

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 651 Session of
1961

MESSRS. STEVENSON, LANE, SEYLER, HALUSKA AND
CONFAIR, IN PLACE, MAY 22, 1961.

AS AMENDED ON THIRD READING, IN HOUSE OF
REPRESENTATIVES, AUGUST 31, 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. Underlining 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

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Article I

General Provisions

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

1 Section 102 Effective Date This act shall take effect January 1
2 1962

3 Section 103 Construction and Applicability of the Act (a) This
4 act shall not apply in any municipality unless the municipality shall by
5 ordinance elect to comply with and be governed by the provisions of
6 this act Any such election shall be inclusive of all provisions of this
7 act and all provisions in other acts of assembly relating to matters
8 within the scope of this act shall be inapplicable after the adoption of
9 the ordinance electing that the municipality shall comply with and be
10 governed by the provisions of this act except that when any county
11 elects by ordinance to comply with and be governed by the provisions
12 of this act and any city borough incorporated town or township within
13 such county has not made such election The provisions of the other
14 laws shall apply to such city borough incorporated town or township
15 in regard to any matters within the scope of such other laws This act
16 shall not repeal or modify any of the provisions of the "Public Utility
17 Law"

18 (b) The election of any municipality to comply with and be gov-
19 erned by the provisions of this act shall not affect any act done contract

1 or liability incurred prior to the date on which the election to accept
2 this act occurred or affect any suit or prosecution pending or to be
3 instituted to enforce any right rule regulation or ordinance or to punish
4 any offense against such other laws or against any ordinance enacted
5 under them All ordinances resolutions regulations and rules made pur-
6 suant to any other act of assembly shall continue in effect as if such
7 other act had not been superseded by such election to accept the pro-
8 visions of this act

9 Section 104 Constitutional Construction The provisions of this act
10 shall be severable and if any of its provisions shall be hold to be uncon-
11 stitutional the validity of any of the remaining provisions of this act
12 shall not be affected It is hereby declared as the legislative intention that
13 this act would have been adopted had such unconstitutional provision
14 not been included therein

15 Section 105 Purpose of Act It is the intent purpose and scope of
16 this act to protect and promote safety health and morals to accomplish a
17 coordinated and harmonious development of municipalities to provide
18 for guide and protect amenity convenience future governmental economic
19 PRACTICAL social cultural and aesthetic AND CULTURAL develop-
20 ment and growth and other aspects of the general welfare as well as the

1 improvement of governmental processes and functions to guide uses of
2 land and structures type and location of streets ~~provision and location~~
3 of public grounds and other facilities and to permit municipalities to
4 prevent minimize and eliminate such problems as may presently exist
5 or which may be foreseen It is the further intent of this act that any
6 recommendations made by any planning agency to any governing body
7 shall be advisory only

8 Section 106 Appropriations Grants and Gifts The governing
9 body of every municipality is hereby authorized and empowered to make
10 such appropriations as it may see fit to accept gifts grants or bequests
11 from public and private sources for the purpose of carrying out the
12 powers and duties conferred by this act and to enter into agreements
13 regarding the acceptance or utilization of such grants gifts or bequests

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

17 (1) "Appointing authority" the mayor in cities the chairman of
18 the board of commissioners in counties and (i) The president of council
19 in boroughs and incorporated towns or the president of the board of
20 commissioners in townships of the first class or the chairman of the

1 board of supervisors in townships of the second class If the powers and
2 duties set forth in this act are conferred upon a committee of the gov-
3 erning body and (ii) The governing body as a whole if a planning com-
4 mission or planning department or both is created in any borough in-
5 corporated town or township

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

7 (3) "Governing body" the council in cities of the second class
8 second class A third class boroughs and incorporated towns the board
9 of commissioners in townships of the first class the board of supervisors
10 in townships of the second class the board of commissioners in counties
11 of the third through eighth classes

12 (4) "Developer" any owner of land agent of such owner or tenant
13 with the permission of such owner who makes or causes to be made a
14 subdivision of land or a land development

15 (5) "Land development" (A) the improvement of one or more con-
16 tiguous lots tracts or parcels of land for any purpose involving (i) a group
17 of two or more buildings or (ii) the division or allocation of land be-
18 tween or among two or more existing or prospective occupants by means
19 of or for the purpose of streets common areas leaseholds building groups
20 or other features

1 (B) A DIVISION OF LAND INTO LOTS FOR THE PURPOSE
2 OF CONVEYING LOTS SINGLY OR IN GROUPS TO INDIVID-
3 UALS OR BUILDERS AND BUILDER GROUPS FOR THE PUR-
4 POSE OF THE ERECTION OF BUILDINGS BY SUCH PERSONS
5 OR BUILDER GROUPS

6 (6) "Municipality" any city of the second class second class A or
7 third class borough incorporated town township of the first or second
8 class and county of the third through eighth classes

9 (7) "Planning agency" a planning commission or planning depart-
10 ment or a planning committee of the governing body

11 (8) "Plat" the map or plan of a subdivision or land development

12 (9) "Public grounds" includes (i) parks playgrounds and other
13 public areas for active or passive recreation and (ii) sites for schools
14 sewage treatment refuse disposal and other publicly owned or operated
15 facilities

16 (10) "Public notices" notice given not more than thirty days and
17 not less than ~~ten~~ FOURTEEN days in advance of any public hearing re-
18 quired by this act Such notice shall be published once EACH WEEK
19 FOR TWO SUCCESSIVE WEEKS 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 PARTICULAR nature of the matter to be
2 considered at the 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
18 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
20 commission or planning department or both An ordinance which creates

1 both a planning commission and a planning department shall specify
2 which of the powers and duties conferred on planning agencies by this
3 act each shall exercise and may confer upon each additional powers
4 duties and advisory functions not inconsistent with this act In lieu of
5 a planning commission or planning department the governing body
6 may elect to assign the powers and duties conferred by this act upon
7 a planning committee comprised of members appointed from the gov-
8 erning body

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

18 Section 203 Appointment Term and Vacancy All members of the
19 commission shall be appointed by the appointing authority of the munic-

1 ipality All such appointments shall be approved by the governing
2 body except where ~~the appointing authority and the governing body are~~
3 ~~the same~~ THE GOVERNING BODY IS THE APPOINTING AU-
4 THORITY The term of each of the members of the commission shall
5 be for ~~five~~ four years or until his successor is appointed and qualified ex-
6 cept that the terms of the members first appointed pursuant to this
7 act shall be so fixed that on commissions of eight members or less
8 no more than two shall be reappointed or replaced during any future
9 calendar year and on commissions of nine members no more than three
10 shall be so reappointed or replaced The chairman of the planning com-
11 mission shall promptly notify the appointing authority of the munici-
12 pality concerning vacancies in the commission and such vacancy shall
13 be filled for the unexpired term

14 Section 204 Members of Existing Commissions The members of
15 any existing planning commission established under other laws shall
16 continue in office until the end of the term for which they were
17 appointed their successors shall be appointed as provided by this act
18 If a vacancy shall occur otherwise than by expiration of term it shall be
19 filled by appointment for the unexpired term according to the terms of
20 this article Should the governing body of any municipality determine

1 to increase the number of members of an already existing planning
2 commission the additional members shall be appointed as provided in
3 this article If the governing body of any municipality shall determine
4 to reduce the number of members on any existing planning commission
5 such reduction shall be effectuated by allowing the terms to expire
6 and by making no new appointments to fill the vacancy Such reduction
7 shall be by ordinance

8 However should the governing body pursuant to this act elect to
9 create a planning department in lieu of a planning commission then
10 any existing planning commission shall cease to exist not later than
11 thirty days subsequent to the effective date of the ordinance creating
12 such department All records and files of the commission shall be
13 delivered to the department

14 Section 205 Membership At least a majority of the members of the
15 planning commission shall be residents of the municipality On all plan-
16 ning commissions appointed pursuant to this act a certain number of the
17 members designated as citizen members shall not be officers or employes
18 of the municipality On a commission of three members at least two shall
19 be citizen members On a commission of four or five members at least
20 three shall be citizen members On a commission of either six or seven

1 members at least five shall be citizen members and on commissions of
2 either eight or nine members at least six shall be citizen members

3 Section 206 Removal Any member of a planning commission once
4 qualified and appointed may be removed from office at the will of the
5 appointing authority Each such removal shall be with the consent of
6 the governing body except where ~~the appointing authority and the~~
7 ~~governing body are the same~~ THE GOVERNING BODY IS THE
8 APPOINTING AUTHORITY Any appointment to fill a vacancy cre-
9 ated by removal shall be only for the unexpired term

10 Section 207 Conduct of Business The commission shall elect its
11 own chairman and vice-chairman from the citizen members and create
12 and fill such other offices as it may determine Officers shall serve an-
13 nual terms and may succeed themselves The commission may make and
14 alter by-laws and rules and regulations to govern its procedures con-
15 sistent with the ordinances of the municipality and the laws of the
16 Commonwealth The commission shall keep a full record of its business
17 and shall annually make a WRITTEN report of its activities to the
18 governing body Interim reports may be made as often as may be neces-
19 sary OR REQUESTED BY THE GOVERNING BODY

1 Section 208 Planning Department Director For the administration
2 of each planning department the appointing authority shall appoint
3 a director of planning WHO SHALL BE TECHNICALLY QUALI-
4 FIED FOR THE DUTIES OF HIS POSITION Each such appoint-
5 ment shall be with the approval of the governing body except where the
6 appointing authority and the governing body are the same The director
7 of planning shall be in charge of the administration of the department
8 and shall exercise the powers and be subject to the duties that are granted
9 or imposed on a planning agency by this act except that where a munici-
10 pality creates both a planning commission and a planning department the
11 director of planning shall exercise only those powers and be subject to
12 only those duties which are specifically conferred upon him by ordinance
13 enacted pursuant to this article

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

16 (1) Prepare the comprehensive plan for the development of the
17 municipality as set forth in this act AND PRESENT IT FOR THE
18 CONSIDERATION OF THE GOVERNING BODY

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

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

1 (1) Prepare and ~~maintain~~ for PRESENT FOR CONSIDERA-
2 TION TO the governing body of the municipality AND AFTER
3 ADOPTION MAINTAIN FOR THE GOVERNING BODY an official
4 map and make recommendations to the governing body on proposed
5 changes in such map as set forth in this act

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

9 (3) Prepare and administer subdivision and land development regu-
10 lations as set forth in this act

11 (4) Prepare and present to the governing body of the municipality
12 a building code and make recommendations to the governing body on
13 proposed amendments thereto

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

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

19 ~~(7) Prepare and adopt plans and submit reports to the governing~~

1 body with respect to the renewal and the redevelopment of the munici-
2 pality

3 (7) WITH RESPECT TO THE RENEWAL AND REDEVEL-
4 OPMENT OF THE MUNICIPALITY PREPARE ADOPT PLANS
5 AND SUBMIT REPORTS TO THE GOVERNING BODY

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

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

10 (10) Hold public hearings and meetings

11 (11) Require from other departments and agencies of the munici-
12 pality such available information as relates to the work of the planning
13 agency

14 (12) In the performance of its functions enter upon any land to
15 make examinations and surveys EITHER AFTER PERMISSION HAS
16 BEEN OBTAINED FROM THE OWNER OR PUBLIC NOTICE

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

1 Section 210 Administrative and Technical Assistance The plan-
2 ning agency may employ administrative and technical services or MAY
3 REQUEST THE GOVERNING BODY TO contract for such services
4 in accordance with the governmental procedures of the municipality
5 to the extent permitted by its financial resources and may request the
6 governing body to provide additional services from other departments
7 and agencies of the municipality A county planning agency may perform
8 planning services for any city borough incorporated town or township
9 which requests such assistance and may enter into agreements or con-
10 tracts for such work WITH THE CONSENT OF ITS GOVERNING
11 BODY

VI
12 Section 211 Assistance The planning agency may with the consent
13 of the governing body accept and utilize any funds personnel or other
14 assistance made available by the county the Commonwealth or the Fed-
15 eral government or any of their agencies or from private sources and
16 THE GOVERNING BODY may enter into agreements or contracts
17 regarding the acceptance or utilization of the funds or assistance in ac-
18 cordance with the governmental procedures of the municipality

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Article III

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Comprehensive Plan

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Section 301 Preparation of Comprehensive Plan The planning

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agency shall prepare and maintain a comprehensive plan for the de-

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velopment of the municipality The comprehensive plan consisting of

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maps charts and textual matter shall indicate the recommendations of

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the planning agency for the continuing development of the municipality

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in matters relating to or affecting safety health morals and general

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welfare The comprehensive plan shall include as a ~~minimum~~ the follow-

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ing BASIC related elements

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(1) A statement of objectives of the municipality concerning its

12

future development

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(2) A plan for land use which may include the amount intensity

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and character of land use proposed for residence industry business agri-

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culture major traffic and transit facilities public grounds flood plains

16

and other areas of special hazards and other similar uses

17

(3) A plan for movement of people and goods which may include

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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
20 shall be by resolution carried by the affirmative votes of not less than

1 a majority of all the members of the governing body ~~or commission as~~
2 ~~the case may be~~ The resolution shall refer expressly to the maps charts
3 textual matter and other matters intended to form the whole or part
4 of the plan and the action taken shall be recorded on the adopted plan
5 or part ~~A copy of any such resolution of a planning commission shall~~
6 ~~be forwarded to the governing body of the municipality~~

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

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

7 Article IV

8 Official Map

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

1 course or public ground contained in the official map or part thereof

2 Section 402 Adoption of the Official Map and Amendments Thereto

3 Prior to the adoption of any survey of existing or proposed public streets

4 watercourses or public grounds as the official map or part thereof or

5 any amendments to the official map the governing body shall refer such

6 surveys and amendments to the planning agency for review The planning

7 agency shall report its recommendations on said proposed official map

8 part thereof or amendment thereto within forty days unless an exten-

9 sion of time shall be agreed to by the governing body Upon receipt of

10 the report of the planning agency the governing body before voting on

11 the enactment of the proposed official map part thereof or amendment

12 thereto shall hold a public hearing thereon The governing body shall

13 give public notice of such hearing

14 Section 403 Effect of Approved Plats on Official Map After adop-

15 tion of the official map or part thereof all streets watercourses and

16 public grounds on final recorded plats which have been approved as

17 provided by this act shall be deemed amendments to the official map

18 Notwithstanding any of the other terms of this article no public hear-

19 ing need be held or notice given if the amendment of the official map

1 is the result of the addition of a plat which has been approved as
2 provided by this act

3 Section 404 Effect of Official Map on Mapped Streets Water-
4 courses and Public Grounds The adoption of any street or street lines
5 as part of the official map shall not in and of itself constitute or be
6 deemed to constitute the opening or establishment of any street nor
7 the taking or acceptance of any land for street purposes nor shall it
8 obligate the municipality to improve or maintain any such street The
9 adoption of proposed watercourses or public grounds as part of the
10 official map shall not in and of itself constitute or be deemed to con-
11 stitute a taking or acceptance of any land by the municipality

12 Section 405 Structures in Mapped Streets Watercourses and Pub-
13 lic Grounds For the purpose of preserving the integrity of the official
14 map of the municipality no permit shall be issued for any structure
15 within the lines of any street watercourse or public ground shown or
16 laid out on the official map No person shall recover any damages for
17 the taking for public use of any structure or improvements constructed
18 within the lines of any street watercourses or public ground after the
19 same shall have been included in the official map and any such struc-
20 ture or improvement shall be removed at the expense of the owner

1 However when the property of which the reserved location forms a
2 part cannot yield a reasonable return to the owner unless a permit
3 shall be granted the owner may apply to the governing body for the
4 grant of a permit to so build Before granting any permit authorized
5 in this section the governing body shall give public notice and hold a
6 public hearing at which all parties in interest shall have an opportunity
7 to be heard A refusal by the governing body to grant the permit applied
8 for may be appealed by the applicant to court in the same manner and
9 within the same time limitation as is provided for zoning appeals by
10 this act

11 Section 406 Time Limitations on Reservations for Future Taking
12 The governing body may fix the time for which streets watercourses
13 and public grounds shown on the official map shall be deemed reserved
14 for future taking or acquisition for public use However the reservation
15 for public grounds shall lapse and become void one year after an owner
16 of such property HAS SUBMITTED A WRITTEN NOTICE TO THE
17 GOVERNING BODY ANNOUNCING HIS INTENTION TO
18 BUILD ON SUBDIVIDE OR OTHERWISE DEVELOP THE LAND
19 COVERED BY THE RESOLUTION OR has made formal application
20 for an official permit to build a structure for private use unless the

1 governing body shall have acquired the property or begun ~~formal action~~
2 CONDEMNATION PROCEEDINGS to acquire such property before
3 the end of the year

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

11 Section 408 Notice to Other Municipalities When any county has
12 adopted an official map in accordance with the terms of this article
13 a certified copy of the map and the ordinances adopting it shall be
14 sent to every city borough incorporated town and township within said
15 county All amendments shall be sent to the aforementioned municipali-
16 ties The powers of the governing bodies of counties to adopt amend
17 and repeal official maps shall be limited to land and watercourses in
18 those cities boroughs incorporated towns and townships wholly or partly
19 within the county which have no official map in effect at the time an

1 official map is introduced before the governing body of the county
2 and until the city borough incorporated town or township official map
3 is in effect the adoption of an official map by any municipality other
4 than a county whose land or watercourses are subject to county official
5 mapping shall act as a repeal protanto of the county official map within
6 the municipality adopting such ordinance Notwithstanding any of the
7 other terms or conditions of this section the county official map shall
8 govern as to county streets and public grounds even though such streets
9 or public grounds are located in a municipality which has adopted an
10 official map When a city borough incorporated town or township within
11 a county which has adopted an official map also adopts such an official
12 map a certified copy of the map the ordinance adopting it and any later
13 amendments shall be forwarded to the county planning agency or if no
14 such agency exists to the governing body of the county Additionally
15 if any municipality adopts an official map or amendment thereto that
16 shows any street intended to lead into any adjacent municipality a cer-
17 tified copy of said official map or amendment shall be forwarded to such
18 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 THE 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 The powers of the governing bodies of counties
17 to enact amend and repeal subdivision and land development ordinances
18 shall be limited to land in those cities boroughs incorporated towns and
19 townships wholly or partly within the county which have no subdivi-
20 sion and land development ordinance in effect at the time a subdivision

1 and land development ordinance is introduced before the governing
2 body of the county and until the city borough incorporated town or
3 township subdivision and land development ordinance is in effect and a
4 certified copy of such ordinance is filed with the county planning agency
5 if one exists the enactment of a subdivision and land development ordi-
6 nance by any municipality other than a county whose land is subject
7 to a county subdivision and land development ordinance shall act as a
8 repeal protanto of the county subdivision and land development ordi-
9 nance within the municipality adopting such ordinance However all
10 plats of land located within a city borough incorporated town or town-
11 ship having adopted a subdivision and land development ordinance as
12 set forth in this article shall nevertheless be referred to the county
13 planning agency if any for study and recommendation and such county
14 planning agency shall be required to report to the municipality within
15 thirty days or forfeit the right to review Further any city borough
16 incorporated town or township may adopt by reference the subdivision
17 and land development ordinance of the county and may by separate
18 ordinance designate the county planning agency as its official adminis-
19 trative agent for review and approval of plats

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

4 (1) Procedures for the submittal and processing of plats and
5 specifications for such plats

6 (2) ~~Regulations~~ PROCEDURES for insuring that (i) the layout
7 or arrangement of the subdivision or land development shall conform
8 to the comprehensive plan and to any regulations or maps adopted in
9 furtherance thereof (ii) streets in and bordering a subdivision or land
10 development shall be ~~so~~ coordinated as to ~~compose a convenient and~~
11 ~~safe system~~ and be of such widths and grades and in such locations
12 as deemed necessary to accommodate prospective traffic afford sufficient
13 light and air and facilitate fire protection (iii) adequate easements
14 or rights-of-way shall be provided for drainage and utilities (iv)
15 reservations of any public grounds designed for public use BY THE
16 DEVELOPER OF ANY AREA DESIGNED FOR USE AS PUBLIC
17 GROUNDS shall be of suitable size and location for their designated
18 uses (v) sufficient and suitable monuments shall be placed to enable the
19 survey of the subdivision or land development or any part thereof to be
20 retraced (vi) land which is subject to flooding subsidence underground

1 fires or other conditions constituting a menace to safety health or gen-
2 eral welfare either shall be made safe for the purposes for which such
3 land is proposed to be used or that such land shall be set aside for uses
4 which shall not endanger life or property or further aggravate or
5 increase the existing menace and (vii) adequate provision for drainage
6 is made

7 (3) ~~Regulations~~ PROCEDURES governing the extent to which and
8 the manner in which streets shall be graded and improved and walkways
9 curbs gutters street lights fire hydrants shade trees water and sewage
10 facilities and other improvements shall be installed as a condition
11 precedent to final approval of plats

12 (4) PROCEDURES WHICH TAKE INTO ACCOUNT LAND
13 DEVELOPMENT NOT INTENDED FOR THE IMMEDIATE
14 ERECTION OF BUILDINGS WHERE STREETS CURBS GUT-
15 TERS STREET LIGHTS FIRE HYDRANTS SHADE TREES
16 WATER AND SEWAGE FACILITIES AND OTHER IMPROVE-
17 MENTS MAY NOT BE POSSIBLE TO INSTALL AS A CONDI-
18 TION PRECEDENT TO FINAL APPROVAL OF PLATS BUT
19 WILL BE A CONDITION PRECEDENT TO THE ERECTION OF
20 BUILDINGS ON THE APPROVED PLAT

1 (5) PROCEDURES FOR ENCOURAGING AND PROMOTING
2 FLEXIBILITY AND INGENUITY IN THE LAYOUT AND DE-
3 SIGN OF SUBDIVISIONS AND LAND DEVELOPMENTS AND
4 OTHER PRACTICES IN ACCORDANCE WITH MODERN AND
5 EVOLVING PRINCIPLES OF SITE PLANNING AND DEVELOP-
6 MENT

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

19 Section 505 Enactment of Subdivision and Land Development

1 Ordinance Amendment Amendments to the subdivision and land de-
2 velopment ordinance shall become effective only after a public hear-
3 ing held pursuant to public notice in the manner prescribed for enact-
4 ment of a proposed ordinance by this article In addition in case of
5 an amendment other than that prepared by the planning agency the
6 governing body shall submit each such amendment to the planning
7 agency for recommendations at least thirty days prior to the date
8 fixed for the public hearing on such proposed amendment

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

19 Section 507 Effect of Subdivision and Land Development Ordinance
20 Where a subdivision and land development ordinance has been enacted

1 by a municipality under the authority of this article no subdivision or
2 land development of any lot tract or parcel of land shall be made no
3 street sanitary sewer storm sewer water main or other improvements in
4 connection therewith shall be laid out constructed opened or dedicated
5 for public use or travel or for the common use of occupants of buildings
6 abutting thereon except in strict accordance with the provisions of
7 such ordinance

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

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

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

1 of any required improvements IMPROVEMENTS AS MAY BE RE-
2 QUIRED within the period fixed in the subdivision and land develop-
3 ment ordinance for such completion

4 Section 511 Remedies to Effect Completion of Improvements In
5 the event that any required improvements have not been installed as
6 provided in the subdivision and land development ordinance the govern-
7 ing body of the municipality is hereby granted the power to enforce any
8 corporate bond or other security by appropriate legal and equitable
9 remedies The governing body need not present proof of loss and shall
10 collect the sum necessary to complete the improvements Upon receipt of
11 such proceeds the governing body shall install the improvements covered
12 by said security If such proceeds are insufficient to pay the cost of in-
13 stalling all the improvements covered by said security the governing
14 body of the municipality may at its option install part of such improve-
15 ments in all or part of the subdivision or land development and may
16 institute appropriate legal or equitable action to recover the moneys
17 necessary to complete the remainder of the improvements All of the
18 proceeds whether resulting from the security or from any legal or
19 equitable action brought against the developer or both shall be used
20 solely for the installation of the improvements covered by such security

1 and not for any other municipal purpose If any improvement is installed
2 by the use of such proceeds in only part of a subdivision or land develop-
3 ment and an assessment is subsequently levied to pay the cost of installa-
4 tion of a corresponding improvement in the remainder such assessment
5 shall be levied against the entire subdivision or land development

6 Section 512 Improvements Private Until Dedicated or Condemned

7 The approval of a plat by the governing body or the planning agency
8 as the case may be shall not act as an acceptance for repair maintenance
9 or upkeep of the streets grounds and other improvements appearing on
10 the plat All such streets grounds or other improvements shall remain in
11 private ownership until such time as their dedication shall have been
12 accepted by ordinance OR RESOLUTION or until condemned for use
13 as a public street public ground or other public improvement

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

18 Section 514 Recording Plat Upon the approval of a plat the
19 developer shall within ninety days record such plat in the office of the
20 recorder of deeds of the county in which the municipality is located If

1 such plat is not recorded within such time the approval shall expire
2 Whenever plat approval is required by a municipality the recorder of
3 deeds of the county shall not accept any plat for recording unless such
4 plat officially notes the approval of the governing body or the approval
5 of the planning agency acting in behalf of the governing body Also the
6 recorder of deeds shall not record any agreement of sale or deed if the
7 same shall refer to or describe land included in a plat which has not
8 been officially noted as receiving such approval

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

13 Section 516 Penalties Any person partnership or corporation who
14 or which being the owner or agent of the owner of any lot tract or
15 parcel of land shall lay out construct open or dedicate any street sani-
16 tary sewer storm sewer water main or other improvements for public
17 use travel or other purposes or for the common use of occupants of build-
18 ings abutting thereon or who sells transfers or agrees or enters into
19 an agreement to sell any land in a subdivision or land development
20 whether by reference to or by other use of a plat of such subdivision or

1 land development or otherwise or erect any building thereon unless and
2 until a final plat has been prepared in full compliance with the provisions
3 of this act and of the regulations adopted hereunder and has been recorded
4 as provided herein shall be guilty of a misdemeanor and upon conviction
5 thereof such person or the members of such partnership or the officers of
6 such corporation or the agent of any of them responsible for such viola-
7 tion shall be sentenced to suffer imprisonment for a period not exceeding
8 thirty days or pay a fine not exceeding two hundred dollars (\$200) or
9 both at the discretion of the court and each lot or parcel so transferred
10 or sold or agreed or included in a contract to be sold shall be deemed a
11 separate violation All fines collected for such violations shall be paid
12 over to the municipality whose ordinance has been violated The descrip-
13 tion by metes and bounds in the instrument of transfer or other docu-
14 ment used in the process of selling or transferring shall not exempt the
15 seller or transferor from such penalties or from the remedies herein
16 provided

17 Section 517 Saving Clause The election by any municipality to
18 comply with and be governed by the provisions of this act shall not in-
19 validate any subdivision ordinance resolution or regulations enacted
20 under other enabling laws relating to subdivisions control the acceptance

1 of this act by any municipality in such respect shall be deemed a con-
2 tinuation and codification of such other laws

3 Article VI

4 Zoning

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

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

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

- 1 (1) Uses of land watercourses and other bodies of water
2 (2) Size height bulk location erection construction repair mainten-
3 ance alteration razing removal and use of structures
4 (3) Areas and dimensions of land and bodies of water to be oc-
5 cupied by uses and structures as well as areas courts yards and other
6 open spaces and distances to be left unoccupied by uses and struc-
7 tures

- 8 (4) Density of population and intensity of use and

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

17 Section 604 Zoning Purposes The provisions of zoning ordinances
18 shall be designed (1) to promote protect and facilitate one or more of the
19 following the public health safety morals general welfare ~~harmonious~~

1 COORDINATED AND PRACTICAL community development proper
2 density of population civil defense disaster evacuation airports and na-
3 tional defense facilities the provisions of adequate light and air police
4 protection vehicle parking and loading space transportation water sewer-
5 age schools public grounds and other public requirements as well as
6 (2) to prevent one or more of the following overcrowding of land blight
7 danger and congestion in travel and transportation loss of health life
8 or property from fire flood subsidence panic or other dangers Zoning
9 ordinances shall be made with consideration for the character of the
10 municipality its various parts the suitability of the various parts for
11 particular uses and structures

12 Section 605 Classifications In any municipality other than a county
13 which enacts a zoning ordinance no part of such municipality shall be
14 left unzoned The provisions of all zoning ordinances may be classified
15 so that different provisions may be applied to different classes of situa-
16 tions uses and structures and to such various districts of the municipality
17 as shall be described by a map made part of the zoning ordinance Where
18 zoning districts are created all provisions shall be uniform for each
19 class of uses or structures within each district except that additional
20 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 interseotions 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 charactor 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 date on which an election is made to accept the provisions of
15 this act the preparation and enactment of all zoning ordinances and all
16 amendments thereto shall be based upon and interpreted in relation to
17 the comprehensive plan for the future development of the municipality
18 prepared in accordance with the provisions of 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
20 provisions in a zoning ordinance or amendment heretofore or hereafter

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

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

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

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

18 (3) Nonconforming uses and nonconforming structures may receive
19 by the enactment of a zoning ordinance an unfortunate and undesirable
20 preferred status in that the adherence of adjoining properties to the

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

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

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

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

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

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

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

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

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

16 Section 615 Nonconforming Structure Provisions (a) Municipalities
17 may control

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

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

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

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

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

18 Section 617 Appointment and Powers of Zoning Officer For the
19 administration of a zoning ordinance a zoning officer who may hold
20 other office in the municipality shall be appointed The zoning officer

1 shall administer the zoning ordinance in accordance with its literal
2 terms and shall not have the power to permit any construction or any
3 use or change of use which does not conform to the zoning ordinance

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

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

16 Section 620 Enforcement Remedies In case any building structure
17 or land is or is proposed to be erected constructed reconstructed altered
18 converted maintained or used in violation of any ordinance enacted

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

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

16 Section 622 Exemptions this article shall not apply to any existing
17 or proposed building or extension thereof used or to be used by a public
18 utility corporation if upon petition of the corporation the Pennsylvania
19 Public Utility Commission shall after a public hearing decide that the

1 present or proposed situation of the building in question is reasonably
2 necessary for the convenience or welfare of the public

3 Section 623 Saving Clause The election by any municipality to
4 comply with and be governed by the provisions of this act shall not
5 invalidate any zoning ordinance enacted under other enabling laws re-
6 lating to zoning ordinances The acceptance of this act by any munici-
7 pality in such respect shall be deemed a continuation and codification
8 of such other laws

9 Article VII

10 Zoning Hearing Board

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

16 Section 702 Existing Boards of Adjustment Every board of adjust-
17 ment or board of appeals in existence when an election is made to accept
18 the provisions of this act shall thereupon become a zoning hearing board
19 be known as such and it and the terms of its members shall continue
20 under and in accordance with the provisions of this article Matters pend-

1 ing before any board of adjustment or board of appeals at the time
2 this act becomes effective shall continue and be completed under the law
3 in effect at the time such board took jurisdiction of them

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

13 Section 704 Joint Zoning Hearing Boards Two or more munici-
14 palities may by ordinances enacted in each create a joint zoning hearing
15 board in lieu of a separate board for each municipality A joint board
16 shall consist of two members appointed from among the residents of
17 each municipality by its governing body The term of office of members
18 of joint boards shall be five years except that of the two members first
19 appointed from each municipality the term of office of one member

1 shall be three years When any vacancies occur the joint board shall
2 promptly notify the governing body which appointed the member whose
3 office has become vacant and such governing body shall appoint a new
4 member for the unexpired portion of the term Members of the joint
5 board shall hold no other office in the participating municipality except
6 that no more than one member of the board appointed by any munici-
7 pality may also be a member of a planning commission of the munici-
8 pality from which such appointment is made In all other respects joint
9 zoning hearing boards shall be governed by provisions of this act not
10 inconsistent with the provisions of this section

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

17 Section 706 Organization of Board The board shall elect from its
18 own membership its officers who shall serve annual terms as such and
19 may succeed themselves For the conduct of any hearing and the taking
20 of any action a quorum shall be not less than a majority of all the

1 members of the board The board may make alter and rescind rules and
2 forms for its procedure consistent with ordinances of the municipality
3 and laws of the Commonwealth The board shall keep full public records
4 of its business and shall submit a report of its activities to the governing
5 body at least once a year

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

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

1 Section 709 Records of Testimony before Board It is the intent
2 of this act that the board shall serve as an administrative fact finding
3 agency with a minimum of expense and delay to parties It is recognized
4 that a verbatim record of testimony is ordinarily not necessary to the
5 function of the board but is needed whenever the board's action is
6 reviewed by the courts if the need for hearings de novo by the court
7 is to be minimized The board may provide for verbatim records of the
8 testimony whenever such records are requested by a party or by the
9 board but the expense of making and transcribing such a record shall
10 be borne by the board or party requesting it and the expense of copies
11 of such record shall be borne by those who wish to obtain such copies
12 The board may adopt as the official record a verbatim record of testi-
13 mony made by any court reporter or other verbatim reporter deemed
14 qualified by the board The board may provide for the making of
15 verbatim records of testimony by electronic or other means by rules
16 drawn to protect the integrity of such records Where a decision of the
17 board is not appealed to court verbatim records of testimony need not
18 be transcribed or retained beyond the expiration of ninety days after
19 notice of the boards decision is given

20 Section 710 Decisions of Board Within forty-five days after the

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

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

19 Section 712 Board's Functions Variances On an appeal from an

1 order requirement decision or determination of the zoning officer where
2 there is unnecessary hardship the board may grant a variance in the
3 application of the provisions of the zoning ordinance only if all of the
4 following findings are made

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

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

17 (3) That such unnecessary hardship has not been created by the
18 appellant

19 (4) That the variance if authorized will not alter the essential
20 character of the neighborhood or district in which the property is

1 located nor substantially or permanently impair the appropriate use or
2 development of adjacent property nor be detrimental to the public
3 welfare and

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

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

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

19 Section 714 Board's Functions Legality Issues Where it is alleged

1 that any zoning ordinance or portion thereof is procedurally or sub-
2 stantively invalid illegal or unconstitutional the board shall take evidence
3 relating to such legality issue and shall make in lieu of a decision on
4 such issue a report of its findings of fact so that such report upon appeal
5 to court duly entered may be filed with the court as part of the record
6 However the board shall not entertain any legality issue which is not
7 connected with a general appeal appeal for variance or request for
8 special exception except legality issues which involve only alleged
9 defects in the process of enactment of zoning ordinances and amendments

10 Section 715 Parties Appellant Before Board General appeals ap-
11 peals for variances requests for special exceptions and legality issues
12 may be taken to the board in writing by any officer of the municipality
13 or person aggrieved

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

19 Section 717 Exclusiveness of Remedy The board functions set forth
20 in this article together with appeals to court therefrom as set forth

1 in Article VIII of this act shall constitute the exclusive remedy with
2 respect to the matters comprehended therein Two or more of the board
3 functions set forth in this article may be combined in one proceeding

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

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

17 Article VIII

18 Zoning Appeals to Courts

19 Section 801 Zoning Appeals Zoning appeals shall include appeals

1 from decisions of boards and appeals upon reports of boards as to legality
2 issues

3 Section 802 Courts Having Jurisdiction As used in this article
4 "court" means the County Court of Allegheny County with respect to
5 zoning appeals involving land in Allegheny County and in other counties
6 the common pleas court of the county in which the land involved is
7 located

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

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

16 Section 805 Commencement of Zoning Appeals (a) Zoning appeals
17 shall be entered as of course by the prothonotary or clerk upon the
18 filing of a zoning appeal notice which concisely sets forth the grounds
19 on which the appellant relies verified to the extent that it contains

1 averments of fact The zoning appeal notice shall be accompanied by
2 a true copy thereof

3 (b) Upon filing of a zoning appeal the prothonotary or clerk shall
4 forthwith as of course send to the board by registered or certified mail
5 the copy of the zoning appeal notice together with writ of certiorari
6 commanding the board within twenty days after receipt thereof to
7 certify to the court its entire record in the matter in which the zoning
8 appeal has been taken or a true and complete copy thereof including
9 any transcript of testimony in existence and owned by the board at
10 the time it received the writ of certiorari

11 (c) If the appellant is a person other than the owner of property
12 directly involved in the decision or report of the board the appellant
13 within five days (exclusive of Sundays and legal holidays) after the
14 zoning appeal is filed shall serve a true copy of the zoning appeal notice
15 upon such owner in the manner specified by the Rules of Civil Pro-
16 cedure for the service of a complaint in equity and shall file proof of
17 such service For identification of such owner the appellant may rely
18 upon the record of the board and in the event of good faith mistakes
19 as to such identity may make such service nunc pro tunc by leave of
20 court The requirements of this subsection (c) shall not be applicable

1 in the case of a zoning appeal from a report of a board upon a legality
2 issue involving alleged defects in the procedure by which a zoning
3 ordinance or amendment was enacted if such zoning ordinance or
4 amendment directly affects more than three separate private properties

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

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

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

1 Section 809 Hearing and Argument of Zoning Appeal If no ver-
2 batim record of testimony before the board was made or if upon motion
3 it is shown that proper consideration of the zoning appeal requires the
4 presentation of additional evidence a judge of the court may hold a
5 hearing to receive such evidence or may remand the case to the board
6 or refer it to a referee to receive such evidence Final decision of each
7 zoning appeal shall be made by the court or a judge thereof considering
8 the record and the findings of fact made by the board as supplemented
9 and replaced by findings of fact made by judge or referee The final de-
10 cision shall contain conclusions of law and may reverse affirm or modify
11 the decision appealed

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

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

1 and convenient by special or general order or rule of court

2 Section 812 Appellate Review Appeals from decisions of courts
3 made under this act shall be taken to the Supreme Court of Pennsylv-
4 ania in the manner provided for other civil cases but no such appeal
5 shall be entertained unless it is filed within thirty days after the date of
6 entry of the decision of the lower court

7

Article IX

8

Joint Municipal Planning Commissions

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

14 Section 902 Creation Appointment and Operation of Joint Muni-
15 cipal Planning Commission The governing bodies of two or more muni-
16 cipalities may by ordinance or resolution authorize the establishment and
17 participation or membership in and support of a joint municipal planning
18 commission The number and qualifications of the members of such

1 planning commission and their terms and method of appointment or
2 removal shall be such as may be determined and agreed upon by the
3 governing bodies. A majority of the members of the joint municipal
4 planning commission shall hold no other public office or position except
5 appointive membership on a municipal planning commission. Members
6 of a joint municipal planning commission shall serve without salary but
7 may be paid expenses incurred in the performance of their duties. The
8 joint municipal planning commission shall elect a chairman whose term
9 shall not exceed one year and who shall be eligible for reelection. The
10 commission may create and fill such other offices as it may determine.
11 Every joint municipal planning commission shall adopt rules for the
12 transaction of business and shall keep a record of its resolutions trans-
13 actions findings and determinations which record shall be a public record.
14 Each participating or member municipality may from time to time
15 upon the request of the joint municipal planning commission assign or
16 detail to the commission any employes of the municipality to make
17 special surveys or studies.

18 Section 903 Finances Staff and Program (a) The governing bodies
19 of municipalities shall have the authority to appropriate funds for the
20 purpose of contributing to the operation of a joint municipal planning

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

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

1 or any of their agencies or from individuals or foundations and for the
2 purposes of receiving and using Federal or State planning grants for
3 provision of urban planning assistance may enter into agreements or
4 contracts regarding the acceptance or utilization of the funds or as-
5 sistance

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

11 Section 906 Cooperation Among Joint Municipal Planning Com-
12 mission Municipalities and Others Every joint municipal planning com-
13 mission shall encourage the cooperation of the participating municipali-
14 ties in matters which concern the integrity of the comprehensive plan
15 or maps prepared by the commission and as an aid toward coordination
16 all municipalities and public officials shall upon request furnish to the
17 joint municipal planning commission within a reasonable time the avail-
18 able maps plans reports statistical or other information such commission
19 may require for its work

1 Section 906 Interstate Participation Wherever a joint municipal
2 planning commission has been or is being established to serve the Penn-
3 sylvania portion of an area which for planning purposes constitutes a
4 logical planning area and which extends beyond the boundaries of the
5 Commonwealth the commission may admit to membership counties or
6 municipalities that are part of the same area but located in other states.
7 Municipalities may participate through membership and financial support
8 in joint municipal planning commissions that have been or are being
9 established in other states when the municipalities are part of the same
10 region served by the out-of-state joint municipal planning commission.

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

15 Section 908 Saving Clause The election by any municipality to
16 comply with and be governed by the provisions of this act shall not
17 invalidate any regional planning commission created under other laws
18 relating to regional planning the acceptance of this act by any municipi-

- 1 pality in such respect shall be deemed a continuation and codification
- 2 of such other laws

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