

# ZONING ORDINANCE AMENDMENT PROCEDURES

## ADAPTING TO CHANGING LAND USE PATTERNS



### WHAT ARE ZONING ORDINANCE AMENDMENTS?

Zoning ordinances, along with subdivision and land development ordinances, are local laws that regulate the creation of property lines, the development of properties, and their improvement. As community needs change, municipalities may amend zoning ordinances to update land use patterns or accommodate a specific proposed development. The Pennsylvania Municipalities Planning Code (MPC) has rules that govern the process municipalities must follow when amending zoning ordinances.

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

- **Text amendments** include the addition, deletion, or revision of language, tables, or graphics in the ordinance text.
- **Map amendments** are changes in the location, extent, or boundaries of zoning districts on the zoning map. Rezoning of property from one zoning district to another is a zoning map amendment.

### REQUIRED NOTIFICATIONS

As part of the zoning ordinance amendment process, municipalities are required to engage the public.

- A **public hearing** must be held by the municipality to inform and obtain public comment prior to acting on a zoning amendment.
- **Public notices** must be published for two successive weeks stating the time and place of the public hearing, and the nature of the proposed amendment. Municipalities should be aware that the MPC defines public notices differently than the Sunshine Law.
- **Notice of intent to enact** the zoning ordinance amendment must be published in a newspaper of general circulation. The notice must include the time and place of enactment and contain a solicitor's summary or the full text of the amendment. Municipalities should retain proof of publication.

# ZONING AMENDMENT CHECKLIST

## MUNICIPAL PROCEDURES

- **Receive or initiate the proposed amendment.** If not prepared by the municipal planning agency, the proposed amendment must be submitted to them for recommendations at least 30 days before the public hearing.
- **Forward the proposed amendment to the county planning agency** for recommendations at least 30 days before the public hearing.
- **Publish public notice of the public hearing for two successive weeks.** The first notice should be published not more than 30 days, and the second not less than 7 days, from the public hearing.
- **Upon request, notify owners of land or mineral rights affected by a proposed amendment of the public hearing** within 30 and 7 days before the public hearing.
- **For map amendments,** post notices along the affected property(ies) at least one week before the public hearing. Mail notice of the public hearing to all properties in the area proposed for rezoning at least 30 days before the public hearing. (This is not required if rezoning is “comprehensive.”)
- **Publish notice of intent to enact the zoning amendment.** The notice must reference a place where copies of the proposed amendment may be examined or obtained. Provide the full text of the proposed amendment to the newspaper publishing the notice and file it in the county law library.
- **Hold a public hearing to take comments on the proposed amendment.**
- **Consider the amendment at a regular or special meeting.** Municipalities may enact the amendment at the same meeting.
- **If enacted, place a copy of the amendment in the municipal ordinance book** as required by the respective municipal codes.
- **Forward a copy of the amendment to the county planning agency** within 30 days of enactment.

If the proposed amendment is changed during the process, it must be resubmitted to the municipal and county planning agencies. These agencies are permitted 30 days to review the change. If the change is substantial or includes land not previously affected, the governing body must hold another public hearing subject to all required notices.

## ADDITIONAL RESOURCES

The Governor’s Center for Local Government Services provides technical assistance on a variety of planning, land use, and development matters to planning commissions, zoning officers, zoning hearing boards, and other local government officials. For more information visit [dced.pa.gov/planning](http://dced.pa.gov/planning).



06/02/2020

## ADDITIONAL TIPS

- If your zoning ordinance contains more stringent notification requirements than the MPC, you must follow the ordinance requirements in addition to the MPC.
- The municipal governing body is not obligated to consider or take any action on requested zoning ordinance amendments (unless required by the municipal zoning ordinance).
- A comprehensive revision of the zoning ordinance text and map which repeals the existing ordinance and enacts a new ordinance should follow MPC procedures for enactment, not amendment, of a zoning ordinance.
- A zoning text change, which alters permitted uses in a zoning district but does not change boundaries of the zoning district, may change the nature of the district such that it constitutes a zoning map amendment and requires posting and mailing of notices.

## MPC PROVISIONS

- **Section 609** Enactment of Zoning Ordinance Amendments
- **Section 610** Publication, Advertisement and Availability of Ordinances
- **Section 107** Definitions, particularly public notice, mailed notice, and electronic notice
- **Section 109** Notice