs.

A community or individual desiring information on planning or planning assistance, either financial or technical, should contact the appropriate Department of Community and Economic Development Regional Office in their area. Some of the issues that the Department's staff can provide assistance on include:

- Community planning and comprehensive plans;
- Zoning;
- Subdivision and land development;
- National Flood Insurance and Floodplain Management;
- Other planning related areas such as PRD, historic districts, mobile home parks, sign control, etc. and
- Procedural questions involving the Municipalities Planning Code.

Governor's Center for Local Government Services

Regional Offices



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