





# The ABC's of the MPC:

## *Navigating the PA Municipalities Planning Code*

A resident applies for a permit to build a home addition. A developer seeks to construct a multi-million dollar planned residential development. A municipality adopts a comprehensive plan that sets forth large scale development goals and environmental objectives for years to come.

The authority for residents, developers, and municipalities to move forward with all of these endeavors, both great and small, comes from one source: the Pennsylvania Municipalities Planning Code (MPC).<sup>i</sup>

Since it was enacted in 1968, the MPC has become a critical statute in municipal government operations. According to the PA Local Government Commission, the MPC establishes the basic framework for a municipality to plan

for development through the preparation of a comprehensive plan.

Moreover, the MPC enables a municipality to oversee local construction and development through its zoning and subdivision and land development ordinances.

In addition to being the statutory foundation of planning and zoning in the Commonwealth, the MPC has a reputation for being a tedious and tricky statute. Although most municipal solicitors and zoning officers keep a copy handy, any elected official or resident can benefit from a basic knowledge of the MPC.

Because the MPC is a building block of planning and zoning, and a new school year is just

beginning here in Pennsylvania, let's break this statute down and learn "the ABC's of the MPC."

**A is for Application.** Every new development begins with an application to the municipality – either for a building or zoning permit, or for approval of a subdivision or development plan.

**B is for Borough Council.** The MPC provides the borough council with several powers, including the ability to establish a planning agency, enact a zoning ordinance and/or subdivision and land development ordinance, and hold public hearings.

**C is for Comprehensive Plan.** Article III of the MPC covers the preparation and adoption of a municipal comprehensive plan,

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a long-term strategic planning document that states community objectives and plans for land use, housing, utilities, recreation, and more.

**D is for Development, particularly Planned Residential Development.** The MPC outlines the procedures for all development but dedicates Article VII entirely to planned residential development. It enables municipalities to fix standards and conditions for the construction of this type of development, which typically contain a number of dwelling units and nonresidential uses on a single tract of land.

**E is for Enforcement Notice.** Section 616.1 allows municipalities to issue an enforcement notice for any violation of the zoning ordinance. The enforcement notice must be carefully drafted to detail the alleged violation and may be appealed to the zoning hearing board.

**F is for Final Approval.** Applications for subdivision and land development may undergo a two-step approval process. The plat, or plan, may be required to receive preliminary approval, and then more details of the development must be provided in order to obtain final approval from the municipality.<sup>ii</sup>

**G is for Goals.** As outlined by the MPC, the comprehensive plan, zoning ordinance, and any intergovernmental agreements should contain a statement of the municipality's overarching development and policy goals.

**H is for Hearing.** All development approvals and adoptions of ordinances must occur at an advertised public hearing. Article IX outlines a specific procedure for zoning hearings.

**I is for Intergovernmental Cooperation.** The MPC encourages intergovernmental cooperation

between municipalities, and between the municipal and county governments in comprehensive planning efforts.<sup>iii</sup>

**J is for Joint Municipal Zoning.** In addition to intergovernmental cooperation in comprehensive planning, Article VIII-A delineates how to enact a joint municipal zoning ordinance among one or more municipalities, to allow for consistent zoning regulation in a region.

**K is for Keeping Records.** The MPC requires the planning agency, zoning hearing board, and governing body to keep detailed records and minutes of its proceedings. A stenographer must be hired to create a record of zoning hearings.

**L is for Landowner Curative Amendment.** A landowner may submit a curative amendment to the zoning ordinance, where the ordinance restricts the



landowner's use or development of land. The governing body must have a hearing on the curative amendment proposal after it is submitted.<sup>iv</sup>

**M is for Map.** Article IV grants the governing body the power to adopt an official map, showing the streets, watercourses, public parks, pedestrian ways, and other features of the municipality.

**N is for Nonconforming Use.** A nonconforming use of land is one that does not comply with the current zoning restrictions but lawfully existed prior to the current zoning. The MPC provides for registration of nonconforming uses.

**O is for Ordinance Amendment.** Section 609 outlines the procedure for zoning ordinance amendments, including the timing for public hearings and for review of the proposed amendment by the county planning agency.

**P is for Planning Agency.** Created by the governing body, the planning agency or planning commission<sup>v</sup> is an appointed board that has the power to create the municipal comprehensive plan and provide recommendations to the borough council on development applications and ordinance amendments.

**Q is for Question.** There is a procedure for a landowner to question or challenge the validity of an ordinance or map that restricts the use or development of land. The challenge must be submitted to either the zoning hearing board or the borough.<sup>vi</sup>

**R is for Recommendations and Reports.** The primary role of the planning agency/commission is to serve as a recommending body to the governing body. Under the MPC, the planning agency reviews applications for development in detail and provides a report advising the council on these applications.

**S is for Subdivision and Land Development Ordinance (SALDO).** Governing bodies have the power to regulate the subdivision and development of land through the enactment of a SALDO.<sup>vii</sup> This ordinance establishes the review process for the submission of plats and plans, standards for street grading, sidewalks, traffic considerations for new plans, and much more.

**T is for Timing.** Timing is a critical component of any zoning or land development application. The MPC states that if a municipality does not schedule a public hearing or act upon an application within a certain amount of time after it is received, it will be deemed to be approved.

**U is for Use.** The MPC generally enables the municipality to govern land use. The zoning ordinance, enacted under the

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MPC, will specify what type of land use is permitted in certain designated areas.

**V is for Violations.** Under the MPC, a borough can institute and maintain enforcement proceedings against any person who violates a provision of the zoning ordinance or SALDO.

**W is for Water.** The MPC contains multiple references to the importance of groundwater, stormwater, and wastewater planning in any development application. Article XI-A specifically, addresses cooperative planning of wastewater processing.

**X is for eXpenditures.** The MPC allows the governing body to

appropriate funds for the operation of the planning agency and zoning hearing board.

**Y is for Your Solicitor.** Elected officials should rely on the appointed municipal solicitor to address any questions about the procedures, timelines, and powers related to planning and zoning contained in the MPC.

**Z is for Zoning Officer.** In addition to the municipal solicitor, the zoning officer is another trusted official who should be deeply familiar with the MPC. The zoning officer administers the zoning ordinance, evaluates applications for completeness, and communicates with applicants on behalf of the borough.

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<sup>i</sup> 53 P.S. § 10101 *et seq.*

<sup>ii</sup> See Article V.

<sup>iii</sup> See Article XI.

<sup>iv</sup> See Section 609.1.

<sup>v</sup> See Article II.

<sup>vi</sup> See Section 916.1.

<sup>vii</sup> See Article V.

