

CHAPTER 2: THE MUNICIPALITIES PLANNING CODE

Enacted in 1968, the Municipalities Planning Code (MPC) is Pennsylvania's key enabling legislation that empowers counties and municipalities to independently or jointly plan for development. The MPC has been revised regularly since it was originally enacted, with many updates improving the legislation to be compatible with modern day planning practices. Since the MPC defines how counties and municipalities are able to plan for development and govern such, it is important that Planning Commissioners have a basic understanding of the MPC and its contents. This section outlines the different articles contained within the MPC and their general content.

Article I – General Provisions

This article of the MPC provides background on the purpose of the act as well as its enactment date. Article I also includes a long list of definitions of terms included within the MPC. These definitions can also be useful when referring to municipal zoning and subdivision and land development ordinances as well, since the definitions found in municipal ordinances are likely based on those listed in the MPC.

Article II – Planning Agencies

This article of the MPC provides details on planning agencies including the types, creation, terms, conduct of business, and power and duties. This section of the MPC is often useful in crafting bylaws that govern municipal planning commission activities and conduct.

Article III – Comprehensive Plan

This article of the MPC provides minimum requirements for municipal, multi-municipal, and county comprehensive plans. The comprehensive plan is the primary tool utilized by municipalities and counties to identify plans for future growth and development. Comprehensive plans are generally reviewed and updated every ten years. This section also identifies the process for reviewing and adopting a comprehensive plan as well as their legal status. Comprehensive plans are discussed in more detail in Chapter Six of this handbook.

Article IV – Official Map

Municipalities are permitted by the MPC to make an official map that identifies public lands and facilities that are planned for. This map can be useful in identifying future improvements, such as roadways, parkland, and bicycle facilities that can be provided at the time of development or when the municipality has adequate funding. Official Maps are discussed in greater detail in Chapter Eight.

Article V – Subdivision and Land Development

This article of the MPC defines how municipalities are permitted to regulate subdivision and land development within their jurisdiction. This article provides a detailed list of provisions that can be included within a subdivision and land development ordinance (SALDO). This section also provides information on enactment of a SALDO ordinance, the process to approve plans, insurances for the completion of improvements related to land development, and the recording of plans. Subdivision and Land Development ordinances are discussed in greater detail in Chapter Nine of this handbook.



Subdivision and land development ordinances provide basic requirements for proposed development. This can include a wide variety of criteria, including specifications for plans themselves as well as design criteria for utilities and infrastructure.

Article V-A – Municipal Capital Improvement

This article allows municipalities to charge impact fees to developments which generate demands for transportation improvements. The provisions of Article V-A are somewhat complex and burdensome, with numerous limitations placed on the uses of the fees.

Article VI – Zoning

Article VI enables municipalities to enact zoning ordinances, which are essential for implementation of a comprehensive plan. This section of the MPC identifies what zoning ordinances are permitted to do, how ordinances can be proposed and enacted, curative amendments, transfer of development rights, and enforcement procedures. Chapter Ten provides greater details on zoning ordinances.

Article VII – Planned Residential Development

This article permits municipalities to enact zoning ordinances that fix standards and conditions for planned residential developments (PRDs). PRDs are intended to provide a greater variety in type and design of housing while providing open space for residents. This article of the MPC outlines the contents of PRD ordinances and the process for having a Planned Residential Development approved. Several Centre Region municipalities have PRD ordinances.

Article VII-A – Traditional Neighborhood Development

"Traditional neighborhood development," or "TND," is defined in Article VII-A of the MPC as an "area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. TND is often known by other names, including Livable Communities, New Urbanism, Neotraditional Development, and the related field of Smart Growth. All of these types of developments are based upon the historical template of older existing communities, including mixed uses, walkability, design at the human scale, and housing variety. This article of the MPC permits municipalities to enact ordinances that permit the development of Traditional Neighborhood Developments.



Traditional neighborhood design incorporates a variety of housing styles and a mix of residential and commercial uses. The TND development in the photo was designed so that all homes are within a five minute walk or bike ride from a major amenity such as a park, lake, or shopping area. The development is also served by a light rail line, ensuring that residents can reduce their automobile dependence.

Article VIII-A – Joint Municipal Zoning

Just as the MPC permits municipalities to cooperatively plan for their future, municipalities are also permitted to enact joint municipal zoning ordinances for the purpose of implementing their shared comprehensive plan. This section of the MPC defines how joint municipal zoning ordinances can be enacted, amended, repealed, and enforced. While the Centre Region municipalities cooperatively plan for their future through a multi-municipal plan, each municipality retains their own zoning ordinances.

Article IX – Zoning Hearing Board and other Administrative Proceedings

Any municipality that has a zoning ordinance is also required to create a zoning hearing board. Zoning hearing boards are appointed bodies that consist of between three and five residents from the municipality and are generally charged with hearing applications for appeals and variances. Zoning hearing boards are quasi-judicial and have exclusive jurisdiction to hear and render final adjudications in the following matters:

- Substantive challenges to the validity of any land use ordinance, except those brought before the governing body
- Challenges to the validity of a land use ordinance that raise procedural questions or alleged defects in the process of enactment or adoption
- Appeals from the determination of the zoning officer, including but not limited to the granting or denial of any permit or failure to act on the application for a permit, the issuance of a cease and desist order, or the registration or refusal to register any nonconforming structure, use, or lot
- Appeals from a determination by a municipal engineer or zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions with the land use ordinance
- Applications for variances from the terms of the zoning ordinance and flood hazard ordinance or such provisions within a land use ordinance
- Applications for special exceptions under the zoning ordinance or flood plain or flood hazard ordinance or such provisions within a land use ordinance
- Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the zoning ordinance

- Appeals from the determination of the zoning officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management

Article IX also outlines the procedures for zoning hearing board actions as well as criteria for the issuance of variances. The most common actions of zoning hearing boards that have any impact on Planning Commissions are when variances are approved for proposed land development. If a variance is approved, any plans submitted to the municipality should reference the zoning hearing board's action.

Article X-A – Appeals to Court

This article of the MPC outlines the procedure for appealing to court decisions rendered through Article IX of the MPC.

Article XI – Intergovernmental Cooperative Planning and Implementation Agreements

This article permits the creation of intergovernmental cooperation through planning and implementation agreements. It is this section of the MPC that allows the Centre Region municipalities to work cooperatively on planning efforts and to maintain a multi-municipal comprehensive plan. This section outlines the legal effects of multi-municipal plans, requirements for multi-municipal plan implementation agreements, and the ability to adopt specific plans for nonresidential areas.

