

No. 1982-173

AN ACT

HB 1512

Amending the act of July 31, 1968 (P.L.805, No.247), entitled, as 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; 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 appropriations, appeals to courts and penalties for violations; and repealing acts and parts of acts," providing for the promotion of energy conservation and the effective utilization of renewable energy sources.

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

Section 1. The title, act of July 31, 1968 (P.L.805, No.247), known as the "Pennsylvania Municipalities Planning Code," amended June 1, 1972 (P.L.333, No.93), is amended to read:

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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 appropriations, appeals to courts and penalties for violations; and repealing acts and parts of acts.

Section 2. Section 105 of the act, amended June 1, 1972 (P.L.333, No.93), is amended to read:

Section 105. Purpose of Act.—It is the intent, purpose and scope of this act to protect and promote safety, health and morals; to accomplish a coordinated development of municipalities, other than cities of the first and second class; to provide for the general welfare by guiding and protecting amenity, convenience, future governmental, economic, practical,

and social and cultural facilities, development and growth, as well as the improvement of governmental processes and functions; to guide uses of land and structures, type and location of streets, public grounds and other facilities; *to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources*; and to permit municipalities, other than cities of the first and second class, to minimize such problems as may presently exist or which may be foreseen. It is the further intent of this act that any recommendations made by any planning agency to any governing body shall be advisory only.

Section 3. The introductory paragraph of section 107 of the act is amended and a clause is added to read:

Section 107. Definitions.—As used in this act, except where the context clearly indicates otherwise, the following words or phrases have the **[meaning]** meanings indicated below:

* * *

(18.1) “Renewable energy source,” means any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

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Section 4. Subsection (b) of section 209.1 of the act is amended by adding a clause to read:

Section 209.1. Powers and Duties of Planning Agency.—* * *

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

* * *

(13) Prepare and present to the governing body of the municipality a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the municipality.

* * *

Section 5. The act is amended by adding a section to read:

Section 301.1. Energy Conservation Plan Element.—To promote energy conservation and the effective utilization of renewable energy sources, the comprehensive plan may include an energy conservation plan element which systematically analyzes the impact of each other component and element of the comprehensive plan on the present and future use of energy in the municipality, details specific measures contained in the other plan elements designed to reduce energy consumption and proposes other measures that the municipality may take to reduce energy consumption and to promote the effective utilization of renewable energy sources.

Section 6. Section 503 of the act is amended by adding a clause to read:

Section 503. Contents of Subdivision and Land Development Ordinance.—The subdivision and land development ordinance may include, but need not be limited to:

* * *

(6) Provisions for encouraging the use of renewable energy systems and energy-conserving building design.

Section 7. Subsection (f) of section 705 and clause (4) of section 707 of the act are amended to read:

Section 705. Standards and Conditions for Planned Residential Development.—Every ordinance adopted pursuant to the provisions of this article shall set forth all the standards, conditions and regulations by which a proposed planned residential development shall be evaluated, and said standards, conditions and regulations shall be consistent with the following provisions:

* * *

(f) The authority granted a municipality by Article V to establish standards for the location, width, course and surfacing of streets, walkways, curbs, gutters, street lights, shade trees, water, sewage and drainage facilities, easements or rights-of-way for drainage and utilities, reservations of public grounds, *other improvements, regulations for the height and setback as they relate to renewable energy systems and energy-conserving building design, regulations for the height and location of vegetation with respect to boundary lines, as they relate to renewable energy systems and energy-conserving building design, regulations for the type and location of renewable energy systems or their components and regulations for the design and construction of structures to encourage the use of renewable energy systems, [and other improvements,]* shall be vested in the governing body or its designated agency for the purposes of this article. The standards applicable to a particular planned residential development may be different than or modifications, of the standards and requirements otherwise required of subdivisions authorized under an ordinance adopted pursuant to Article V, provided, however, that an ordinance adopted pursuant to this article shall set forth the limits and extent of any modifications or changes in such standards and requirements in order that a landowner shall know the limits and extent of permissible modifications from the standards otherwise applicable to subdivisions.

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Section 707. Application for Tentative Approval of Planned Residential Development.—In order to provide an expeditious method for processing a development plan for a planned residential development under the terms of an ordinance adopted pursuant to the powers granted herein, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of local procedures, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with respect to the approval or

disapproval of a development plan for a planned residential development and the continuing administration thereof shall be consistent with the following provisions:

* * *

(4) The ordinance shall require only such information in the application as is reasonably necessary to disclose to the governing body or its designated agency: (i) the location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed; (ii) the density of land use to be allocated to parts of the site to be developed; (iii) the location and size of the common open space and the form of organization proposed to own and maintain the common open space; (iv) the use and the approximate height, bulk and location of buildings and other structures; (v) the feasibility of proposals for the disposition of sanitary waste and storm water; (vi) the substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities; (vii) the provisions for parking of vehicles and the location and width of proposed streets and public ways; (viii) the required modifications in the municipal land use regulations otherwise applicable to the subject property; *(viii.1) the feasibility of proposals for energy conservation and the effective utilization of renewable energy sources*; and (ix) in the case of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned residential development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted;

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Section 8. The Department of Community Affairs, in cooperation with any appropriate agency or instrumentality of the Commonwealth, shall cooperate fully with political subdivisions in implementing the provisions of this act. In addition, the Department of Community Affairs shall publish guidelines within one year after the effective date of this act to assist political subdivisions responding to its provisions.

Section 9. This act shall take effect in 60 days.

APPROVED—The 23rd day of June, A. D. 1982.

DICK THORNBURGH