

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2314 Session of  
1978

INTRODUCED BY M. H. GEORGE, WISE, WEIDNER, J. L. WRIGHT JR.,  
MORRIS AND MELUSKEY, APRIL 5, 1978

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 5, 1978

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 class A  
6 through eighth classes, individually or jointly, to plan  
7 their development and to govern the same by zoning,  
8 subdivision and land development ordinances, planned  
9 residential development and other ordinances, by official  
10 maps, by the reservation of certain land for future public  
11 purpose and by the acquisition of such land; providing for  
12 the establishment of planning commissions, planning  
13 departments, planning committees and zoning hearing boards,  
14 authorizing them to charge fees, make inspections and hold  
15 public hearings; providing for appropriations, appeals to  
16 courts and penalties for violations; and repealing acts and  
17 parts of acts," further providing for zoning ordinances.

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

20 Section 1. Subsection (1) of section 1011, act of July 31,  
21 1968 (P.L.805, No.247), known as the "Pennsylvania  
22 Municipalities Planning Code," added June 1, 1972 (P.L.333,  
23 No.93), is amended to read:

24 Section 1011. Judicial Relief.--(1) In a zoning appeal the  
25 court shall have power to declare any ordinance or map invalid

1 and set aside or modify any action, decision or order of the  
2 governing body, agency or officer of the municipality brought up  
3 on appeal, provided, however, where municipalities have adopted  
4 a joint municipal comprehensive plan and enacted zoning  
5 legislation consistent with the joint municipal comprehensive  
6 plan within a region pursuant to Articles XI and XI-A, the  
7 court, when determining the validity of a challenge to such a  
8 municipality's zoning ordinance shall consider the zoning  
9 ordinance or ordinances as they apply to the entire region and  
10 shall not limit its consideration to the application of the  
11 zoning ordinance within the boundaries of the respective  
12 municipalities.

13 \* \* \*

14 Section 2. The act is amended by adding an article to read:

15 ARTICLE XI-A

16 Joint Municipal Zoning

17 Section 1101-A. General Powers.--The governing body of each  
18 municipality cooperating in a joint municipal comprehensive  
19 plan, in accordance with the conditions and procedures set forth  
20 in this act, may enact, amend and repeal joint municipal zoning  
21 ordinances to implement the joint municipal comprehensive plan  
22 and to accomplish any of the purposes of this act. For these  
23 purposes, a municipality may enact and or adopt a joint  
24 municipal zoning ordinance which has been or is to be enacted by  
25 each municipality cooperating in the joint municipal  
26 comprehensive plan.

27 Section 1102-A. Compliance With Code.--The governing body of  
28 each municipality cooperating in a joint municipal comprehensive  
29 plan and zoning ordinance shall otherwise comply with all  
30 applicable sections of the act.

1       Section 1103-A. Joint Municipal Comprehensive Plan.--(a)  
2 The governing body of a municipality, by formal action, may  
3 advertise and publish a proposed joint municipal comprehensive  
4 plan. The municipality shall have sixty days from the date of  
5 the publication to adopt such a plan.

6       (b) During this period of time, the governing body shall not  
7 be required to entertain or consider any landowner's curative  
8 amendment filed under section 609.1, nor shall the zoning  
9 hearing board be required to give a report requested under  
10 section 910 or 913.1, subsequent to the declaration required by  
11 subsection (a) and based upon the municipality's existing zoning  
12 ordinance.

13       Section 1104-A. Intention to Enact Zoning Ordinances.--(a)  
14 Subsequent to, or simultaneous with, the adoption of a joint  
15 municipal comprehensive plan, the governing body of a  
16 municipality cooperating in that plan, may declare its intention  
17 to enact a zoning ordinance pursuant to section 1101-A. The  
18 municipality shall have one hundred twenty days from the date of  
19 this declaration to enact such an ordinance.

20       (b) During this period of time, the governing body shall not  
21 be required to entertain or consider any landowner's curative  
22 amendment filed under section 609.1, nor shall the zoning  
23 hearing board be required to give a report requested under  
24 section 910 or 913.1, subsequent to the declaration required by  
25 subsection (a) and based upon the municipality's existing zoning  
26 ordinance.

27       Section 1105-A. Adoption of Regional Zoning Ordinances.--(a)  
28 The governing body of each municipality participating in the  
29 joint municipal comprehensive plan shall adopt the regional  
30 zoning ordinance in order for the regional ordinance to be

1 effective.

2 (b) Once the regional ordinance is effective the municipal  
3 zoning ordinance shall be null and void.

4 Section 1106-A. Amendments to Regional Zoning Ordinance.--

5 (a) Amendments to the regional zoning ordinance shall be  
6 approved by a simple majority of all participating  
7 municipalities including the municipality or municipalities  
8 which will be physically affected by the proposed amendment.

9 (b) The same procedures shall be followed in amending the  
10 regional zoning ordinance as are set forth in Article VI.

11 Section 1107-A. Regional Hearing Board.--(a) A regional  
12 hearing board is hereby established. It shall possess the same  
13 powers and duties with respect to the region as the zoning  
14 hearing board presently enjoys pursuant to Article IX.

15 (b) Each municipality shall appoint one person to serve on  
16 the regional hearing board.

17 Section 1108-A. Intention to Withdraw.--A municipality may  
18 announce its intention to withdraw from the regional zoning  
19 ordinance, the regional hearing board and the joint municipal  
20 comprehensive plan by passing a resolution stating therein its  
21 intention to withdraw. The withdrawal shall not become effective  
22 for a period of three years from the date of the passing of the  
23 withdrawal resolution.

24 Section 3. This act shall take effect in 60 days.