

No. 1992-131

AN ACT

SB 1505

Amending the act of July 31, 1968 (P.L.805, No.247), entitled, as reenacted and amended, "An act to empower cities of the second class A, and third class, boroughs, incorporated towns, townships of the first and second classes including those within a county of the second class and counties of the second class A through eighth classes, individually or jointly, to plan their development and to govern the same by zoning, subdivision and land development ordinances, planned residential development and other ordinances, by official maps, by the reservation of certain land for future public purpose and by the acquisition of such land; to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; providing for the establishment of planning commissions, planning departments, planning committees and zoning hearing boards, authorizing them to charge fees, make inspections and hold public hearings; providing for mediation; providing for transferable development rights; providing for appropriations, appeals to courts and penalties for violations; and repealing acts and parts of acts," further providing for definitions; applying the provisions of the act to second class counties; providing for transferable development rights; and further providing for ordinances relating to forestry activities.

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

Section 1. The title of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, reenacted and amended December 21, 1988 (P.L.1329, No.170), is amended to read:

AN ACT

To empower cities of the second class A, and third class, boroughs, incorporated towns, townships of the first and second classes including those within a county of the second class and counties of the **[second class A]** *second* through eighth classes, individually or jointly, to plan their development and to govern the same by zoning, subdivision and land development ordinances, planned residential development and other ordinances, by official maps, by the reservation of certain land for future public purpose and by the acquisition of such land; to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; providing for the establishment of planning commissions, planning departments, planning committees and zoning hearing boards, authorizing them to charge fees, make inspections and hold public hearings; providing for mediation; providing for transferable development rights; providing for appropriations, appeals to courts and penalties for violations; and repealing acts and parts of acts.

Section 2. The definitions of "county," "governing body," "municipality" and "transferable development rights" in section 107(a) of the act are amended to read:

Section 107. Definitions.—(a) The following words and phrases when used in this act shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

* * *

“County,” any county of the second class [A] through eighth [classes] *class*.

* * *

“Governing body,” the council in cities, boroughs and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class [A] through eighth [classes] *class* or as may be designated in the law providing for the form of government.

* * *

“Municipality,” any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class [A] through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

* * *

“Transferable development rights,” the attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands [within the municipality] where more intensive development is deemed [by the municipality] to be appropriate.

* * *

Section 3. Section 603 of the act is amended by adding a subsection to read:

Section 603. Ordinance Provisions.—* * *

(f) Zoning ordinances may not unreasonably restrict forestry activities.

Section 4. Section 619.1(d) of the act is amended to read:

Section 619.1. Transferable Development Rights.—* * *

(d) No development rights shall be transferable beyond the boundaries of the municipality wherein the lands from which the development rights arise are situated[.], *except that, in the case of a joint municipal zoning ordinance involving two or more municipalities, development rights shall be transferable within the boundaries of the municipalities comprising the joint municipal zoning ordinance.*

Section 5. This act shall take effect immediately.

APPROVED—The 14th day of December, A. D. 1992.

ROBERT P. CASEY