



Fact Sheet

Zoning Ordinance Amendment Procedures

Municipalities make zoning ordinance changes for various reasons: changing land use patterns, use changes, or even accommodating a specific development type or developer.

The Pennsylvania Municipalities Planning Code (MPC) has rules that govern zoning amendments that all municipalities must keep in mind when amending zoning ordinances.

Types of Amendments

A zoning amendment is needed when any part of the zoning ordinance is changed.

- ▶ An amendment can be a text amendment that focuses on specific language to be added, deleted, or modified.
- ▶ An amendment can also be a map or rezoning amendment that involves an addition, deletion, or modification to a zoning district's geographic location.

All zoning ordinance amendments require a public hearing that is advertised pursuant to the public notice requirements of the MPC. In addition to the public hearing requirements, the governing body must also advertise a notice of intent to adopt an ordinance amendment.

Public Notice vs. Notice to Adopt

Public Hearing Notice

- ▶ A public notice is published once each week for two consecutive weeks in a newspaper with general circulation in the municipality. This notice states the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication of a public notice should not be more than 30 days from the date of the hearing, and the second publication should not be less than seven days before the date of the hearing.

Notice of Intent to Adopt

- ▶ A notice indicating the governing body's intent to adopt must also be advertised. The notice must contain a solicitor's summary of the ordinance or its full text.

Note: The municipality should obtain and retain a record of proof of publication.

Did You Know...

- ▶ *If your zoning ordinance contains more stringent notification requirements than the MPC, you must follow your ordinance requirements in addition to MPC requirements.*
- ▶ *Elected officials are not obligated to entertain or take any action on zoning ordinance amendments requested by property owners or developers (unless your local ordinance provisions require action).*

Zoning Amendment Procedures

Things to Do for Zoning Amendments

Have you...

- Delivered an amendment not prepared by the municipal planning agency to the planning agency at least 30 days prior to the public hearing? (MPC 609(c))
- Sent a copy of the proposed amendment to the county planning agency for its review and recommendation at least 30 days prior to the public hearing? (MPC 609(e))
- Advertised the public hearing with proper public notice? (MPC 609(b)(1))
- Advertised the notice of intent to adopt with proper public notice? (MPC 610(a))

(Over)

Zoning Amendment Procedures *(continued)*

- ❑ Supplied a copy of the proposed amendment to the newspaper in which the notices are published, if a summary and not the full text is published? (MPC 610(a)(1))
- ❑ Filed an attested copy of the proposed amendment in the county law library, if a summary and not the full text is published? (MPC 610(a)(2))
- ❑ Physically posted notices of the public hearing on the perimeter of the affected property in areas deemed sufficient by your municipality at least one week prior to the hearing? (for a map amendment only) (MPC 609(b)(1))
- ❑ Made a good-faith effort to mail the notice of the hearing to the affected property owners? (for a map amendment) (MPC 609(b)(2))
- ❑ Held the hearing as advertised by the public notices?
- ❑ Held another public hearing pursuant to the public notice and readvertised the ordinance summary, if, after public hearing, the municipality proposes substantial changes to the proposed amendment? (MPC 609(d) and 610(b))

What Is a Public Hearing?

A public hearing is a formal meeting held according to public notice by the governing body or planning agency, intending to inform and obtain public comment, prior to taking action in accordance with the MPC.

- ❑ Acted on the amendment ordinance at a regular or special meeting of the governing body?
- ❑ Signed, dated, and recorded the ordinance in the official ordinance book of the municipality after adopted by the elected officials?

- ❑ Sent the approved amendment to the county planning agency, or in the case where no planning agency exists, to the governing body no later than 30 days after ordinance adoption? (MPC 609(g))

Court Decisions

Pennsylvania courts sometimes rule on cases that have a direct effect on zoning ordinances and zoning ordinance amendments. From these decisions the following should be kept in mind:

- ▶ In *Valiantos vs. Zoning Hearing Board (ZHB) of Richmond Township*, the court ruled that public notice language must indicate that there is an intention to adopt a zoning amendment.
- ▶ In *Belle Vernon vs. Board of Commissioners of Rochester*, the court ruled that public notice language must indicate that a public hearing (and not a meeting) is to be held.
- ▶ In *Cranberry Park Associates vs. Cranberry Zoning Hearing Board*, the court ruled that ordinances that are not properly signed, dated, and recorded never become effective.
- ▶ In *Glen-Gery Corporation vs. Zoning Hearing Board of Dover Township*, the court ruled that procedural defects, affecting notice or due process rights, during ordinance adoption can invalidate the ordinance beyond the 30 day appeal period specified in the MPC.

FOR MORE INFORMATION

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Relevant Statute Referenced:

Pennsylvania Municipalities Planning Code
(Act of 1968, P.L. 805, No. 247, as amended)