
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 780 Session of
2007

INTRODUCED BY STABACK, BELFANTI, BENNINGHOFF, BIANCUCCI, BOYD,
CAPPELLI, CARROLL, DeLUCA, DENLINGER, DeWEESE, FABRIZIO,
FREEMAN, GERGELY, GIBBONS, GRELL, GRUCELA, HERSHEY, KOTIK,
KULA, MUNDY, O'NEILL, PALLONE, PHILLIPS, PRESTON, SAYLOR,
SIPTROTH, SOLOBAY, WANSACZ, WOJNAROSKI, YOUNGBLOOD, LONGIETTI
AND CALTAGIRONE, MARCH 19, 2007

SENATOR REGOLA, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
APRIL 2, 2008

AN ACT

1 Amending the act of July 31, 1968 (P.L.805, No.247), entitled,
2 as amended, "An act to empower cities of the second class A,
3 and third class, boroughs, incorporated towns, townships of
4 the first and second classes including those within a county
5 of the second class and counties of the second through eighth
6 classes, individually or jointly, to plan their development
7 and to govern the same by zoning, subdivision and land
8 development ordinances, planned residential development and
9 other ordinances, by official maps, by the reservation of
10 certain land for future public purpose and by the acquisition
11 of such land; to promote the conservation of energy through
12 the use of planning practices and to promote the effective
13 utilization of renewable energy sources; providing for the
14 establishment of planning commissions, planning departments,
15 planning committees and zoning hearing boards, authorizing
16 them to charge fees, make inspections and hold public
17 hearings; providing for mediation; providing for transferable
18 development rights; providing for appropriations, appeals to
19 courts and penalties for violations; and repealing acts and
20 parts of acts," further providing for appointment, term and
21 vacancy of planning commission members and for conduct of
22 business of planning commission; PROVIDING FOR INTERPRETATION <—
23 OF SUBDIVISION AND LAND DEVELOPMENT ORDINANCES; AND FURTHER
24 PROVIDING FOR APPROVAL OF PLATS AND FOR JURISDICTION.

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

1 Section 1. Section 203 of the act of July 31, 1968 (P.L.805,
2 No.247), known as the Pennsylvania Municipalities Planning Code,
3 reenacted and amended December 21, 1988 (P.L.1329, No.170), is
4 amended by adding a subsection to read:

5 Section 203. Appointment, Term and Vacancy.--* * *

6 (e) The governing body may appoint by resolution at least
7 one but no more than three residents of the municipality to
8 serve as alternate members of the planning commission. The term
9 of office of an alternate member shall be four years. When
10 seated pursuant to the provisions of section 207, an alternate
11 shall be entitled to participate in all proceedings and
12 discussions of the commission to the same and full extent as
13 provided by law for commission members, including specifically
14 the right to cast a vote as a voting member during the
15 proceedings, and shall have all the powers and duties set forth
16 in this act and as otherwise provided by law. Alternates shall
17 not serve as a member of the zoning hearing board or as a zoning
18 officer. Any alternate may participate in any proceeding or
19 discussion of the commission but shall not be entitled to vote
20 as a member of the commission nor be reimbursed pursuant to
21 section 202 unless designated as a voting alternate member
22 pursuant to section 207.

23 Section 2. Section 207 of the act is amended to read:

24 Section 207. Conduct of Business.--(a) The commission shall
25 elect its own chairman and vice-chairman and create and fill
26 such other offices as it may determine. Officers shall serve
27 annual terms and may succeed themselves. The commission may make
28 and alter by laws and rules and regulations to govern its
29 procedures consistent with the ordinances of the municipality
30 and the laws of the Commonwealth. The commission shall keep a

1 full record of its business and shall annually make a written
2 report by March 1 of each year of its activities to the
3 governing body. Interim reports may be made as often as may be
4 necessary, or as requested by the governing body.

5 (b) The chairman of the planning commission may designate
6 alternate members of the commission to substitute for any absent
7 member or member who has recused himself or has been
8 disqualified by the governing body, and if, by reason of
9 absence, recusal or disqualification of a member, a quorum is
10 not reached, the chairman of the commission shall designate as
11 many alternate members of the commission to sit on the
12 commission as may be needed to reach a quorum. Any alternate
13 member of the commission shall continue to serve on the
14 commission in all proceedings involving the matter or case for
15 which the alternate was initially appointed until the commission
16 has made a final decision on the matter or case. Designation of
17 an alternate pursuant to this section shall be made on a case-
18 by-case basis in rotation according to declining seniority among
19 all alternates.

20 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

21 SECTION 507.1. INTERPRETATION OF ORDINANCE PROVISIONS.--IN
22 INTERPRETING THE LANGUAGE OF SUBDIVISION AND LAND DEVELOPMENT
23 ORDINANCES, THE LANGUAGE SHALL BE INTERPRETED, WHERE DOUBT
24 EXISTS AS TO THE INTENDED MEANING OF THE LANGUAGE WRITTEN AND
25 ADOPTED BY THE GOVERNING BODY, IN FAVOR OF THE PROPERTY OWNER
26 AND AGAINST ANY IMPLIED EXTENSION OR APPLICATION OF THE
27 PROVISIONS OF THE ORDINANCE.

28 SECTION 4. SECTIONS 508(4)(VI) AND 909.1(B)(3) OF THE ACT <—
29 ARE AMENDED TO READ:

30 SECTION 508. APPROVAL OF PLATS.--ALL APPLICATIONS FOR

1 APPROVAL OF A PLAT (OTHER THAN THOSE GOVERNED BY ARTICLE VII),
2 WHETHER PRELIMINARY OR FINAL, SHALL BE ACTED UPON BY THE
3 GOVERNING BODY OR THE PLANNING AGENCY WITHIN SUCH TIME LIMITS AS
4 MAY BE FIXED IN THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
5 BUT THE GOVERNING BODY OR THE PLANNING AGENCY SHALL RENDER ITS
6 DECISION AND COMMUNICATE IT TO THE APPLICANT NOT LATER THAN 90
7 DAYS FOLLOWING THE DATE OF THE REGULAR MEETING OF THE GOVERNING
8 BODY OR THE PLANNING AGENCY (WHICHEVER FIRST REVIEWS THE
9 APPLICATION) NEXT FOLLOWING THE DATE THE APPLICATION IS FILED OR
10 AFTER A FINAL ORDER OF COURT REMANDING AN APPLICATION, PROVIDED
11 THAT SHOULD THE SAID NEXT REGULAR MEETING OCCUR MORE THAN 30
12 DAYS FOLLOWING THE FILING OF THE APPLICATION OR THE FINAL ORDER
13 OF THE COURT, THE SAID 90-DAY PERIOD SHALL BE MEASURED FROM THE
14 30TH DAY FOLLOWING THE DAY THE APPLICATION HAS BEEN FILED.

15 * * *

16 (4) CHANGES IN THE ORDINANCE SHALL AFFECT PLATS AS
17 FOLLOWS:

18 * * *

19 (VI) [EACH SECTION IN ANY RESIDENTIAL SUBDIVISION OR
20 LAND DEVELOPMENT, EXCEPT FOR THE LAST SECTION, SHALL
21 CONTAIN A MINIMUM OF 25% OF THE TOTAL NUMBER OF DWELLING
22 UNITS AS DEPICTED ON THE PRELIMINARY PLAN, UNLESS A
23 LESSER PERCENTAGE IS APPROVED BY THE GOVERNING BODY IN
24 ITS DISCRETION.] PROVIDED THE LANDOWNER HAS NOT DEFAULTED
25 WITH REGARD TO OR VIOLATED ANY OF THE CONDITIONS OF THE
26 PRELIMINARY PLAT APPROVAL, INCLUDING COMPLIANCE WITH
27 LANDOWNER'S AFORESAID SCHEDULE OF SUBMISSION OF FINAL
28 PLATS FOR THE VARIOUS SECTIONS, THEN THE AFORESAID
29 PROTECTIONS AFFORDED BY SUBSTANTIALLY COMPLETING THE
30 IMPROVEMENTS DEPICTED UPON THE FINAL PLAT WITHIN FIVE

1 YEARS SHALL APPLY AND FOR ANY SECTION OR SECTIONS, BEYOND
2 THE INITIAL SECTION, IN WHICH THE REQUIRED IMPROVEMENTS
3 HAVE NOT BEEN SUBSTANTIALLY COMPLETED WITHIN SAID FIVE-
4 YEAR PERIOD THE AFORESAID PROTECTIONS SHALL APPLY FOR AN
5 ADDITIONAL TERM OR TERMS OF THREE YEARS FROM THE DATE OF
6 FINAL PLAT APPROVAL FOR EACH SECTION.

7 * * *

8 SECTION 909.1. JURISDICTION.--* * *

9 (B) THE GOVERNING BODY OR, EXCEPT AS TO CLAUSES (3), (4) AND
10 (5), THE PLANNING AGENCY, IF DESIGNATED, SHALL HAVE EXCLUSIVE
11 JURISDICTION TO HEAR AND RENDER FINAL ADJUDICATIONS IN THE
12 FOLLOWING MATTERS:

13 * * *

14 (3) APPLICATIONS FOR CONDITIONAL USE UNDER THE EXPRESS
15 PROVISIONS OF THE ZONING ORDINANCE PURSUANT TO SECTION
16 603(C)(2)[.], WHICH JURISDICTION SHALL INCLUDE THE POWER TO
17 CONSIDER REQUESTED RELIEF IN THE NATURE OF A VARIANCE,
18 RELATED AND SUBORDINATE TO THE USE FOR WHICH CONDITIONAL USE
19 APPROVAL IS SOUGHT.

20 * * *

21 Section 3 5. This act shall take effect in 60 days.

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