
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **651** Session of
1961

INTRODUCED BY MESSRS. STEVENSON, LANE, SEYLER,
HALUSKA AND CONFAIR, MAY 22, 1961.

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT,
MAY 22, 1961.

AN ACT

To empower cities of the second class second class A and third class boroughs incorporated towns townships of the first and second class and counties of the third through eighth class individually or jointly to plan their development and to govern the same by zoning subdivision and land development ordinances and other ordinances by official maps by the reservation of certain land for future public purpose and by the acquisition of such land providing for the establishment of planning commissions planning

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill.
Underscoring indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

departments and zoning hearing boards authorizing them to charge fees make inspections and hold public hearings providing for appropriations appeals to courts and penalties for violations and repealing acts and parts of acts

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

1

Article I

2

General Provisions

3

Section 101 Short Title This act shall be known and may be
4 cited as the "Pennsylvania Planning Code"

5

Section 102 Effective Date This act shall take effect January 1
6 1962

7

Section 103 Construction of Act The provisions of this act as far as
8 they are the same as those of existing laws are intended as a continuation
9 of such laws except for those portions of the laws which are specifically
10 repealed However the repeal by this act of any act of Assembly or part
11 thereof shall not revive any act or part thereof heretofore repealed or
12 superseded by law The provisions of this act shall not affect any act done
13 contract executed or liability incurred prior to its effective date or affect
14 any suit or prosecution pending or to be instituted to enforce any right
15 rule regulation or ordinance or to punish any offense against any such
16 repealed laws or against any ordinance enacted under them All ordinances
17 resolutions regulations and rules made pursuant to any act of Assembly
18 repealed by this act shall continue in effect as if such act had not been
19 repealed

1 Section 104 Constitutional Construction The provisions of this act
2 shall be severable and if any of its provisions shall be held to be uncon-
3 stitutional the validity of any of the remaining provisions of this act
4 shall not be affected It is hereby declared as the legislative intention that
5 this act would have been adopted had such unconstitutional provision
6 not been included therein

7 Section 105 Purpose of Act It is the intent purpose and scope of
8 this act to protect and promote safety health and morals to accomplish a
9 coordinated and harmonious development of municipalities to provide
10 for guide and protect amenity convenience future governmental economic
11 social cultural and aesthetic development and growth and other aspects of
12 the general welfare as well as the improvement of governmental processes
13 and functions to guide uses of land and structures type and location of
14 streets provision and location of public grounds and other facilities and
15 to permit municipalities to prevent minimize and eliminate such prob-
16 lems as may presently exist or which may be foreseen

17 Section 106 Appropriations Grants and Gifts The governing
18 body of every municipality is hereby authorized and empowered to make
19 such appropriations as it may see fit to accept gifts grants or bequests
20 from public and private sources for the purpose of carrying out the

1 powers and duties conferred by this act and to enter into agreements
2 regarding the acceptance or utilization of such grants gifts or bequests

3 Section 107 Definitions As used in this act except where the con-
4 text clearly indicates otherwise the following words or phrases have the
5 meaning indicated below

6 (1) "Appointing authority" the mayor in cities the chairman of
7 the board of commissioners in counties the council in incorporated towns
8 and boroughs the president of the board of commissioners in townships
9 of the first class and the chairman of the board of supervisors in town-
10 ships of the second class

11 (2) "County" any county of the third through eighth classes

12 (3) "Governing body" the council in cities of the second class
13 second class A third class boroughs and incorporated towns the board
14 of commissioners in townships of the first class the board of supervisors
15 in townships of the second class the board of commissioners in counties
16 of the third through eighth classes

17 (4) "Developer" any owner of land agent of such owner or tenant
18 with the permission of such owner who makes or causes to be made a
19 subdivision of land or a land development.

- 1 (5) "Land development" the improvement of one or more contigu-
2 ous lots tracts or parcels of land for any purpose involving (i) a group
3 of two or more buildings or (ii) the division or allocation of land be-
4 tween or among two or more existing or prospective occupants by means
5 of or for the purpose of streets common areas leaseholds building groups
6 or other features
- 7 (6) "Municipality" any city of the second class second class A or
8 third class borough incorporated town township of the first or second
9 class and county of the third through eighth classes
- 10 (7) "Planning agency" a planning commission or planning depart-
11 ment
- 12 (8) "Plat" the map or plan of a subdivision or land development
- 13 (9) "Public grounds" includes (i) parks playgrounds and other
14 public areas for active or passive recreation and (ii) sites for schools
15 sewage treatment refuse disposal and other publicly owned or operated
16 facilities
- 17 (10) "Public notices" notice given not more than thirty days and
18 not less than ten days in advance of any public hearing required by this
19 act Such notice shall be published once in a newspaper of general cir-
20 culation in the municipality Such notice shall state the time and place

1 of the hearing and the nature of the matter to be considered at the
2 hearing

3 (11) "Street" includes street avenue boulevard road highway free-
4 way parkway lane alley viaduct and any other ways used or intended
5 to be used by vehicular traffic or pedestrians whether public or private

6 (12) "Structure" any man-made object having an ascertainable
7 stationary location on or in land or water whether or not affixed to
8 the land

9 (13) "Subdivision" the division or redivision of a lot tract or parcel
10 of land by any means into two or more lots tracts parcels or other
11 divisions of land including changes in existing lot lines for the purpose
12 whether immediate or future of lease transfer of ownership or building
13 development provided however that the division of land for agricultural
14 purposes into parcels of more than ten acres not involving any new
15 street or easement of access shall be exempted

16 Article II

17 Planning Agencies

18 Section 201 Creation of Planning Agencies The governing body of
19 any municipality shall have the power to create by ordinance a planning

1 commission or planning department or both An ordinance which creates
2 both a planning commission and a planning department shall specify
3 which of the powers and duties conferred on planning agencies by this
4 act each shall exercise and may confer upon each additional powers
5 duties and advisory functions not inconsistent with this act

6 Section 202 Planning Commission If the governing body of any
7 municipality shall elect to create a planning commission such commission
8 shall have not less than five nor more than nine members All members
9 of the commission shall serve without compensation but may be reim-
10 bursed for necessary and reasonable expenses However elected or ap-
11 pointed officers or employes of the municipality shall not by reason of
12 membership thereon forfeit the right to exercise the powers perform
13 the duties or receive the compensations of the municipal offices held
14 by them during such membership

15 Section 203 Appointment Term and Vacancy All members of the
16 commission shall be appointed by the appointing authority of the munic-
17 ipality All such appointments shall be approved by the governing
18 body except where the appointing authority and the governing body are
19 the same The term of each of the members of the commission shall be
20 for five years or until his successor is appointed and qualified except

1 that the terms of the members first appointed pursuant to this act
2 shall be so fixed that no more than two nor less than one shall be
3 reappointed or replaced during each succeeding future calendar year
4 The chairman of the planning commission shall promptly notify the
5 appointing authority of the municipality concerning vacancies in the
6 commission and such vacancy shall be filled for the unexpired term

7 Section 204 Members of Existing Commissions The members of
8 any existing planning commission established under former laws shall
9 continue in office until the end of the term for which they were ap-
10 pointed their successors shall be appointed as provided by this act If a
11 vacancy shall occur otherwise than by expiration of term it shall be
12 filled by appointment for the unexpired term according to the terms of
13 this article Should the governing body of any municipality determine
14 to increase the number of members of an already existing planning
15 commission the additional members shall be appointed as provided in
16 this article If the governing body of any municipality shall determine
17 to reduce the number of members on any existing planning commission
18 such reduction shall be effectuated by allowing the terms to expire
19 and by making no new appointments to fill the vacancy Such reduction
20 shall be by ordinance

1 However should the governing body pursuant to this act elect to
2 create a planning department in lieu of a planning commission then
3 any existing planning commission shall cease to exist not later than
4 thirty days subsequent to the effective date of the ordinance creating
5 such department All records and files of the commission shall be
6 delivered to the department

7 Section 205 Membership At least a majority of the members of the
8 planning commission shall be residents of the municipality with the
9 exception that on commissions of seven members or more two of the
10 members may be nonresidents On all planning commissions appointed
11 pursuant to this act a certain number of the members designated as
12 citizen members shall not be officers or employes of the municipality On
13 a commission of five members at least four shall be citizen members
14 on a commission of either six or seven members at least five shall be
15 citizen members and on commissions of either eight or nine members
16 at least six shall be citizen members

17 Section 206 Removal Any member of a planning commission once
18 qualified and appointed may be removed from office at the will of the
19 appointing authority Each such removal shall be with the consent of

1 the governing body except where the appointing authority and the
2 governing body are the same Any appointment to fill a vacancy created
3 by removal shall be only for the unexpired term

4 Section 207 Conduct of Business The commission shall elect its
5 own chairman and vice-chairman from the citizen members and create
6 and fill such other offices as it may determine Officers shall serve an-
7 nual terms and may succeed themselves The commission may make and
8 alter by-laws and rules and regulations to govern its procedures con-
9 sistent with the ordinances of the municipality and the laws of the
10 Commonwealth The commission shall keep a full record of its business
11 and shall annually make a report of its activities to the governing body
12 Interim reports may be made as often as may be necessary

13 Section 208 Planning Department Director For the administration
14 of each planning department the appointing authority shall appoint
15 a director of planning Each such appointment shall be with the ap-
16 proval of the governing body except where the appointing authority
17 and the governing body are the same The director of planning shall
18 be in charge of the administration of the department and shall exercise
19 the powers and be subject to the duties that are granted or imposed on

1 a planning agency by this act except that where a municipality creates
2 both a planning commission and a planning department the director of
3 planning shall exercise only those powers and be subject to only those
4 duties which are specifically conferred upon him by ordinance enacted
5 pursuant to this article

6 Section 209 Powers and Duties of Planning Agency (a) The
7 planning agency shall have the power and shall be required to

8 (1) Prepare the comprehensive plan for the development of the
9 municipality as set forth in this act

10 (2) Maintain and keep on file records of its actions

11 (b) The planning agency at the request of the governing body may

12 (1) Prepare and maintain for the governing body of the munici-
13 pality an official map and make recommendations to the governing body
14 on proposed changes in such map as set forth in this act

15 (2) Prepare and present to the governing body of the municipality
16 a zoning ordinance and make recommendations to the governing body on
17 proposed amendments to it as set forth in this act

18 (3) Prepare administer and enforce subdivision and land develop-
19 ment regulations as set forth in this act

1 (4) Prepare and present to the governing body of the municipality
2 a building code and make recommendations to the governing body on
3 proposed amendments thereto

4 (5) Prepare and present to the governing body of the municipality
5 a housing code and make recommendations to the governing body on
6 proposed amendments thereto

7 (6) Submit to the appointing authority of the municipality a recom-
8 mended capital improvements program

9 (7) Prepare and adopt plans and submit reports to the governing
10 body with respect to the renewal and the redevelopment of the munic-
11 pality

12 (8) Promote public interest in and understanding of the compre-
13 hensive plan and planning

14 (9) Make recommendations to governmental civic and private agen-
15 cies and individuals as to the effectiveness of its proposals

16 (10) Hold public hearings and meetings on its own initiative

17 (11) Require from other departments and agencies of the munic-
18 pality such available information as relates to the work of the planning
19 agency

1 (12) In the performance of its functions enter upon any land to
2 make examinations and surveys

3 (13) Do such other act or make such studies as the governing body
4 may require or which may be necessary to fulfill the duties and obli-
5 gations imposed by this act

6 Section 210 Administrative and Technical Assistance The plan-
7 ning agency may employ administrative and technical services or con-
8 tract for such services in accordance with the governmental procedures
9 of the municipality to the extent permitted by its financial resources
10 and may request the governing body to provide additional services from
11 other departments and agencies of the municipality A county planning
12 agency may perform planning services for any city borough incorporated
13 town or township which requests such assistance and may enter into
14 agreements or contracts for such work

15 Section 211 Assistance The planning agency may with the consent
16 of the governing body accept and utilize any funds personnel or other
17 assistance made available by the county the Commonwealth or the Fed-
18 eral government or any of their agencies or from private sources and
19 may enter into agreements or contracts regarding the acceptance or

1 utilization of the funds or assistance in accordance with the govern-
2 mental procedures of the municipality

3 Article III

4 Comprehensive Plan

5 Section 301 Preparation of Comprehensive Plan The planning
6 agency shall prepare and maintain a comprehensive plan for the de-
7 velopment of the municipality The comprehensive plan consisting of
8 maps charts and textual matter shall indicate the recommendations of
9 the planning agency for the continuing development of the municipality
10 in matters relating to or affecting safety health morals and general
11 welfare The comprehensive plan shall include as a minimum the follow-
12 ing related elements

13 (1) A statement of objectives of the municipality concerning its
14 future development

15 (2) A plan for land use which may include the amount intensity
16 and character of land use proposed for residence industry business agri-
17 culture major traffic and transit facilities public grounds flood plains
18 and other areas of special hazards and other similar uses

19 (3) A plan for movement of people and goods which may include
20 expressways highways local street systems parking facilities mass transit

1 routes terminals airfields port facilities railroad facilities and other simi-
2 lar facilities or uses

3 (4) A plan for community facilities and utilities which may include
4 public and private education recreation municipal buildings libraries
5 water supply sewage disposal refuse disposal storm drainage hospitals
6 and other similar uses

7 (5) A map or statement indicating the relationship of the munici-
8 pality and its proposed development to adjacent municipalities and areas

9 In preparing the comprehensive plan the planning agency shall
10 make careful surveys and studies of existing conditions and prospects
11 for future growth in the municipality

12 Section 302 Adoption of Comprehensive Plan The governing body
13 shall have the power to adopt and amend the comprehensive plan as
14 a whole or in parts The governing body may by ordinance confer such
15 power upon the planning commission if any Before adopting or amending
16 a comprehensive plan or any part thereof the governing body or the
17 planning commission if it be authorized to exercise such power shall
18 hold a public hearing pursuant to public notice The adoption of the
19 comprehensive plan or any part thereof or any amendment thereto

1 shall be by resolution carried by the affirmative votes of not less than
2 a majority of all the members of the governing body or commission as
3 the case may be The resolution shall refer expressly to the maps charts
4 textual matter and other matters intended to form the whole or part
5 of the plan and the action taken shall be recorded on the adopted plan
6 or part A copy of any such resolution of a planning commission shall
7 be forwarded to the governing body of the municipality

8 Section 303 Legal Status of Comprehensive Plan Following the
9 adoption of the comprehensive plan or any part thereof any proposed
10 action of the governing body relating to (1) the location opening vaca-
11 tion extension widening narrowing or enlargement of any street public
12 ground pierhead or watercourse (2) the location erection demolition
13 removal or sale of any public structure located within the municipality
14 or (3) adoption or repeal of an official map subdivision and land de-
15 velopment ordinance or zoning ordinance shall be (i) submitted to the
16 planning agency for its recommendations and (ii) specifically found by
17 the governing body to be in accordance with the spirit and intent of
18 the formally adopted portions of the comprehensive plan before final
19 action shall be taken by the governing body The recommendations of

1 the planning agency shall be made to the governing body within thirty
2 days

3 Section 304 Municipal and County Comprehensive Plans When
4 a city borough incorporated town or township having a comprehensive
5 plan is located in a county which has adopted a comprehensive plan
6 both the county and the city borough incorporated town or township
7 shall each give the plan of the other adequate consideration in order
8 that the objectives of each plan can be protected to the greatest extent
9 possible

10 Article IV

11 Official Map

12 Section 401 Grant of Power The governing body of each munici-
13 pality shall have the power to make or cause to be made surveys of
14 the exact location of the lines of existing and proposed public streets
15 watercourses and public grounds including widenings narrowings ex-
16 tensions diminutions openings or closings of same for the whole of the
17 municipality and by ordinance to adopt such surveys as the official map
18 or part thereof of the municipality The governing body by amending
19 ordinances may make additions or modifications to the official map or

1 part thereof by adopting surveys of the exact location of the lines of
2 the public streets watercourses or public grounds to be so added or modi-
3 fied and may also vacate any existing or proposed public streets, water-
4 course or public ground contained in the official map or part thereof

5 Section 402 Adoption of the Official Map and Amendments Thereto

6 Prior to the adoption of any survey of existing or proposed public streets
7 watercourses or public grounds as the official map or part thereof or
8 any amendments to the official map the governing body shall refer such
9 surveys and amendments to the planning agency for review The planning
10 agency shall report its recommendations on said proposed official map
11 part thereof or amendment thereto within forty days unless an exten-
12 sion of time shall be agreed to by the governing body Upon receipt of
13 the report of the planning agency the governing body before voting on
14 the enactment of the proposed official map part thereof or amendment
15 thereto shall hold a public hearing thereon The governing body shall
16 give public notice of such hearing Such notice shall be sent by cer-
17 tified or registered mail to the last known address of the recorded own-
18 ers of the lands wholly or partially included within or abutting on the
19 lines of any existing and proposed public streets watercourses or public

1 grounds shown or laid out on the proposed official map part thereof or
2 amendment thereto

3 Section 403 Effect of Approved Plats on Official Map After adop-
4 tion of the official map or part thereof all streets watercourses and
5 public grounds on final recorded plats which have been approved as
6 provided by this act shall be deemed amendments to the official map.
7 Notwithstanding any of the other terms of this article no public hear-
8 ing need be held or notice given if the amendment of the official map
9 is the result of the addition of a plat which has been approved as
10 provided by this act

11 Section 404 Effect of Official Map on Mapped Streets Water-
12 courses and Public Grounds The adoption of any street or street lines
13 as part of the official map shall not in and of itself constitute or be
14 deemed to constitute the opening or establishment of any street nor
15 the taking or acceptance of any land for street purposes nor shall it
16 obligate the municipality to improve or maintain any such street The
17 adoption of proposed watercourses or public grounds as part of the
18 official map shall not in and of itself constitute or be deemed to con-
19 stitute a taking or acceptance of any land by the municipality

1 Section 405 Structures in Mapped Streets Watercourses and Pub-
2 lic Grounds For the purpose of preserving the integrity of the official
3 map of the municipality no permit shall be issued for any structure
4 within the lines of any street watercourse or public ground shown or
5 laid out on the official map No person shall recover any damages for
6 the taking for public use of any structure or improvements constructed
7 within the lines of any street watercourses or public ground after the
8 same shall have been included in the official map and any such struc-
9 ture or improvement shall be removed at the expense of the owner
10 However when the property of which the reserved location forms a
11 part cannot yield a reasonable return to the owner unless a permit
12 shall be granted the owner may apply to the governing body for the
13 grant of a permit to so build before granting any permit authorized
14 in this section the governing body shall give public notice and hold a
15 public hearing at which all parties in interest shall have an opportunity
16 to be heard A refusal by the governing body to grant the permit applied
17 for may be appealed by the applicant to court in the same manner and
18 within the same time limitation as is provided for zoning appeals by
19 this act

1 Section 406 Time Limitations on Reservations for Future Taking

2 The governing body may fix the time for which streets watercourses
3 and public grounds shown on the official map shall be deemed reserved
4 for future taking or acquisition for public use However the reservation
5 for public grounds shall lapse and become void one year after an owner
6 of such property has made formal application for an official permit to
7 build a structure for private use unless the governing body shall have
8 acquired the property or begun formal action to acquire such property
9 before the end of the year

10 Section 407 Release of Damage Claims or Compensations The gov-
11 erning body may designate any of its agencies to negotiate for or se-
12 cure from the owner of land whereon reservations are made releases
13 of claims for damages or compensation for such reservations or agree-
14 ments indemnifying the governing body from such claims by others
15 which releases or agreements when properly recorded shall be binding
16 upon the successor in title

17 Section 408 Notice to Other Municipalities When any county has
18 adopted an official map in accordance with the terms of this article
19 a certified copy of the map and the ordinances adopting it shall be
20 sent to every city borough incorporated town and township within said

1 county All amendments shall be sent to the aforementioned municipali-
2 ties The adoption of an official map by any county within the Common-
3 wealth shall have the legal effect as set forth in this article except in
4 any city borough incorporated town or township in the county that
5 shall adopt an official map for the municipality Notwithstanding any
6 of the other terms or conditions of this section the county official map
7 shall govern as to county streets and public grounds even though such
8 streets or public grounds are located in a municipality which has adopted
9 an official map When a city borough incorporated town or township
10 within a county which has adopted an official map also adopts such an
11 official map a certified copy of the map the ordinance adopting it and
12 any later amendments shall be forwarded to the county planning agency
13 or if no such agency exists to the governing body of the county Addi-
14 tionally if any municipality adopts an official map or amendment thereto
15 that shows any street intended to lead into any adjacent municipality
16 a certified copy of said official map or amendment shall be forwarded
17 to such adjacent municipality

1 Article V

2 Subdivision and Land Development

3 Section 501 Grant of Power In order to protect and promote the
4 health safety morals and general welfare and to promote the harmonious
5 orderly and progressive development of land within its boundaries the
6 governing body of each municipality may enact a subdivision and
7 land development ordinance Pursuant to such ordinance the governing
8 body is hereby authorized to modify approve or disapprove all plats
9 of land within the municipality adopting such ordinance or to designate
10 the planning agency as its official agent for such purposes

11 Section 502 Jurisdiction of County planning Agencies When any
12 county has adopted a subdivision and land development ordinance in
13 accordance with the terms of this article a certified copy of the ordi-
14 nance shall be sent to every city borough incorporated town or town-
15 ship within the county All amendments shall also be sent to the afore-
16 mentioned municipalities A subdivision and land development ordinance
17 adopted by any county shall be effective in every city borough incor-
18 porated town or township except those which now or hereafter adopt
19 a subdivision and land development ordinance as set forth in this
20 article and file such ordinance with the county planning agency if

1 one exists However all plats of land located within a city borough
2 incorporated town or township having adopted a subdivision and land
3 development ordinance as set forth in this article shall nevertheless
4 be referred to the county planning agency if any for review and re-
5 port and such county planning agency shall be required to report to
6 the municipality within thirty days or forfeit the right to review
7 Further any city borough incorporated town or township may adopt by
8 reference the subdivision and land development ordinance of the county
9 and may by separate ordinance designate the county planning agency
10 as its official administrative agent for review and approval of plats

11 Section 503 Contents of Subdivision and Land Development
12 Ordinance The subdivision and land development ordinance may include
13 but need not be limited to provisions involving

14 (1) Procedures for the submittal and processing of plats and
15 specifications for such plats

16 (2) Regulations for insuring that (i) the layout or arrange-
17 ment of the subdivision or land development shall conform to the
18 comprehensive plan and to any regulations or maps adopted in further-
19 ance thereof (ii) streets in and bordering a subdivision or land de-

1 velopment shall be so coordinated as to compose a convenient and
2 safe system and be of such widths and grades and in such locations
3 as deemed necessary to accommodate prospective traffic afford sufficient
4 light and air and facilitate fire protection (iii) adequate easements
5 or rights-of-way shall be provided for drainage and utilities (iv)
6 reservations of any public grounds designed for public use shall be
7 of suitable size and location for their designated uses (v) sufficient
8 and suitable monuments shall be placed to enable the survey of the
9 subdivision or land development or any part thereof to be retraced
10 (vi) land which is subject to flooding subsidence underground fires
11 or other conditions constituting a menace to safety health or general
12 welfare either shall be made safe for the purposes for which such land
13 is proposed to be used or that such land shall be set aside for uses
14 which shall not endanger life or property or further aggravate or
15 increase the existing menace and (vii) adequate provision for drainage
16 is made

17 (3) Regulations governing the extent to which and the manner
18 in which streets shall be graded and improved and walkways curbs
19 gutters street lights fire hydrants shade trees water and sewage facili-

1 ties and other improvements shall be installed as a condition precedent
2 to final approval of plats

3 Section 504 Enactment of Subdivision and Land Development
4 Ordinance Before voting on the enactment of a proposed subdivision
5 and land development ordinance the governing body shall hold a public
6 hearing thereon pursuant to public notice A brief summary setting
7 forth the principal provisions of the proposed ordinance and a ref-
8 erence to the place within the municipality where copies of the pro-
9 posed ordinance may be secured or examined shall be incorpo-
10 rated in the public notice Unless the proposed subdivision and
11 land development ordinance shall have been prepared by the planning
12 agency the governing body shall submit the ordinance to the planning
13 agency at least forty days prior to the hearing on such ordinance to pro-
14 vide the planning agency an opportunity to submit recommendations

15 Section 505 Enactment of Subdivision and Land Development
16 Ordinance Amendment Amendments to the subdivision and land de-
17 velopment ordinance shall become effective only after a public hear-
18 ing held pursuant to public notice in the manner prescribed for enact-
19 ment of a proposed ordinance by this article In addition in case of

1 an amendment other than that prepared by the planning agency the
2 governing body shall submit each such amendment to the planning
3 agency for recommendations at least thirty days prior to the date
4 fixed for the public hearing on such proposed amendment

5 Section 506 Publication After Enactment After enactment if
6 the advertisement of a subdivision and land development ordinance or
7 amendment is required by other laws respecting the advertisement of
8 ordinances such advertisement may consist solely of a reference to
9 the place or places within the municipality where copies of such ordi-
10 nance or amendment shall be obtainable for a charge not greater than
11 the cost thereof and available for examination without charge Sub-
12 division and land development ordinances and amendments may be in-
13 corporated into official ordinance books by reference with the same
14 force and effect as if duly recorded therein

15 Section 507 Effect of Subdivision and Land Development Ordinance
16 Where a subdivision and land development ordinance has been enacted
17 by a municipality under the authority of this article no subdivision or
18 land development of any lot tract or parcel of land shall be made No
19 street sanitary sewer storm sewer water main or other improvements in
20 connection therewith shall be laid out constructed opened or dedicated

1 for public use or travel or for the common use of occupants of buildings
2 abutting thereon except in strict accordance with the provisions of
3 such ordinance

4 Section 508 Approval of Plats Every plat shall be subject to
5 final approval by the governing body the governing body however in
6 the subdivision and land development ordinance may designate the plan-
7 ning agency as the official agent for final approval of plats Such grant
8 of final approval authority to the planning agency may be limited to
9 plats of land laid out in strict conformance with the literal requirements
10 of the subdivision and land development ordinance or to plats of land
11 abutting improved streets of sufficient width or may be limited to such
12 other specific circumstances or conditions specified in the subdivision and
13 land development ordinance The governing body or the planning agency
14 as the case may be shall act upon such plat within such reasonable time
15 limits as may be fixed in the subdivision and land development ordinance

16 Section 509 Public Hearing A public hearing may be held upon any
17 plat submitted for consideration All parties in interest shall be notified
18 In addition such public notice as is deemed appropriate to the circum-
19 stances or as provided by the subdivision and land development ordinance
20 may be issued

1 Section 510 Completion of Improvements or Guarantee Thereof
2 Prerequisite to Final Plat Approval No plat shall be finally approved
3 unless the streets shown on such plat have been improved as required by
4 the subdivision ordinance and any walkways curbs gutters street lights
5 fire hydrants shade trees water mains sanitary sewers storm drains and
6 other improvements required by the subdivision and land development
7 ordinance have been installed in accordance with such ordinance In
8 lieu of the completion of any improvements required as a condition for
9 the final approval of a plat the subdivision and land development ordin-
10 ance may provide for the deposit with the municipality of a corporate
11 bond or other security acceptable to the governing body in an amount
12 sufficient to cover the costs of such required improvements Such bond or
13 other security shall provide for and secure to the public the completion
14 of any required improvements within the period fixed in the subdivision
15 and land development ordinance for such completion

16 Section 511 Remedies to Effect Completion of Improvements In
17 the event that any required improvements have not been installed as
18 provided in the subdivision and land development ordinance the govern-
19 ing body of the municipality is hereby granted the power to enforce any

1 corporate bond or other security by appropriate legal and equitable
2 remedies The governing body need not present proof of loss and shall
3 collect the sum necessary to complete the improvements Upon receipt of
4 such proceeds the governing body shall install the improvements covered
5 by said security If such proceeds are insufficient to pay the cost of in-
6 stalling all the improvements covered by said security the governing
7 body of the municipality may at its option install part of such improve-
8 ments in all or part of the subdivision or land development and may
9 institute appropriate legal or equitable action to recover the moneys
10 necessary to complete the remainder of the improvements All of the
11 proceeds whether resulting from the security or from any legal or
12 equitable action brought against the developer or both shall be used
13 solely for the installation of the improvements covered by such security
14 and not for any other municipal purpose If any improvement is installed
15 by the use of such proceeds in only part of a subdivision or land develop-
16 ment and an assessment is subsequently levied to pay the cost of installa-
17 tion of a corresponding improvement in the remainder such assessment
18 shall be levied against the entire subdivision or land development

19 Section 512 Improvements Private Until Dedicated or Condemned
20 The approval of a plat by the governing body or the planning agency

1 as the case may be shall not act as an acceptance for repair maintenance
2 or upkeep of the streets grounds and other improvements appearing on
3 the plat All such streets grounds or other improvements shall remain in
4 private ownership until such time as their dedication shall have been
5 accepted by ordinance or until condemned for use as a public street
6 public ground or other public improvement

7 Section 513 Appeals to Court from Subdivision and Land Develop-
8 ment Decisions The decisions with respect to the approval or disapproval
9 of plats may be appealed to court in the same manner and within the
10 same time limitation as is provided for zoning appeals by this act

11 Section 514 Recording Plat Upon the approval of a plat the
12 developer shall within ninety days record such plat in the office of the
13 recorder of deeds of the county in which the municipality is located If
14 such plat is not recorded within such time the approval shall expire
15 Whenever plat approval is required by a municipality the recorder of
16 deeds of the county shall not accept any plat for recording unless such
17 plat officially notes the approval of the governing body or the approval
18 of the planning agency acting in behalf of the governing body Also the
19 recorder of deeds shall not record any agreement of sale or deed if the

1 same shall refer to or describe land included in a plat which has not
2 been officially noted as receiving such approval

3 Section 515 Effect of Plat Approval on Official Map After a plat
4 has been approved and recorded as provided in this article all streets
5 and public grounds on such plat shall be and become a part of the official
6 map of the municipality without public hearing

7 Section 516 Penalties Any person partnership or corporation who
8 or which being the owner or agent of the owner of any lot tract or
9 parcel of land shall lay out construct open or dedicate any street sani-
10 tary sewer storm sewer water main or other improvements for public
11 use travel or other purposes or for the common use of occupants of build-
12 ings abutting thereon or who sells transfers or agrees or enter into an
13 agreement to sell any land in a subdivision or land development whether
14 by reference to or by other use of a plat of such subdivision or land
15 development or otherwise or erect any building thereon unless and until
16 a final plat has been prepared in full compliance with the provisions of
17 this act and of the regulations adopted hereunder and has been recorded
18 as provided herein shall be guilty of a misdemeanor and upon conviction
19 thereof such person or the members of such partnership or the officers of

1 such corporation or the agent of any of them responsible for such viola-
2 tion shall be sentenced to suffer imprisonment for a period not exceeding
3 thirty days or pay a fine not exceeding two hundred dollars (\$200) or
4 both at the discretion of the court and each lot or parcel so transferred
5 or sold or agreed or included in a contract to be sold shall be deemed a
6 separate violation All fines collected for such violations shall be paid
7 over to the municipality whose ordinance has been violated The descrip-
8 tion by metes and bounds in the instrument of transfer or other docu-
9 ment used in the process of selling or transferring shall not exempt the
10 seller or transferor from such penalties or from the remedies herein
11 provided

12 Section 517 Saving Clause The passage of this act and the repeal
13 by it of prior enabling laws relating to subdivision control shall not in-
14 validate any subdivision ordinances resolutions or regulations enacted
15 under such prior laws This act in such respect shall be deemed a con-
16 tinuation and codification of such prior enabling laws

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Article VI

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Zoning

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Section 601 General Powers The governing body of each municipality in accordance with the conditions and procedures set forth in this act may enact amend and repeal zoning ordinances to implement comprehensive plans and to accomplish any of the purposes of this act

Section 602 County Powers The powers of the governing bodies of counties to enact amend and repeal zoning ordinances shall be limited to land in those cities boroughs incorporated towns and townships wholly or partly within the county which have no zoning ordinance in effect at the time a zoning ordinance is introduced before the governing body of the county and until the city borough incorporated town or township zoning ordinance is in effect The enactment of a zoning ordinance by any municipality other than the county whose land is subject to county zoning shall act as a repeal pro-tanto of the county zoning ordinance within the municipality adopting such ordinance

Section 603 Ordinance Provisions Zoning ordinances may permit prohibit regulate restrict and determine

(1) Uses of land watercourses and other bodies of water

1 (2) Size height bulk location erection construction repair mainten-
2 ance alteration razing removal and use of structures

3 (3) Areas and dimensions of land and bodies of water to be oc-
4 cupied by uses and structures as well as areas courts yards and other
5 open spaces and distances to the left unoccupied by uses and structures

6 (4) Density of population and intensity of use and

7 (5) Excavation of soil and removal of natural resources

8 In addition zoning ordinances may contain (1) provisions for special
9 exceptions and variances administered by the zoning hearing board which
10 provisions shall be in accordance with this act (2) provisions for condi-
11 tional uses to be allowed or denied by the governing body after recom-
12 mendations by the planning agency pursuant to express standards and
13 criteria set forth in the ordinances (3) provisions for the administration
14 and enforcement of such ordinances and (4) such other provisions as may
15 be necessary to implement the purposes of this act

16 Section 604 Zoning Purposes The provisions of zoning ordinances
17 shall be designed (1) to promote protect and facilitate one or more of the
18 following the public health safety morals general welfare harmonious
19 community development proper density of population civil defense
20 disaster evacuation airports and national defense facilities the provisions

1 of adequate light and air police protection vehicle parking and loading
2 space transportation water sewerage schools public grounds and other
3 public requirements as well as (2) to prevent one or more of the follow-
4 ing overcrowding of land blight danger and congestion in travel and
5 transportation loss of health life or property from fire flood subsidence
6 panic or other dangers Zoning ordinances shall be made with considera-
7 tion for the character of the municipality its various parts the suitability
8 of the various parts for particular uses and structures and the relation-
9 ship of the municipality to the region of which it is a part and with a
10 view toward maintaining the integrity of comprehensive plans

11 Section 605 Classifications In any municipality other than a county
12 which enacts a zoning ordinance no part of such municipality shall be
13 left unzoned The provisions of all zoning ordinances may be classified
14 so that different provisions may be applied to different classes of situa-
15 tions uses and structures and to such various districts of the municipality
16 as shall be described by a map made part of the zoning ordinance Where
17 zoning districts are created all provisions shall be uniform for each
18 class of uses or structures within each district except that additional
19 classifications may be made within any district (1) for the purpose of

1 making transitional provisions at and near the boundaries of districts
2 (2) for the purpose of regulating reducing and eliminating nonconform-
3 ing uses and nonconforming structures and (3) for the regulation re-
4 striction or prohibition of uses and structures at or near (i) major
5 thoroughfares their intersections and interchanges and transportation
6 arteries (ii) natural or artificial bodies of water (iii) places of relatively
7 steep slope or grade (iv) public buildings and public grounds (v) aircraft
8 helicopter rocket and spacecraft facilities (vi) places having unique
9 historical or patriotic interest or value (vii) flood plain areas and other
10 places having a special character or use affecting and affected by their
11 surroundings As among several classes of zoning districts the provisions
12 for permitted uses may be mutually exclusive in whole or in part

13 Section 606 Comprehensive Plan Prerequisite to Zoning Ordinance
14 From the effective date of this act the preparation and enactment of all
15 zoning ordinances and all amendments thereto shall be based upon and
16 interpreted in relation to the comprehensive plan for the future develop-
17 ment of the municipality prepared in accordance with the provision of
18 this act

19 Section 607 Preparation of Proposed Zoning Ordinance The plan-
20 ning agency of each municipality shall prepare the text and map of the

1 proposed zoning ordinance as well as make all necessary studies and
2 surveys preliminary thereto whenever instructed to do so by the govern-
3 ing body or upon the planning agency's own initiative In preparing a
4 proposed zoning ordinance the planning agency shall hold at least one
5 public hearing pursuant to public notice and may hold additional public
6 hearings upon such notice as it shall determine to be advisable Upon
7 the completion of its work the planning agency shall present to the
8 governing body the proposed zoning ordinance together with recommen-
9 dations and explanatory materials The procedure set forth in this
10 section shall be a condition precedent to the validity of a zoning ordi-
11 nance adopted pursuant to this act If a county planning agency shall
12 have been created for the county in which the city borough incorporated
13 town or township adopting the ordinance is located then at least thirty
14 days prior to the submission of the ordinance to the local governing
15 body the city borough incorporated town or township planning agency
16 shall submit the proposed ordinance to said county planning agency for
17 recommendations

18 Section 608 Enactment of Zoning Ordinance Before voting on the
19 enactment of a zoning ordinance the governing body shall hold a public
20 hearing thereon pursuant to public notice

1 Section 609 Enactment of Zoning Ordinance Amendments For the
2 preparation of amendments to zoning ordinances the procedure set
3 forth in this article for the preparation of a proposed zoning ordinance
4 shall be permissive Before voting on the enactment of an amendment
5 the governing body shall hold a public hearing thereon pursuant to
6 public notice The governing body shall also submit every proposed
7 amendment to the planning agency at least thirty days prior to the
8 hearing on such proposed amendment to provide the planning agency
9 an opportunity to submit recommendations If after any public hearing
10 held upon an amendment the proposed amendment is revised or further
11 revised to include land previously not affected by it the governing body
12 shall hold another public hearing pursuant to the public notice before
13 proceeding to vote on the amendment

14 Section 610 Content of Public Notice Public notices of proposed
15 zoning ordinances and amendments shall include either the full text
16 thereof or a brief summary setting forth the principal provisions in
17 reasonable detail and a reference to a place within the municipality
18 where copies of the proposed ordinance or amendment may be examined
19 in addition to the time and place of hearing

1 Section 611 Publication After Enactment After enactment if the
2 advertisement of a zoning ordinance or amendment is required by other
3 laws respecting the advertisement of ordinances such advertisement may
4 consist solely of a reference to the place or places within the municipality
5 where copies of such ordinance or amendment shall be obtainable for
6 a charge not greater than the cost thereof and available for examina-
7 tion without charge Zoning ordinances and amendments may be in-
8 corporated into official ordinance books by reference with the same
9 force and effect as if duly recorded therein

10 Section 612 Nonconforming Uses and Structures Classified For
11 the purposes of this act

12 (1) "Nonconforming use" means a use whether of land or of a
13 structure which does not comply with the applicable use provisions in
14 a zoning ordinance or amendment heretofore or hereafter enacted
15 where such use was lawfully in existence prior to the enactment of
16 such ordinance or amendment or prior to the application of such ordi-
17 nance or amendment to its location by reason of annexation

18 (2) "Nonconforming structure" means a structure or part of a
19 structure manifestly not designed to comply with the applicable use

1 provisions in a zoning ordinance or amendment heretofore or hereafter
2 enacted where such structure lawfully existed prior to the enactment
3 of such ordinance or amendment or prior to the application of such
4 ordinance or amendment to its location by reason of annexation Such
5 nonconforming structures include but are not limited to nonconforming
6 signs

7 Section 613 Legislative Findings Concerning Nonconforming Uses
8 and Nonconforming Structures It is hereby determined and declared
9 as a matter of legislative finding that

10 (1) Nonconforming uses and nonconforming structures present a
11 serious obstacle to the accomplishment of the purposes of this act in so
12 far as the enactment and administration of zoning ordinances may con-
13 tribute to these purposes and

14 (2) Nonconforming uses and nonconforming structures impede the
15 development of healthful safe and economic communities and districts
16 disrupt harmonious interrelations between permitted uses and depreciate
17 the usefulness and convenience of the land uses and structures around
18 them and

19 (3) Nonconforming uses and nonconforming structures may receive
20 by the enactment of a zoning ordinance an unfortunate and undesirable

1 preferred status in that the adherence of adjoining properties to the
2 provisions of the zoning ordinance operates to place nonconforming
3 uses and structures especially commercial ones in a monopolistic position
4 within the district which monopolistic position is secured by the provi-
5 sions and requirements of the zoning ordinance itself and

6 (4) Nonconforming signs should be classified and regulated apart
7 from other structures because they are uses of the field of vision
8 relative to highways and other public and open places rather than uses
9 of land upon which they are erected and

10 (5) Experience has shown that nonconforming uses and noncon-
11 forming structures do not tend to disapprove or to be converted into
12 conforming uses by the mere passage of time

13 (6) Therefore it is desirable and necessary in order that the fullest
14 degree of efficacy may be attained in the employment of the powers
15 granted by this act that municipalities be empowered through provisions
16 in zoning ordinances to regulate and to prohibit expansion and undue
17 perpetuation of nonconforming uses and nonconforming structures

18 Section 614 Nonconforming Use Provisions (a) Municipalities may
19 control

1 (1) Changes of nonconforming uses to different nonconforming
2 uses by prohibiting or regulating such changes and

3 (2) Extensions of nonconforming uses in size or physical scope by
4 prohibiting or regulating such extensions and

5 (3) Resumptions of nonconforming uses by prohibiting the resump-
6 tion of nonconforming uses if changed to a conforming use if abandoned
7 for any period of time or if discontinued for twelve calendar months
8 regardless of evidence of intent to abandon

9 (b) Municipalities may also provide for the termination of non-
10 conforming uses of land and nonconforming uses of conforming struc-
11 tures by specifying the period or periods in which nonconforming uses
12 shall be required to cease and by providing formulae whereby such
13 compulsory terminations may be fixed so as to allow for the conversion
14 of such nonconforming uses For this purpose zoning ordinances may
15 reasonably classify such nonconforming uses so that appropriate time
16 periods may be applied to the several classes but no such nonconforming
17 use shall be required to terminate in any period shorter than three years

18 Section 815 Nonconforming Structure Provisions (a) Municipalities
19 may control

1 (1) Alterations and enlargements of nonconforming structures by
2 prohibiting and regulating the same and

3 (2) Restorations of nonconforming structures by prohibiting and
4 regulating the restoration of nonconforming structures substantially
5 destroyed by casualty or substantially removed voluntarily and by pre-
6 scribing standards for the determination of what constitutes substantial
7 destruction and removal and

8 (3) Moving of nonconforming structures by prohibiting or regu-
9 lating the moving of such structures

10 (b) Municipalities may also provide for the termination and re-
11 moval of nonconforming signs by specifying the period or periods
12 within which such termination and removal shall be required and by
13 providing formulae whereby such compulsory termination and removal
14 may be fixed so as to allow for the amortization of investment For this
15 purpose zoning ordinances may reasonably classify nonconforming signs
16 so that appropriate requirements may be applied to the several classes

17 Section 616 Registration of Nonconforming Uses Zoning ordinances
18 may contain provisions providing for and requiring the identification
19 and registration of nonconforming uses and nonconforming structures

1 Section 617 Appointment and Powers of Zoning Officer For the
2 administration of a zoning ordinance a zoning officer who may hold
3 other office in the municipality shall be appointed The zoning officer
4 shall administer the zoning ordinance in accordance with its literal
5 terms and shall not have the power to permit any construction or any
6 use or change of use which does not conform to the zoning ordinance

7 Section 618 Zoning Appeals All appeals from decisions of the
8 zoning officer shall be taken in the manner set forth in this act

9 Section 619 Enforcement Penalties Any person partnership or
10 corporation who or which shall violate the provisions of any zoning
11 ordinance enacted under this act or prior enabling laws shall upon con-
12 viction thereof in a summary proceeding be sentenced to pay a fine of
13 not more than five hundred dollars (\$500) All fines collected for the
14 violation of zoning ordinances shall be paid over to the municipality
15 whose ordinance has been violated In default of payment of fine such
16 person the members of such partnership or the officers of such corpora-
17 tion shall be liable to imprisonment for not more than sixty days Each
18 day that a violation is continued shall constitute a separate offense

19 Section 620 Enforcement Remedies In case any building structure
20 or land is or is proposed to be erected constructed reconstructed altered

1 converted maintained or used in violation of any ordinance enacted
2 under this act or prior enabling laws the governing body or with the
3 approval of the governing body an officer of the municipality in addition
4 to other remedies may institute in the name of the municipality any
5 appropriate action or proceeding to prevent restrain correct or abate
6 such building structure or land or to prevent in or about such premises
7 any act conduct business or use constituting a violation

8 Section 621 Finances The governing body may appropriate from
9 general funds moneys to finance the preparation administration and
10 enforcement of zoning ordinances to finance the work of the zoning
11 hearing board and to support or oppose upon appeal to the courts deci-
12 sions of the zoning hearing board For the same purposes the governing
13 body may accept gifts and grants of money and services from private
14 sources and from the county State and Federal governments The gov-
15 erning body may prescribe reasonable fees to be charged with respect
16 to the administration of a zoning ordinance

17 Section 622 Saving Clause The passage of this act and the repeal
18 by it of prior enabling laws relating to zoning ordinances shall not in-
19 validate any zoning ordinance enacted under such prior enabling laws

1 This act shall in such respect be deemed a continuation and codification
2 of such prior enabling laws One year after the date of the passage of
3 this act the provisions of this act shall apply to all amendments there-
4 after made to any such zoning ordinance

5 Article VII

6 Zoning Hearing Board

7 Section 701 Creation of Board Every municipality which has en-
8 acted or enacts a zoning ordinance pursuant to this act or prior enabling
9 laws shall create a zoning hearing board As used in this act unless the
10 context clearly indicates otherwise the term "board" shall refer to such
11 zoning hearing board

12 Section 702 Existing Boards of Adjustment Every board of adjust-
13 ment or board of appeals in existence when this act becomes effective
14 shall thereupon become a zoning hearing board be known as such and
15 it and the terms of its members shall continue under and in accordance
16 with the provisions of this article Matters pending before any board of
17 adjustment at the time this act becomes effective shall continue and be
18 completed under the former law in effect at the time such board took
19 jurisdiction of them

1 Section 703 Membership of Board The membership of the board
2 shall consist of three residents of the municipality appointed by the
3 governing body Their terms of office shall be three years and shall be
4 so fixed that the term of office of one member shall expire each year
5 The board shall promptly notify the governing body of any vacancies
6 which occur Appointments to fill vacancies shall be only for the un-
7 expired portion of the term Members of the board shall hold no other
8 office in the municipality except that no more than one member of the
9 board may also be a member of the planning commission

10 Section 704 Joint Zoning Hearing Boards Two or more munici-
11 palities may by ordinances enacted in each create a joint zoning hearing
12 board in lieu of a separate board for each municipality A joint board
13 shall consist of two members appointed from among the residents of
14 each municipality by its governing body The term of office of members
15 of joint boards shall be five years except that of the two members first
16 appointed from each municipality the term of office of one member
17 shall be three years When any vacancies occur the joint board shall
18 promptly notify the governing body which appointed the member whose
19 office has become vacant and such governing body shall appoint a new

1 member for the unexpired portion of the term Members of the joint
2 board shall hold no other office in the participating municipality except
3 that no more than one member of the board appointed by any munici-
4 pality may also be a member of a planning commission of the munici-
5 pality from which such appointment is made In all other respects joint
6 zoning hearing boards shall be governed by provisions of this act not
7 inconsistent with the provisions of this section

8 Section 705 Removal of Members Any board member may be
9 removed for malfeasance misfeasance or nonfeasance in office or for
10 other just cause by a majority vote of the governing body which ap-
11 pointed the member taken after the member has received fifteen days
12 advance notice of the intent to take such a vote A hearing shall be held
13 in connection with the vote if the member shall request it in writing

14 Section 706 Organization of Board The board shall elect from its
15 own membership its officers who shall serve annual terms as such and
16 may succeed themselves For the conduct of any hearing and the taking
17 of any action a quorum shall be not less than a majority of all the
18 members of the board The board may make alter and rescind rules and
19 forms for its procedure consistent with ordinances of the municipality

1 and laws of the Commonwealth The board shall keep full public records
2 of its business and shall submit a report of its activities to the governing
3 body at least once a year

4 Section 707 Expenditures for Services Within the limits of funds
5 appropriated by the governing body the board may employ or contract
6 for secretaries clerks legal counsel consultants and other technical and
7 clerical services Members of the board may receive compensation for
8 the performance of their duties as may be fixed by the governing body

9 Section 708 Hearings The powers of the board shall be exercised
10 through the conduct of hearings which shall be held pursuant to notice
11 to parties the public and the zoning officer given at such time and in
12 such manner as shall be prescribed by ordinance or in the absence of
13 ordinance provision by rules of the board The governing body may
14 establish reasonable fees based on cost to be paid by appellants for
15 notices The board shall have the power to take testimony upon oath or
16 affirmation and to compel the attendance of witnesses All hearings shall
17 be open to the public

18 Section 709 Records of Testimony before Board It is the intent
19 of this act that the board shall serve as an administrative fact finding
20 agency with a minimum of expense and delay to parties It is recognized

1 that a verbatim record of testimony is ordinarily not necessary to the
2 function of the board but is needed whenever the board's action is
3 reviewed by the courts if the need for hearings de novo by the court
4 is to be minimized The board may provide for verbatim records of the
5 testimony whenever such records are requested by a party or by the
6 board but the expense of making and transcribing such a record shall
7 be borne by the board or party requesting it and the expense of copies
8 of such record shall be borne by those who wish to obtain such copies
9 The board may adopt as the official record a verbatim record of testi-
10 mony made by any court reporter or other verbatim reporter deemed
11 qualified by the board The board may provide for the making of
12 verbatim records of testimony by electronic or other means by rules
13 drawn to protect the integrity of such records Where a decision of the
14 board is not appealed to court verbatim records of testimony need not
15 be transcribed or retained beyond the expiration of ninety days after
16 notice of the boards decision is given

17 Section 710 Decisions of Board Within forty-five days after the
18 completion of the hearing unless both sides agree to an extension
19 of the time limit the board shall render its decision in writ-
20 ing The decision of the board shall include a statement of the facts

1 found by the board to be true and a statement of the reasons for the
2 decision In the decision provisions of the zoning ordinance may be
3 referred to and need not be quoted at length A copy of the decision shall
4 within five days of its date be provided to appellants To all other persons
5 who not later than the time of hearing have caused their name and
6 address to be filed with the board the board shall provide by mail or
7 otherwise brief notices of the decision and a statement of the place at
8 which the full decision may be examined If the hearing board does not
9 render its decision within the time limit provided by this section it shall
10 be deemed that the board has decided in favor of the party or officer
11 of the municipality making the appeal or request

12 Section 711 Board's Functions General Appeals The board shall
13 hear and decide appeals where it is alleged by the appellant that there
14 is error in any action order requirement decision interpretation refusal
15 or omission of the zoning officer

16 Section 712 Board's Functions Variances On an appeal from an
17 order requirement decision or determination of the zoning officer where
18 there is unnecessary hardship the board may grant a variance in the
19 application of the provisions of the zoning ordinance only if all of the
20 following findings are made

1 (1) That there are unique physical circumstances or conditions in-
2 cluding irregularity narrowness or shallowness of lot size or shape or
3 exceptional topographical or other physical conditions peculiar to the
4 particular property and that the unnecessary hardship is due to such
5 conditions and not to circumstances or conditions generally created by
6 the provisions of the zoning ordinance in the neighborhood or district
7 in which the property is located

8 (2) That because of such physical circumstances or conditions there
9 is no possibility that the property can be developed in strict conformity
10 with the provisions of the zoning ordinance and that the authorization
11 of a variance is therefore necessary to enable the reasonable use of the
12 property

13 (3) That such unnecessary hardship has not been created by the
14 appellant

15 (4) That the variance if authorized will not alter the essential
16 character of the neighborhood or district in which the property is
17 located nor substantially or permanently impair the appropriate use or
18 development of adjacent property nor be detrimental to the public
19 welfare and

1 (5) That the variance if authorized will represent the minimum
2 variance that will afford relief and will represent the least modification
3 possible of the regulation in issue

4 In granting any variance the board may attach such reasonable
5 conditions and safeguards as it may deem necessary to implement the
6 purposes of this act and the zoning ordinance

7 Section 713 Board's Functions Special Exceptions Where the gov-
8 erning body in the zoning ordinance has stated special exceptions to be
9 granted or denied by the board pursuant to express standards and cri-
10 teria the board shall hear and decide requests for such special exceptions
11 in accordance with such standards and criteria In granting a special
12 exception the board may attach such reasonable conditions and safe-
13 guards in addition to those expressed in the ordinance as it may deem
14 necessary to implement the purposes of this act and the zoning
15 ordinance

16 Section 714 Board's Functions Legality Issues Where it is alleged
17 that any zoning ordinance or portion thereof is procedurally or sub-
18 stantively invalid illegal or unconstitutional the board shall take evidence
19 relating to such legality issue and shall make in lieu of a decision on
20 such issue a report of its findings of fact so that such report upon appeal

1 to court duly entered may be filed with the court as part of the record
2 However the board shall not entertain any legality issue which is not
3 connected with a general appeal appeal for variance or request for
4 special exception except legality issues which involve only alleged
5 defects in the process of enactment of zoning ordinances and amendments

6 Section 715 Parties Appellant Before Board General appeals ap-
7 peals for variances requests for special exceptions and legality issues
8 may be taken to the board in writing by any officer or resident of the
9 municipality or person aggrieved

10 Section 716 Time Limitations Legality issues to the extent that they
11 involve alleged defects in the process of enactment of zoning ordinances
12 or amendments shall be filed in writing with the board not later than
13 thirty days from the time such ordinance or amendment takes effect
14 All other appeals shall be taken within a reasonable time

15 Section 717 Exclusiveness of Remedy The board functions set forth
16 in this article together with appeals to court therefrom as set forth
17 in Article VIII of this act shall constitute the exclusive remedy with
18 respect to the matters comprehended therein Two or more of the board
19 functions set forth in this article may be combined in one proceeding

1 Section 718 Limitation of Powers The board shall have no power
2 to amend any zoning ordinance to rezone any land to declare any zon-
3 ing ordinance or amendment invalid or to allow any use not permitted
4 by the zoning ordinance

5 Section 719 Stay of Proceedings General appeals appeals for
6 variances and requests for special exceptions during their pendency
7 before the board shall stay all proceedings in furtherance of the action
8 appealed from unless the zoning officer certifies to the board facts
9 indicating that such a stay would cause imminent peril to life or
10 property in which case proceedings shall not be stayed otherwise than
11 by a restraining order which may be granted by the board or by the
12 court having jurisdiction of zoning appeals on petition after notice to
13 the zoning officer

14

Article VIII

15

Zoning Appeals to Courts

16 Section 801 Zoning Appeals Zoning appeals shall include appeals
17 from decisions of boards and appeals upon reports of boards as to legality
18 issues

19

Section 802 Courts Having Jurisdiction As used in this article
20 "court" means the County Court of Allegheny County with respect to

1 zoning appeals involving land in Allegheny County and in other counties
2 the common pleas court of the county in which the land involved is
3 located

4 Section 803 Who May Appeal Zoning appeals may be taken to
5 court by any party before the board any owner or tenant of land directly
6 involved in the decision or report of the board any officer or resident
7 of the municipality or by any person aggrieved by a decision of the
8 board

9 Section 804 Time Limitation Upon Appeal All zoning appeals shall
10 be filed not later than thirty days after issuance of notice of the
11 decision or report of the board

12 Section 805 Commencement of Zoning Appeals (a) Zoning appeals
13 shall be entered as of course by the prothonotary or clerk upon the
14 filing of a zoning appeal notice which concisely sets forth the grounds
15 on which the appellant relies verified to the extent that it contains
16 averments of fact The zoning appeal notice shall be accompanied by
17 a true copy thereof

18 (b) Upon filing of a zoning appeal the prothonotary or clerk shall
19 forthwith as of course send to the board by registered or certified mail

1 the copy of the zoning appeal notice together with writ of certiorari
2 commanding the board within twenty days after receipt thereof to
3 certify to the court its entire record in the matter in which the zoning
4 appeal has been taken or a true and complete copy thereof including
5 any transcript of testimony in existence and owned by the board at
6 the time it received the writ of certiorari

7 (c) If the appellant is a person other than the owner of property
8 directly involved in the decision or report of the board the appellant
9 within five days (exclusive of Sundays and legal holidays) after the
10 zoning appeal is filed shall serve a true copy of the zoning appeal notice
11 upon such owner in the manner specified by the Rules of Civil Pro-
12 cedure for the service of a complaint in equity and shall file proof of
13 such service For identification of such owner the appellant may rely
14 upon the record of the board and in the event of good faith mistakes
15 as to such identity may make such service nunc pro tunc by leave of
16 court The requirements of this subsection (c) shall not be applicable
17 in the case of a zoning appeal from a report of a board upon a legality
18 issue involving alleged defects in the procedure by which a zoning
19 ordinance or amendment was enacted if such zoning ordinance or
20 amendment directly affects more than three separate private properties

1 Section 806 Intervention Within the thirty days first following
2 the filing of a zoning appeal the municipality and any owner or tenant
3 of property directly involved in the decision or report of the board
4 may intervene as of course by filing a notice of intervention accom-
5 panied by proof of service of the same upon each appellant or each ap-
6 pellant's counsel of record All other intervention shall be governed by
7 the Rules of Civil Procedure relating to intervention in actions

8 Section 807 Transcript of Board Testimony If an official verbatim
9 record of the testimony before the board was made and if no transcript
10 thereof was required to be returned by the board the appellant before
11 proceeding to hearing or argument upon the zoning appeal shall obtain
12 and file with the court a transcript thereof

13 Section 808 Supersedeas At any time during the pendency of a
14 zoning appeal the court or a judge thereof may grant an order of super-
15 sedeas upon such terms and conditions including the filing of security
16 as the court or judge thereof may prescribe

17 Section 809 Hearing and Argument of Zoning Appeal If no ver-
18 batim record of testimony before the board was made or if upon motion
19 it is shown that proper consideration of the zoning appeal requires the

1 presentation of additional evidence a judge of the court may hold a
2 hearing to receive such evidence or may remand the case to the board
3 or refer it to a referee to receive such evidence Final decision of each
4 zoning appeal shall be made by the court or a judge thereof considering
5 the record and the findings of fact made by the board as supplemented
6 and replaced by findings of fact made by judge or referee The final de-
7 cision shall contain conclusions of law and may reverse affirm or modify
8 the decision appealed

9 Section 810 Costs No costs shall be allowed against the board
10 unless it shall appear to the court that the board acted with gross
11 negligence or in bad faith or with malice

12 Section 811 Other Types of Appeals For the purpose of hearing
13 and deciding appeals from decisions with respect to the approval or dis-
14 approval of subdivision plats other particular matters under subdivi-
15 sion and land development ordinances and the granting or refusal of
16 permits under Article IV of this act the procedure prescribed by this
17 article shall be used and may be adapted to the extent deemed necessary
18 and convenient by special or general order or rule of court

19 Section 812 Appellate Review Appeals from decisions of courts
20 made under this act shall be taken to the Supreme Court of Pennsyl-

1 vania in the manner provided for other civil cases but no such appeal
2 shall be entertained unless it is filed within thirty days after the date of
3 entry of the decision of the lower court

4 Article IX

5 Joint Municipal Planning Commissions

6 Section 901 Legislative Finding and Declaration of Policy For the
7 purpose of promoting health safety morals and the general welfare of
8 the various areas in the Commonwealth through the effective develop-
9 ment of such areas the following powers for the establishment of joint
10 municipal planning commissions are hereby granted

11 Section 902 Creation Appointment and Operation of Joint Muni-
12 pal Planning Commission The governing bodies of two or more muni-
13 cipalities may by ordinance or resolution authorize the establishment and
14 participation or membership in and support of a joint municipal planning
15 commission The number and qualifications of the members of such
16 planning commission and their terms and method of appointment or
17 removal shall be such as may be determined and agreed upon by the
18 governing bodies A majority of the members of the joint municipal
19 planning commission shall hold no other public office or position except

1 appointive membership on a municipal planning commission Members
2 of a joint municipal planning commission shall serve without salary but
3 may be paid expenses incurred in the performance of their duties The
4 joint municipal planning commission shall elect a chairman whose term
5 shall not exceed one year and who shall be eligible for reelection The
6 commission may create and fill such other offices as it may determine
7 Every joint municipal planning commission shall adopt rules for the
8 transaction of business and shall keep a record of its resolutions trans-
9 actions findings and determinations which record shall be a public record
10 Each participating or member municipality may from time to time
11 upon the request of the joint municipal planning commission assign or
12 detail to the commission any employes of the municipality to make
13 special surveys or studies

14 Section 903 Finances Staff and Program (a) The governing bodies
15 of municipalities shall have the authority to appropriate funds for the
16 purpose of contributing to the operation of a joint municipal planning
17 commission A joint municipal planning commission with the consent of
18 all the governing bodies may also receive grants from the Federal or
19 State governments or from individuals or foundations and shall have

1 the authority to contract therewith Every joint municipal planning com-
2 mission shall have the power to appoint such employes and staff as it
3 may deem necessary for its work and contract with planners and other
4 consultants for the services it may require to the extent permitted by
5 its financial resources Each such commission may also perform planning
6 services for any municipality which is not a member thereof and may
7 charge fees for the work A joint municipal planning commission may
8 also prepare and sell maps reports bulletins or other material and estab-
9 lish reasonable charges therefor

10 (b) A joint municipal planning commission may provide planning
11 assistance and do planning work including surveys land use studies
12 urban renewal plans technical services and other elements of compre-
13 hensive planning and planning effectuation programs in and for any
14 participating or member municipality and for this purpose may with the
15 consent of all the governing bodies accept and utilize any funds personnel
16 or other assistance made available by the Federal or State governments
17 or any of their agencies or from individuals or foundations and for the
18 purposes of receiving and using Federal or State planning grants for
19 provision of urban planning assistance may enter into agreements or

1 contracts regarding the acceptance or utilization of the funds or as-
2 sistance

3 Section 904 Preparation of Comprehensive Plan Every joint
4 municipal planning commission shall prepare and maintain a compre-
5 hensive plan in accordance with the provisions of this act for the
6 guidance of the continuing development of the area encompassed by the
7 participating or member municipalities

8 Section 905 Cooperation Among Joint Municipal Planning Com-
9 mission Municipalities and Others Every joint municipal planning com-
10 mission shall encourage the cooperation of the participating municipali-
11 ties in matters which concern the integrity of the comprehensive plan
12 or maps prepared by the commission and as an aid toward coordination
13 all municipalities and public officials shall upon request furnish to the
14 joint municipal planning commission within a reasonable time the avail-
15 able maps plans reports statistical or other information such commission
16 may require for its work

17 Section 906 Interstate Participation Wherever a joint municipal
18 planning commission has been or is being established to serve the Penn-
19 sylvania portion of an area which for planning purposes constitutes a

1 logical planning area and which extends beyond the boundaries of the
2 Commonwealth the commission may admit to membership counties or
3 municipalities that are part of the same area but located in other states
4 Municipalities may participate through membership and financial support
5 in joint municipal planning commissions that have been or are being
6 established in other states when the municipalities are part of the same
7 region served by the out-of-state joint municipal planning commission

8 Section 907 Established Regional Planning Commission Municipali-
9 ties which are presently participating in an existing regional planning
10 commission may elect to comply with and be governed by the provisions
11 of this act

12 Article X

13 Repeals

14 Section 1001 Specific Repeal The following acts and parts of acts
15 and amendments thereof are hereby repealed to the extent hereinafter
16 specified

17 (1) Section 12 act of May 16 1891 (P L 75) entitled "An act in
18 relation to the laying out opening widening straightening extending or
19 vacating streets and alleys and the construction of bridges in the several

1 municipalities of this Commonwealth the grading paving macadamizing
2 or otherwise improving streets and alleys providing for ascertaining the
3 damages to private property resulting therefrom the assessment of the
4 damages costs and expenses thereof upon the property benefited and
5 the construction of sewers and payment of the damages costs and ex-
6 penses thereof including damages to private property resulting there-
7 from" as to cities of the second class and second class A incorporated
8 towns and townships of the first and second class

9 (2) The act of June 10 1911 (P L 872) entitled "A supplement to
10 an act entitled 'An act for the government of cities of the second class'
11 approved the seventh day of March Anno Domini one thousand nine
12 hundred and one creating and regulating a City Planning Department
13 giving it jurisdiction extending it over the city and for three miles be-
14 yond the city limits and regulating the laying out of plans of lots within
15 the limits of the city" absolutely

16 (3) The act of March 31 1927 (P L 98) entitled "A supplement
17 to an act entitled 'An act for the government of cities of the second
18 class' approved the seventh day of March one thousand nine hundred
19 and one (Pamphlet Laws twenty) authorizing cities of the second class
20 to regulate and restrict the height number of stories and size of build-

1 ings and other structures and the size of yards courts and other open
2 spaces the density of population and to regulate and restrict the location
3 use and occupancy of buildings structures and land for trade industry
4 residence specified uses or other purposes and for the above purposes
5 to divide the city into districts and authorizing the City Planning Com-
6 mission to recommend the boundaries of districts and appropriate regu-
7 lations therein and providing the method of adoption of said district
8 regulations and restrictions and providing methods to prevent the un-
9 lawful erection construction reconstruction alteration conversion repair
10 maintenance use or occupancy of buildings structures or land and to
11 prevent the unlawful occupancy or use of the said buildings structures
12 or land and any illegal act conduct business or use in or about such
13 premises and the method of amendment or change thereof et cetera”
14 absolutely

15 (4) Sections 1145 1146 1147 1148 1149 1150 1660 1661 1662
16 1663 1664 1665 1671 1672 1673 1674 1675 1676 1677 1678 2711 2712
17 3301 3302 3303 3304 3305 3306 3307 3308 3309 and 3310 act of
18 May 4 1927 (P L 519) known as “The Borough Code” reenacted and
19 amended July 10 1947 (P L 1621) absolutely

1 (5) The act of May 13 1927 (P L 1011) entitled "A supplement
2 to an act entitled 'An act for the government of cities of the second
3 class' approved the seventh day of March Anno Domini one thousand
4 nine hundred and one creating a department of city planning providing
5 for its organization and powers regulating the platting of ground pro-
6 hibiting the recording of plans and sales of lots therein before their
7 approval under penalties making it a misdemeanor for the recorder of
8 deeds to record an unapproved plan restricting accepting laying out
9 opening and improving private streets prohibiting the erection of build-
10 ings on land not abutting on public streets or streets not shown on the
11 official master plan or an approved plat transferring to the department
12 of city planning powers conferred by other statutes over plats or sub-
13 divisions of land the reservation of locations of mapped streets for
14 future use and authorizing the assessment of damages for same the
15 preparation and compilation of an official street map providing penalties
16 for the violation of this act and repealing certain statutes" absolutely

17 (6) Sections 2001 3015 3016 3061 3062 3063 3064 3065 3066 3067
18 3068 3101 3102 3103 3104 3105 3106 3107 3107.1 3107.2 3108 3109
19 3110 3111 3201 3202 and 3203 act of June 24 1931 (P L 1206)

1 known as "The First Class Township Code" reenacted and amended
2 May 27 1949 (P L 1955) absolutely

3 (7) Sections 2901 2902 2903 2904 2905 2906 3701 3702 4001 4002
4 4003 4004 4005 4006 4101 4102 4103 4104 4105 4106 4107 4110 4111
5 4112 4113 4114 4120 4121 4122 4123 4124 4125 4126 4127 4128 and
6 4129 act of June 23 1931 (P L 932) known as "The Third Class City
7 Code" reenacted and amended June 28 1951 (P L 662) absolutely

8 (8) Sections 1201-A 1202-A 1203-A 1204-A 1205-A 1206-A 1207-A
9 1208-A 1907.1 1907.2 2001 2002 2003 2004 2005 2006 2007 2008 2009
10 2010 2051 2052 2053 2054 2055 2056 and 2057 act of May 1 1933
11 (P L 103) known as "The Second Class Township Code" reenacted and
12 amended July 10 1947 (P L 1481) absolutely

13 (9) The act of April 18 1945 (P L 258) entitled "An act requiring
14 cities boroughs towns and townships to notify adjacent political sub-
15 divisions of proposed streets roads and highways leading into them" as
16 to cities of the second class second class A and third class boroughs in-
17 corporated towns and townships of the first and second class

18 (10) Sections 2001 2002 2003 2004 2005 2006 2007 2008 2009
19 2010 2011 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029

1 2030 2031 2032 2033 2034 2035 2036 2037 2038 and 2039 act of
2 August 9 1955 (P L 323) known as "The County Code" absolutely

3 (11) The act of May 29 1956 (P L 1845) known as the "Regional
4 Planning Law" as to cities of the second class second class A and third
5 class boroughs incorporated towns townships of the first and second
6 class and counties of the third through eighth class

7 Section 1002 General Repeal All other acts and parts of acts are
8 repealed in so far as they are inconsistent herewith

We certify that this bill has passed the Senate and the House of
Representatives.

.....
Chief Clerk, Senate

.....
President pro tempore, Senate

.....
Speaker, House of Representatives

Approved The day of A. D. 1961.

.....
Governor