

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 14

Session of
1999

INTRODUCED BY STEIL, FREEMAN, YOUNGBLOOD, STURLA, KREBS,
MASLAND, MAITLAND, LEVDANSKY, HERSHEY, PLATTS, MUNDY, ARGALL,
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WILLIAMS, S. MILLER, BARD, STEELMAN, ADOLPH, FRANKEL, GRUCELA
AND ROBINSON, FEBRUARY 8, 1999

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 6, 2000

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," adding a ~~definition~~ DEFINITIONS; providing <—
21 for intergovernmental cooperative planning and implementation
22 agreements ~~and for traditional neighborhood development~~; <—
23 further providing for repeals; and making an editorial
24 change.

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

1 Section 1. Section 107 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 definition DEFINITIONS to read: <—

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

9 * * *

10 ~~"Traditional neighborhood development," an area of land~~ <—
11 ~~developed for a compatible mixture of residential units for~~
12 ~~various income levels and nonresidential commercial and~~
13 ~~workplace uses, including some structures that provide for a mix~~
14 ~~of uses within the same building. Residences, shops, offices,~~
15 ~~workplaces, public buildings, and parks are interwoven within~~
16 ~~the neighborhood so that all are within relatively close~~
17 ~~proximity to each other. Traditional neighborhood development is~~
18 ~~relatively compact, limited in size and oriented toward~~
19 ~~pedestrian activity. It has an identifiable center and a~~
20 ~~discernible edge. The center of the neighborhood is in the form~~
21 ~~of a public park, commons, plaza, square or prominent~~
22 ~~intersection of two or more major streets. Generally, there is a~~
23 ~~hierarchy of streets laid out in a rectilinear or grid pattern~~
24 ~~of interconnecting streets and blocks that provides multiple~~
25 ~~routes from origins to destinations and are appropriately~~
26 ~~designed to serve the needs of pedestrians and vehicles equally.~~

27 ~~"DESIGNATED GROWTH AREA," A REGION WITHIN A COUNTY OR~~ <—
28 ~~COUNTIES DESCRIBED IN A MUNICIPAL OR MULTIMUNICIPAL PLAN THAT~~
29 ~~PREFERABLY INCLUDES AND SURROUNDS A CITY, BOROUGH OR VILLAGE,~~
30 ~~AND WITHIN WHICH RESIDENTIAL AND MIXED USE DEVELOPMENT IS~~

1 PERMITTED OR PLANNED FOR AT DENSITIES OF ONE UNIT TO THE ACRE OR
2 MORE, COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL USES ARE
3 PERMITTED OR PLANNED FOR AND PUBLIC INFRASTRUCTURE SERVICES ARE
4 PROVIDED OR PLANNED.

5 * * *

6 "DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT," ANY LAND
7 DEVELOPMENT THAT, BECAUSE OF ITS CHARACTER, MAGNITUDE, OR
8 LOCATION WILL HAVE SUBSTANTIAL EFFECT UPON THE HEALTH, SAFETY,
9 OR WELFARE OF CITIZENS IN MORE THAN ONE MUNICIPALITY.

10 * * *

11 "FUTURE GROWTH AREA," AN AREA OF A MUNICIPAL OR
12 MULTIMUNICIPAL PLAN OUTSIDE OF AND ADJACENT TO A DESIGNATED
13 GROWTH AREA WHERE RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND
14 INSTITUTIONAL USES AND DEVELOPMENT ARE PERMITTED OR PLANNED AT
15 VARYING DENSITIES AND PUBLIC INFRASTRUCTURE SERVICES MAY OR MAY
16 NOT BE PROVIDED, BUT FUTURE DEVELOPMENT AT GREATER DENSITIES IS
17 PLANNED TO ACCOMPANY THE ORDERLY EXTENSION AND PROVISION OF
18 PUBLIC INFRASTRUCTURE SERVICES.

19 * * *

20 "MULTIMUNICIPAL PLAN," A PLAN DEVELOPED AND ADOPTED BY ANY
21 NUMBER OF CONTIGUOUS MUNICIPALITIES, INCLUDING A JOINT MUNICIPAL
22 PLAN AS AUTHORIZED BY THIS ACT.

23 * * *

24 "PUBLIC INFRASTRUCTURE AREA," A DESIGNATED GROWTH AREA AND
25 ALL OR ANY PORTION OF A FUTURE GROWTH AREA DESCRIBED IN A COUNTY
26 OR MULTIMUNICIPAL COMPREHENSIVE PLAN WHERE PUBLIC INFRASTRUCTURE
27 SERVICES WILL BE PROVIDED AND OUTSIDE OF WHICH SUCH PUBLIC
28 INFRASTRUCTURE SERVICES WILL NOT BE REQUIRED TO BE PUBLICLY
29 FINANCED.

30 "PUBLIC INFRASTRUCTURE SERVICES," SERVICES THAT ARE PROVIDED

1 TO AREAS WITH DENSITIES OF ONE OR MORE UNITS TO THE ACRE, WHICH
2 MAY INCLUDE SANITARY SEWERS AND FACILITIES FOR THE COLLECTION
3 AND TREATMENT OF SEWAGE, WATER LINES AND FACILITIES FOR THE
4 PUMPING AND TREATING OF WATER, PARKS AND OPEN SPACE, STREETS AND
5 SIDEWALKS, PUBLIC TRANSPORTATION AND OTHER SERVICES THAT MAY BE
6 APPROPRIATE WITHIN A GROWTH AREA, BUT SHALL EXCLUDE FIRE
7 PROTECTION AND EMERGENCY MEDICAL SERVICES AND ANY OTHER SERVICE
8 REQUIRED TO PROTECT THE HEALTH AND SAFETY OF RESIDENTS.

9 * * *

10 "RURAL RESOURCE AREA," AN AREA DESCRIBED IN A MUNICIPAL OR
11 MULTIMUNICIPAL PLAN WITHIN WHICH RURAL RESOURCE USES INCLUDING,
12 BUT NOT LIMITED TO, AGRICULTURE, TIMBERING, MINING, QUARRYING
13 AND OTHER EXTRACTIVE INDUSTRIES, FOREST AND GAME LANDS AND
14 RECREATION AND TOURISM ARE ENCOURAGED AND ENHANCED, DEVELOPMENT
15 THAT IS COMPATIBLE WITH OR SUPPORTIVE OF SUCH USES IS PERMITTED,
16 AND PUBLIC INFRASTRUCTURE SERVICES ARE NOT PROVIDED EXCEPT IN
17 VILLAGES.

18 * * *

19 "SPECIFIC PLAN," A DETAILED PLAN FOR NONRESIDENTIAL
20 DEVELOPMENT OF AN AREA COVERED BY A MUNICIPAL OR MULTIMUNICIPAL
21 COMPREHENSIVE PLAN, WHICH WHEN APPROVED AND ADOPTED BY THE
22 PARTICIPATING MUNICIPALITIES THROUGH ORDINANCES AND AGREEMENTS,
23 SUPERSEDES ALL OTHER APPLICABLE ORDINANCES.

24 * * *

25 "VILLAGE," AN UNINCORPORATED SETTLEMENT THAT IS PART OF A
26 TOWNSHIP WHERE RESIDENTIAL AND MIXED USE DENSITIES OF ONE UNIT
27 TO THE ACRE OR MORE EXIST OR ARE PERMITTED AND COMMERCIAL,
28 INDUSTRIAL OR INSTITUTIONAL USES EXIST OR ARE PERMITTED.

29 * * *

30 ~~Section 2. The act is amended by adding articles to read:~~

<—

1 ~~ARTICLE VI A~~

2 ~~Intergovernmental Cooperative Planning~~
3 ~~and Implementation Agreements~~

4 ~~Section 601 A. Purposes. The following powers are granted to~~
5 ~~municipalities in order:~~

6 ~~(1) To further purposes of this act in an area where~~
7 ~~growth and development is encroaching upon valuable farmland~~
8 ~~and other rural resource uses produce development patterns~~
9 ~~that are neither consistent with the established character of~~
10 ~~the communities or counties, nor efficient for providing~~
11 ~~adequate public services.~~

12 ~~(2) To provide for development that is compatible with~~
13 ~~surrounding land uses and that will complement existing land~~
14 ~~development with a balance of commercial, industrial and~~
15 ~~residential uses.~~

16 ~~(3) To protect and maintain the separate identity of~~
17 ~~Pennsylvania's communities and to prevent the unnecessary~~
18 ~~conversion of valuable and limited agricultural land.~~

19 ~~(4) To encourage cooperation and coordinated planning~~
20 ~~among adjoining municipalities so that each municipality~~
21 ~~accommodates its share of the multimunicipal growth burden~~
22 ~~and does not induce unnecessary or premature development of~~
23 ~~rural lands.~~

24 ~~(5) To minimize disruption of the economy and~~
25 ~~environment of existing communities.~~

26 ~~(6) To complement the economic and transportation needs~~
27 ~~of the region and this Commonwealth.~~

28 ~~(7) To provide for the continuation of historic~~
29 ~~community patterns.~~

30 ~~(8) To provide for coordinated highways, public services~~

~~and development.~~

~~(9) To ensure that new public water and wastewater treatment systems are constructed in areas that will result in the maximum utilization of existing systems, prior to the development and construction of new systems.~~

~~(10) To ensure that new or major extension of existing public water and wastewater treatment systems are constructed only in those areas within which anticipated growth and development can adequately be sustained within the financial and environmental resources of the area.~~

~~(11) To identify those areas where growth and development will occur so that a full range of public infrastructure services including sewer, water, highways, police and fire protection, public schools, parks, open space and other services can be adequately planned and provided as needed to accommodate the growth that occurs.~~

~~(12) To encourage innovations in residential, commercial and industrial development to meet growing population demands by an increased variety in type, design and layout of structures and by the conservation and more efficient use of open space ancillary of such structures.~~

~~(13) To facilitate the development of affordable housing in numbers consistent with the need for such housing as shown by existing and projected population and employment data for the region.~~

~~Section 602 A. Definitions. Subject to additional definitions contained in subsequent provisions of this article which are applicable to specific provisions of this article, the following words and phrases when used in this article shall have the meanings given to them in this section unless the context~~

1 ~~clearly indicates otherwise:~~

2 ~~"Designated growth area," a region within a county described~~
3 ~~in a municipal or multimunicipal plan that includes and~~
4 ~~surrounds a city, borough or village, and within which~~
5 ~~residential and mixed use development is permitted or planned~~
6 ~~for at densities of one unit to the acre or more, commercial,~~
7 ~~industrial and institutional uses are permitted or planned for~~
8 ~~and public infrastructure services are provided or planned.~~

9 ~~"Development of regional significance and impact," any land~~
10 ~~development that, because of its character, magnitude, or~~
11 ~~location will have substantial effect upon the health, safety,~~
12 ~~or welfare of citizens in more than one municipality.~~

13 ~~"Future growth area," an area of a municipal or~~
14 ~~multimunicipal plan outside of and adjacent to a designated~~
15 ~~growth area where residential, commercial, industrial and~~
16 ~~institutional uses and development are permitted or planned at~~
17 ~~varying densities and urban services may or may not be provided,~~
18 ~~but future development at greater densities is planned to~~
19 ~~accompany the orderly extension and provision of urban services.~~

20 ~~"Growth boundary," a perimeter line drawn around a designated~~
21 ~~growth area for the purpose of separating such area from rural~~
22 ~~resource areas in a municipal or multimunicipal comprehensive~~
23 ~~plan and implemented by municipalities through intermunicipal~~
24 ~~cooperative agreements, ordinances and official maps, as amended~~
25 ~~from time to time to include all or part of a future growth~~
26 ~~area.~~

27 ~~"Public infrastructure area," a designated growth area and~~
28 ~~all or any portion of a future growth area described in a county~~
29 ~~or multimunicipal comprehensive plan where public infrastructure~~
30 ~~services will be provided and outside of which such public~~

~~infrastructure services will not be provided.~~

~~"Public infrastructure services," services that are provided to areas within densities of one or more units to the acre, including provision of sanitary sewers and facilities for the collection and treatment of sewage, water lines and facilities for the pumping and treating of water, fire protection, parks and open space, streets and sidewalks, public transportation and other services that may be appropriate areas within a growth area.~~

~~"Rural resource area," an area described in a municipal or multimunicipal plan within which rural resource uses including, but not limited to, agriculture, timbering, mining, quarrying and other extractive industries, forest and game lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted, and public infrastructure services are not provided except in villages.~~

~~"Specific plan," a detailed plan for development of an area covered by a municipal or multimunicipal comprehensive plan, which when approved and adopted by the participating municipalities through ordinances and agreements, supersedes all other applicable ordinances.~~

~~"Village," an unincorporated settlement that is part of a township where residential and mixed use densities of one unit to the acre or more exist or are permitted and limited commercial, industrial and institutional uses exist or are permitted.~~

~~Section 603 A. Intergovernmental Cooperative Planning and Implementation Agreements. The governing bodies of a county and/or local municipalities located within the county may enter~~

~~into intergovernmental cooperative agreements, as provided by the act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law, for the purpose of developing, adopting and implementing a comprehensive plan for the entire county or for any area within the county. Such agreements may also be entered into between and among counties and municipalities for areas that include municipalities in more than one county, and between and among counties, municipalities and State agencies, school districts, authorities and special districts providing water and sewer facilities, transportation planning or other services within the area of a plan.~~

~~Section 604 A. County or Multimunicipal Comprehensive Plans. (a) (1) The comprehensive plan that is the subject of an agreement may be developed by the municipalities, by the county planning agency, or agencies in the case of a plan covering municipalities in more than one county, in cooperation with local municipalities within the area and shall include all the elements required or authorized in section 301 for the region of the plan.~~

~~(2) The plan shall:~~

~~(i) Identify growth areas where:~~

~~(A) Orderly and efficient development to accommodate the projected growth of the area within the next 20 years is planned for residential and mixed use densities of one unit or more per acre.~~

~~(B) Commercial, industrial and institutional uses to provide for the economic and employment needs of the area and to insure that the area has an adequate tax base are planned for.~~

~~(C) Services to serve such development are~~

~~provided or planned for.~~

~~(ii) Designate potential future growth areas where future development is planned for densities to accompany the orderly extension and provision of services.~~

~~(iii) Designate rural resource areas, if applicable, where:~~

~~(A) Rural resource uses are planned for.~~

~~(B) Development at densities that are compatible with rural resource uses are or may be permitted.~~

~~(C) Services are not provided or planned for except in villages.~~

~~(iv) Plan for the accommodation of all categories of uses within the area of the plan, including a wide range of housing opportunities for all income levels and a reasonable allocation of affordable housing to accommodate low to moderate income households within the municipalities that are included in the plan, provided, however, that all uses need not be provided in every municipality, but shall be planned and provided for over the area of the plan.~~

~~(v) Plan for developments of area wide significance and impact, particularly those identified in section 301(3) and (4).~~

~~(vi) Plan for the conservation and enhancement of the natural, scenic, historic and aesthetic resources within the area of the plan, including, but not limited to, surface and groundwater resources, air quality, forest and game lands, historic sites and scenic vistas.~~

~~(b) The plan may delineate a growth boundary or boundaries around the perimeter of designated growth areas to separate such~~

~~areas from future growth areas and rural resource areas.~~

~~(c) The county shall have primary responsibility for facilitating a joint planning process and may enter into cooperative planning agreements with participating municipalities governing particular planning subjects and responsibilities. The planning process shall include a public participation process to assure that all governing bodies, municipal authorities, school districts and agencies, whether public or private, having jurisdiction or operating within the area of the plan and landowners and citizens affected by the plan have an opportunity to be heard prior to the public hearings required for the adoption of the plan under section 302(a).~~

~~(d) Adoption of the plan and plan amendments shall conform to the requirements of section 302. Where a county and municipality have developed and adopted a comprehensive county or multimunicipal plan that conforms to the requirements of this article within five years prior to the date of adoption of this article, the plan may be implemented by agreements as provided for in this article.~~

~~Section 605 A. Implementation Agreements. (a) In order to implement county and multimunicipal comprehensive plans, under section 604 counties and municipalities shall have authority to enter into intergovernmental cooperative agreements with other agencies, including State agencies, municipal authorities, school districts, special districts and agencies, whether public or private, having jurisdiction or operating within the region of an adopted plan. Municipalities and agencies that enter into agreements with a county to implement a county or multimunicipal comprehensive plan shall be known as participating~~

~~municipalities and participating agencies.~~

~~(b) Cooperative implementation agreements between a county and one or more municipalities shall:~~

~~(1) Establish the process that the county and participating municipalities will use to achieve consistency between the county or multimunicipal comprehensive plan and implementing local plans and land use regulations within participating municipalities, including adoption of conforming ordinances by participating municipalities within two years.~~

~~(2) Establish a process for review and approval of developments of regional significance and impact that are proposed within any participating municipality. Subdivision and land development approval powers under this article shall only be exercised by the municipality in which the property where the approval is sought. Under no circumstances shall a subdivision or land development applicant be required to undergo more than one approval process.~~

~~(3) Establish the role and responsibilities of participating municipalities with respect to implementation of the plan, including the provision of public infrastructure services within participating municipalities as described in subsection (d), the provision of affordable housing, the purchase of real property, including rights of way and easements, and the achievement of performance standards contained in the county or multimunicipal comprehensive plan.~~

~~(4) Require a yearly report by participating municipalities to the county planning agency and by the county planning agency to the participating municipalities concerning activities carried out pursuant to the agreement~~

~~during the previous year. Such reports shall include summaries of public infrastructure needs in growth areas and progress toward meeting those needs through capital improvement plans and implementing actions, and reports on development applications and dispositions for residential, commercial, and industrial development in each participating municipality for the purpose of evaluating the extent of provision for all categories of use and housing for all income levels within the region of the plan.~~

~~(5) Describe any other duties and responsibilities as may be agreed upon by the parties.~~

~~(c) Cooperative implementation agreements may establish growth boundaries that have been identified in the county or multimunicipal plan for the purpose of separating designed growth areas from future growth areas and rural resource areas within the plan. Growth boundaries shall generally be drawn around cities, boroughs and villages where infrastructure exists and future growth is planned for shall follow tax parcel lines, and may include areas in more than one municipality within the area of the plan. Growth boundaries, as delineated in a plan and agreed to in cooperative implementation agreements, shall be shown on the official map of a participating municipality as provided in Article IV A. When a growth boundary is established by agreement, the agreement shall also provide a process for amending the boundary to include all or portions of future growth areas.~~

~~(d) The county shall have primary responsibility for convening representatives of local municipalities, municipal authorities, special districts, public utilities, whether public or private, or other agencies that provide or declare an~~

~~interest in providing a public infrastructure service in a public infrastructure service area or a portion of a public infrastructure service area within a growth area, as established in a county or multimunicipal comprehensive plan, for the purpose of negotiating agreements for the provision of such services. The county may provide or contract with others to provide technical assistance, mediation or dispute resolution services in order to assist the parties in negotiating such agreements.~~

~~Section 606 A. Legal Effect. (a) Where a county and/or local municipalities have adopted a county or multimunicipal plan under section 604 and participating municipalities have conformed their local plans and ordinances to the county or multimunicipal plan by implementing cooperative agreements and adopting appropriate resolutions and ordinances, the following rules shall be applicable:~~

~~(1) The zoning ordinances of participating municipalities shall not be subject to challenge by curative amendment under sections 609.1 and 609.2.~~

~~(2) State agency decisions for the funding or permitting of infrastructure or facilities shall be consistent with the county or multimunicipal plan.~~

~~(3) In considering any challenge to the validity of the zoning ordinance of a participating municipality on the ground that the ordinance is exclusionary or does not provide for a specific use, a court shall consider all uses and zoning densities available within the area of the plan rather than within the specific municipality whose ordinance is under review, and determine whether the plan as implemented by consistent county and municipal ordinances makes a~~

~~reasonable amount of land in reasonable geographic locations
available for all uses within the area of the plan.~~

~~(b) A county and participating municipalities that propose
to adopt or have adopted and are implementing a county or
multimunicipal plan as described in this article shall be
entitled to priority consideration when applying for State
financial or technical assistance loans or grants for projects
or programs consistent with the plan, including, but not limited
to, the following programs, as amended from time to time:~~

~~(1) Planning assistance grants under the act of June 27,
1996 (P.L.403, No.58), known as the "Community and Economic
Development Enhancement Act."~~

~~(2) Economic development loans and grants under the
"Community and Economic Development Enhancement Act."~~

~~(3) Grants for shared municipal services under the
"Community and Economic Development Enhancement Act."~~

~~(4) Housing finance loans and grants under the act of
December 3, 1959 (P.L.1688, No.621), known as the "Housing
Finance Agency Law," and the act of May 20, 1949 (P.L.1633,
No.493), known as the "Housing and Redevelopment Assistance
Law."~~

~~(5) PENNVEST loans and grants under the act of March 1,
1988 (P.L.82, No.16), known as the "Pennsylvania
Infrastructure Investment Authority Act."~~

~~(6) Transportation funding under 74 Pa.C.S. Part II
(relating to public transportation) and the act of July 9,
1985 (P.L.187, No.47), known as the Transportation
Partnership Act.~~

~~(7) Recreation and parks funding under the act of July
2, 1984 (P.L.527, No.106), known as the "Recreational~~

~~Improvement and Rehabilitation Act."~~

~~(8) Parks and open space funding under the act of July 2, 1993 (P.L.359, No.50), known as the "Keystone Recreation, Park and Conservation Fund Act."~~

~~(9) Funding for heritage park programs under the act of June 28, 1995 (P.L.89, No.18), known as the "Conservation and Natural Resources Act."~~

~~(10) Purchase of development rights for farmland preservation under the act of June 30, 1981 (P.L.128, No.43), known as the "Agricultural Area Security Law."~~

~~(11) Grants and assistance under the act of October 4, 1978 (P.L.851, No.166), known as the "Flood Plain Management Act."~~

~~(12) Grants and assistance under the act of October 4, 1978 (P.L.864, No.167), known as the "Storm Water Management Act."~~

~~(13) Grants and loans to municipalities under the act of May 19, 1995 (P.L.4, No.2), known as the "Land Recycling and Environmental Remediation Standards Act."~~

~~(c) A county and participating municipalities that have entered into implementation agreements to carry out a county or multimunicipal plan as described in this article shall have the following additional powers:~~

~~(1) To provide by cooperative agreement for the sharing of tax revenues and fees by municipalities within the region of the plan.~~

~~(2) To adopt a transfer of development rights program by adoption of a county ordinance applicable to the entire county or to the region of the plan so as to enable development rights to be transferred from rural resource~~

~~areas in any municipality within the plan to designated growth areas in any municipality within the county or area of the plan.~~

~~(d) Nothing in this article shall be construed to authorize a municipality to regulate the allocation or withdrawal of water resources by a municipal authority or water company that is otherwise regulated by the Pennsylvania Public Utility Commission or other Federal or State agencies or statutes.~~

~~(e) Nothing in this article shall be construed as limiting the authority of the Pennsylvania Public Utility Commission over the implementation, location, construction and maintenance of public utility facilities and the rendering of public utility services to the public.~~

~~Section 607 A. Specific Plans. (a) A county or counties and participating municipalities shall have authority to adopt a specific plan for the systematic implementation of a county or multimunicipal comprehensive plan for any part of the area covered by the plan. Such specific plan shall include a text and a diagram or diagrams and implementing ordinances which specify all of the following in detail:~~

~~(1) The distribution, location, extent of area and standards for land uses and facilities, including design of sewage, water, drainage and other essential facilities needed to support the land uses.~~

~~(2) The location, classification and design of all transportation facilities, including, but not limited to, streets and roads needed to serve the land uses described in the specific plan.~~

~~(3) Standards for population density, land coverage, building intensity and supporting services, including~~

1 ~~utilities.~~

2 ~~(4) Standards for the preservation, conservation,~~
3 ~~development and use of natural resources, including the~~
4 ~~protection of significant open spaces, resource lands and~~
5 ~~agricultural lands within or adjacent to the area covered by~~
6 ~~the specific plan.~~

7 ~~(5) A program of implementation including regulations,~~
8 ~~financing of the capital improvements and provisions for~~
9 ~~repealing or amending the specific plan. Regulations may~~
10 ~~include zoning, storm water, subdivision and land~~
11 ~~development, highway access and any other provisions for~~
12 ~~which municipalities are authorized by law to enact. The~~
13 ~~regulations may be amended into the county or municipal~~
14 ~~ordinances or adopted as separate ordinances. If enacted as~~
15 ~~separate ordinances for the area covered by the specific~~
16 ~~plan, the ordinances shall repeal and replace any county or~~
17 ~~municipal ordinances in effect within the area covered by the~~
18 ~~specific plan and ordinances shall conform to the provisions~~
19 ~~of the specific plan.~~

20 ~~(b) (1) No specific plan may be adopted or amended unless~~
21 ~~the proposed plan or amendment is consistent with an adopted~~
22 ~~county or multi municipal comprehensive plan.~~

23 ~~(2) No capital project by any municipal authority, local~~
24 ~~government, or State agency shall be approved or undertaken,~~
25 ~~and no final plan, development plan or plat for any~~
26 ~~subdivision or development of land shall be approved unless~~
27 ~~such projects, plans or plats are consistent with the adopted~~
28 ~~specific plan.~~

29 ~~(c) In adopting or amending a specific plan, a county and~~
30 ~~participating municipalities shall use the same procedures as~~

~~provided in this article for adopting comprehensive plans and ordinances.~~

~~(d) Whenever a specific plan has been adopted, applicants for subdivision or land development approval shall be required to submit only a final plan as provided in Article V, provided that such final plan is consistent with and implements the adopted specific plan.~~

~~(e) A county or counties and participating municipalities are prohibited from assessing subdivision and land development applicants for the cost of the specific plan.~~

~~ARTICLE VII A~~

~~Traditional Neighborhood Development~~

~~Section 701 A. Purposes and Objectives. (a) In an era of increasing sprawled development and of growing demand for housing of all types and design, this article grants powers to municipalities for the following purposes:~~

~~(1) to insure that the provisions of Article VI which are concerned in part with the uniform treatment of dwelling type, bulk, density, intensity and open space within each zoning district, shall not be applied to the improvement of land by other than lot by lot development in a manner that would distort the objectives of Article VI;~~

~~(2) to encourage innovations in residential and nonresidential development and renewal which makes use of a mixed use form of development so that the growing demand for housing and other development may be met by greater variety in type, design and layout of dwellings and other buildings and structures and by the conservation and more efficient use of open space ancillary to said dwellings and uses;~~

~~(3) to extend greater opportunities for better housing,~~

~~recreation and access to goods, services and employment opportunities to all citizens and residents of this Commonwealth;~~

~~(4) to encourage a more efficient use of land and of public services to reflect changes in the technology of land development so that economies secured may benefit those who need homes and for other uses;~~

~~(5) to allow for the development of fully integrated, mixed use pedestrian oriented neighborhoods;~~

~~(6) to minimize traffic congestion, suburban sprawl, infrastructure costs and environmental degradation;~~

~~(7) to promote the implementation of the objectives of the municipal or multimunicipal comprehensive plan for guiding the location for growth;~~

~~(8) to provide a procedure, in aid of these purposes, which can relate the type, design and layout of residential and nonresidential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential and nonresidential areas; and~~

~~(9) to insure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedure as shall encourage the disposition of proposals for land development without undue delay.~~

~~(b) The objectives of a traditional neighborhood development are:-~~

~~(1) to establish a community which is pedestrian oriented with a number of parks, a centrally located public~~

~~commons, square, plaza, park or prominent intersection of two or more major streets, commercial enterprises and civic and other public buildings and facilities for social activity, recreation and community functions;~~

~~(2) to minimize traffic congestion and reduce the need for extensive road construction by reducing the number and length of automobile trips required to access everyday needs;~~

~~(3) to make public transit a viable alternative to the automobile by organizing appropriate building densities;~~

~~(4) to provide the elderly and the young with independence of movement by locating most daily activities within walking distance;~~

~~(5) to foster the ability of citizens to come to know each other and to watch over their mutual security by providing public spaces such as streets, parks and squares and mixed use which maximizes the proximity to neighbors at almost all times of the day;~~

~~(6) to foster a sense of place and community by providing a setting that encourages the natural intermingling of everyday uses and activities within a recognizable neighborhood;~~

~~(7) to integrate age and income groups and foster the bonds of an authentic community by providing a range of housing types, shops and workplaces; and~~

~~(8) to encourage community oriented initiatives and to support the balanced development of society by providing suitable civic and public buildings and facilities.~~

~~Section 702 A. Grant of Power. The governing body of each municipality may enact, amend and repeal provisions of a zoning ordinance in order to fix standards and conditions for~~

~~traditional neighborhood development. The provisions for standards and conditions for traditional neighborhood development shall be included within the zoning ordinance and the enactment of the traditional neighborhood development provisions shall be in accordance with the procedures required for the enactment of an amendment of a zoning ordinance as provided in Article VI. The provisions shall:~~

~~(1) Set forth the standards, conditions and regulations including, if desired, the use of overlay zones, for a traditional neighborhood development consistent with this article.~~

~~(2) Set forth the procedures pertaining to the application for, hearing on and tentative and final approval of a traditional neighborhood development, which shall be consistent with this article for those applications and hearings.~~

~~Section 703 A. Transferable Development Rights. Municipalities electing to enact traditional neighborhood development provisions may also incorporate provisions for transferable development rights, on a voluntary basis, in accordance with express standards and criteria set forth in the ordinance and with the requirements of Article VI.~~

~~Section 704 A. Applicability of Comprehensive Plan and Statement of Community Development Objectives. All provisions and all amendments to the provisions adopted pursuant to this article shall be based on and interpreted in relation to the statement of community development objectives of the zoning ordinance and shall be consistent with either the comprehensive plan of the municipality or the statement of community development objectives in accordance with section 606. Every~~

~~application for the approval of a traditional neighborhood development shall be based on and interpreted in relation to the statement of community development objectives, and shall be consistent with the comprehensive plan.~~

~~Section 705 A. Forms of Traditional Neighborhood Development.— A traditional neighborhood development may be developed and applied in any of the following forms.~~

~~(1) As a new development.~~

~~(2) As an outgrowth of existing development.~~

~~(3) As a form of urban infill where existing uses and structures may be incorporated into the development.~~

~~(4) In any combination or variation of the above.~~

~~Section 706 A. Standards and Conditions for Traditional Neighborhood Development.— (a) All provisions adopted pursuant to this article shall set forth all the standards, conditions and regulations by which a proposed traditional neighborhood development shall be evaluated, and those standards, conditions and regulations shall be consistent with the following subsections.~~

~~(b) The provisions adopted pursuant to this article shall set forth the uses permitted in traditional neighborhood development, which uses may include, but shall not be limited to:~~

~~(1) Dwelling units of any dwelling type or configuration, or any combination thereof.~~

~~(2) Those nonresidential uses deemed to be appropriate for incorporation in the design of the traditional neighborhood development.~~

~~(c) The provisions may establish regulations setting forth the timing of development among the various types of dwellings~~

~~and may specify whether some or all nonresidential uses are to be built before, after or at the same time as the residential uses.~~

~~(d) The provisions adopted pursuant to this article shall establish standards governing the density, or intensity of land use, in a traditional neighborhood development. The standards may vary the density or intensity of land use, otherwise applicable to the land under the provisions of a zoning ordinance of the municipality within the traditional neighborhood development. It is recommended that the provisions adopted by the municipality pursuant to this article include, but not be limited to, all of the following:~~

~~(1) The amount, location and proposed use of common open space, providing for parks to be distributed throughout the neighborhood as well as the establishment of a centrally located public commons, square, park, plaza or prominent intersection of two or more major streets.~~

~~(2) The location and physical characteristics of the site of the proposed traditional neighborhood development, providing for the retaining and enhancing, where practicable, of natural features such as wetlands, ponds, lakes, waterways, trees of high quality, significant tree stands and other significant natural features. These significant natural features should be at least partially fronted by public tracts whenever possible.~~

~~(3) The location and physical characteristics of the site of the proposed traditional neighborhood development so that it will develop out of the location of squares, parks and other neighborhood centers and subcenters. Zoning changes in building type should generally occur at mid block rather~~

1 ~~than mid street and buildings should tend to be zoned by~~
2 ~~compatibility of building type rather than building use. The~~
3 ~~proposed traditional neighborhood development should be~~
4 ~~designed to work with the topography of the site to minimize~~
5 ~~the amount of grading necessary to achieve a street network,~~
6 ~~and some significant high points of the site should be set~~
7 ~~aside for public tracts for the location of public buildings~~
8 ~~or other public facilities.~~

9 ~~(4) The location, design, type and use of structures~~
10 ~~proposed, with most structures being placed close to the~~
11 ~~street at generally the equivalent of one quarter the width~~
12 ~~of the lot or less. The distance between the sidewalk and~~
13 ~~residential dwellings should, as a general rule, be occupied~~
14 ~~by a semi public attachment, such as a porch or, at a~~
15 ~~minimum, a covered entryway.~~

16 ~~(5) The location, design, type and use of streets,~~
17 ~~alleys, sidewalks and other public rights of way with a~~
18 ~~hierarchy of streets laid out in a rectilinear or grid~~
19 ~~pattern of interconnecting streets and blocks that provide~~
20 ~~multiple routes from origins to destinations and are~~
21 ~~appropriately designed to serve the needs of pedestrians and~~
22 ~~vehicles equally. As such, most streets, except alleys,~~
23 ~~should have sidewalks.~~

24 ~~(6) The location for vehicular parking with the street~~
25 ~~plan providing for on street parking for most streets, with~~
26 ~~the exception of alleys. All parking lots, except where there~~
27 ~~is a compelling reason to the contrary, should be located~~
28 ~~either behind or to the side of buildings and, in most cases,~~
29 ~~should be located toward the center of blocks such that only~~
30 ~~their access is visible from adjacent streets. In most cases,~~

~~structures located on lots smaller than 50 feet in width should be served by a rear alley with all garages fronting on alleys. Garages not served by an alley should be set back a minimum of 20 feet from the front of the house or rotated so that the garage doors do not face any adjacent streets.~~

~~(7) The minimum and maximum areas and dimensions of the properties and common open space within the proposed traditional neighborhood development and the approximate distance from the center to the edge of the traditional neighborhood development. It is recommended that the distance from the center to the edge of the traditional neighborhood development be approximately one quarter mile or less and not more than one half mile. Traditional neighborhood developments in excess of one half mile distance from center to edge should be divided into two or more developments.~~

~~(8) The site plan to provide for either a natural or manmade corridor to serve as the edge of the neighborhood. When standing alone, the traditional neighborhood development should front on open space to serve as its edge. Such open space may include, but is not limited to, parks, a golf course, cemetery, farmland or natural settings such as woodlands or waterways. When adjacent to existing development the traditional neighborhood development should either front on open space, a street or roadway, or any combination hereof.~~

~~(9) The greatest density of housing and the preponderance of office and commercial uses should be located in the center of the traditional neighborhood development. However, if the neighborhood is adjacent to existing development or a major roadway then office, commercial and~~

~~denser residential uses may be located at either the edge or the center, or both. Commercial uses located at the edge of the traditional neighborhood development may be located adjacent to similar commercial uses in order to form a greater commercial corridor.~~

~~(c) In the case of a traditional neighborhood development proposed to be developed over a period of years, standards established in provisions adopted pursuant to this article may, to encourage the flexibility of housing density, design and type intended by this article:~~

~~(1) Permit a variation in each section to be developed from the density, or intensity of use, established for the entire traditional neighborhood development.~~

~~(2) Allow for a greater concentration of density or intensity of land use, within some section or sections of development, whether it be earlier or later in the development than upon others.~~

~~(3) Require that the approval of such greater concentration of density or intensity of land use for any section to be developed be offset by a smaller concentration in any completed prior stage or by an appropriate reservation of common open space on the remaining land by a grant of easement or by covenant in favor of the municipality, provided that the reservation shall, as far as practicable, defer the precise location of such common open space until an application for final approval is filed so that flexibility of development which is a prime objective of this article can be maintained.~~

~~(f) Provisions adopted pursuant to this article may require that a traditional neighborhood development contain a minimum~~

~~number of dwelling units and a minimum number of nonresidential units.~~

~~(g) (1) 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, shall be vested in the governing body or the planning agency for the purposes of this article.~~

~~(2) The standards applicable to a particular traditional neighborhood 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 provisions 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.~~

~~Section 707 A. Sketch Plan Presentation. The municipality may informally meet with a landowner to informally discuss the~~

~~conceptual aspects of the landowner's development plan prior to the filing of the application for tentative approval for the development plan. The landowner may present a sketch plan to the municipality for discussion purposes only, and during the discussion the municipality may make suggestions and recommendations on the design of the developmental plan which shall not be binding on the municipality.~~

~~Section 708 A. Manual of Written and Graphic Design Guidelines. Where it has adopted provisions for a traditional neighborhood development, the governing body of a municipality may also adopt by ordinance, upon review and recommendation of the planning commission, where one exists, a manual of written and graphic design guidelines to assist applicants in the preparation of proposals for a traditional neighborhood development.~~

SECTION 2. SECTIONS 916.1 AND 1006-A OF THE ACT ARE AMENDED
BY ADDING SUBSECTIONS TO READ:

SECTION 916.1. VALIDITY OF ORDINANCE; SUBSTANTIVE
QUESTIONS.--* * *

(H) WHERE MUNICIPALITIES HAVE ADOPTED A MULTIMUNICIPAL COMPREHENSIVE PLAN PURSUANT TO ARTICLE XI BUT HAVE NOT ADOPTED A JOINT MUNICIPAL ORDINANCE PURSUANT TO ARTICLE VIII-A AND ALL MUNICIPALITIES PARTICIPATING IN THE MULTIMUNICIPAL COMPREHENSIVE PLAN HAVE ADOPTED AND ARE ADMINISTERING ZONING ORDINANCES GENERALLY CONSISTENT WITH THE PROVISIONS OF THE MULTIMUNICIPAL COMPREHENSIVE PLAN, AND A CHALLENGE IS BROUGHT TO THE VALIDITY OF A ZONING ORDINANCE OF A PARTICIPATING MUNICIPALITY INVOLVING A PROPOSED USE, THEN THE ZONING HEARING BOARD OR GOVERNING BODY, AS THE CASE MAY BE, SHALL CONSIDER THE AVAILABILITY OF USES UNDER ZONING ORDINANCES WITHIN THE MUNICIPALITIES PARTICIPATING

1 IN THE MULTIMUNICIPAL COMPREHENSIVE PLAN WITHIN A REASONABLE
2 GEOGRAPHIC AREA AND SHALL NOT LIMIT ITS CONSIDERATION TO THE
3 APPLICATION OF THE ZONING ORDINANCE ON THE MUNICIPALITY WHOSE
4 ZONING ORDINANCE IS BEING CHALLENGED.

5 SECTION 1006-A. JUDICIAL RELIEF.--* * *

6 (B.1) WHERE MUNICIPALITIES HAVE ADOPTED A MULTIMUNICIPAL
7 COMPREHENSIVE PLAN PURSUANT TO ARTICLE XI BUT HAVE NOT ADOPTED A
8 JOINT MUNICIPAL ORDINANCE PURSUANT TO ARTICLE VIII-A AND ALL
9 MUNICIPALITIES PARTICIPATING IN THE MULTIMUNICIPAL COMPREHENSIVE
10 PLAN HAVE ADOPTED AND ARE ADMINSTRATING ZONING ORDINANCES
11 GENERALLY CONSISTENT WITH THE PROVISIONS OF THE MULTIMUNICIPAL
12 COMPREHENSIVE PLAN, AND A CHALLENGE IS BROUGHT TO THE VALIDITY
13 OF A ZONING ORDINANCE OF A PARTICIPATING MUNICIPALITY INVOLVING
14 A PROPOSED USE, THEN THE COURT SHALL CONSIDER THE AVAILABILITY
15 OF USES UNDER ZONING ORDINANCES WITHIN THE MUNICIPALITIES
16 PARTICIPATING IN THE MULTIMUNICIPAL COMPREHENSIVE PLAN WITHIN A
17 REASONABLE GEOGRAPHIC AREA AND SHALL NOT LIMIT ITS CONSIDERATION
18 TO THE APPLICATION OF THE ZONING ORDINANCE ON THE MUNICIPALITY
19 WHOSE ZONING ORDINANCE IS BEING CHALLENGED.

20 * * *

21 SECTION 3. THE HEADING OF ARTICLE XI AND SECTIONS 1101,
22 1102, 1103, 1104, 1105, 1106 AND 1107 OF THE ACT ARE AMENDED TO
23 READ:

24 ARTICLE XI

25 [JOINT MUNICIPAL PLANNING COMMISSIONS]

26 INTERGOVERNMENTAL COOPERATIVE PLANNING

27 AND IMPLEMENTATION AGREEMENTS

28 SECTION 1101. [LEGISLATIVE FINDING AND DECLARATION OF
29 POLICY.--FOR THE PURPOSE OF ENCOURAGING MUNICIPALITIES TO
30 EFFECTIVELY PLAN FOR THEIR FUTURE DEVELOPMENT AND TO COORDINATE

1 THEIR PLANNING WITH NEIGHBORING MUNICIPALITIES, COUNTIES AND
2 OTHER GOVERNMENTAL AGENCIES, AND PROMOTING HEALTH, SAFETY,
3 MORALS AND THE GENERAL WELFARE OF THE VARIOUS AREAS IN THE
4 COMMONWEALTH THROUGH THE EFFECTIVE DEVELOPMENT OF SUCH AREAS,
5 THE FOLLOWING POWERS FOR THE ESTABLISHMENT AND OPERATION OF
6 JOINT MUNICIPAL PLANNING COMMISSIONS ARE HEREBY GRANTED.]
7 PURPOSES.--IT IS THE PURPOSE OF THIS ARTICLE:

8 (1) TO PROVIDE FOR DEVELOPMENT THAT IS COMPATIBLE WITH
9 SURROUNDING LAND USES AND THAT WILL COMPLEMENT EXISTING LAND
10 DEVELOPMENT WITH A BALANCE OF COMMERCIAL, INDUSTRIAL AND
11 RESIDENTIAL USES.

12 (2) TO PROTECT AND MAINTAIN THE SEPARATE IDENTITY OF
13 PENNSYLVANIA'S COMMUNITIES AND TO PREVENT THE UNNECESSARY
14 CONVERSION OF VALUABLE AND LIMITED AGRICULTURAL LAND.

15 (3) TO ENCOURAGE COOPERATION AND COORDINATED PLANNING
16 AMONG ADJOINING MUNICIPALITIES SO THAT EACH MUNICIPALITY
17 ACCOMMODATES ITS SHARE OF THE MULTIMUNICIPAL GROWTH BURDEN
18 AND DOES NOT INDUCE UNNECESSARY OR PREMATURE DEVELOPMENT OF
19 RURAL LANDS.

20 (4) TO MINIMIZE DISRUPTION OF THE ECONOMY AND
21 ENVIRONMENT OF EXISTING COMMUNITIES.

22 (5) TO COMPLEMENT THE ECONOMIC AND TRANSPORTATION NEEDS
23 OF THE REGION AND THIS COMMONWEALTH.

24 (6) TO PROVIDE FOR THE CONTINUATION OF HISTORIC
25 COMMUNITY PATTERNS.

26 (7) TO PROVIDE FOR COORDINATED HIGHWAYS, PUBLIC SERVICES
27 AND DEVELOPMENT.

28 (8) TO ENSURE THAT NEW PUBLIC WATER AND WASTEWATER
29 TREATMENT SYSTEMS ARE CONSTRUCTED IN AREAS THAT WILL RESULT
30 IN THE EFFICIENT UTILIZATION OF EXISTING SYSTEMS, PRIOR TO

1 THE DEVELOPMENT AND CONSTRUCTION OF NEW SYSTEMS.

2 (9) TO ENSURE THAT NEW OR MAJOR EXTENSION OF EXISTING
3 PUBLIC WATER AND WASTEWATER TREATMENT SYSTEMS ARE CONSTRUCTED
4 ONLY IN THOSE AREAS WITHIN WHICH ANTICIPATED GROWTH AND
5 DEVELOPMENT CAN ADEQUATELY BE SUSTAINED WITHIN THE FINANCIAL
6 AND ENVIRONMENTAL RESOURCES OF THE AREA.

7 (10) TO IDENTIFY THOSE AREAS WHERE GROWTH AND
8 DEVELOPMENT WILL OCCUR SO THAT A FULL RANGE OF PUBLIC
9 INFRASTRUCTURE SERVICES INCLUDING SEWER, WATER, HIGHWAYS,
10 POLICE AND FIRE PROTECTION, PUBLIC SCHOOLS, PARKS, OPEN SPACE
11 AND OTHER SERVICES CAN BE ADEQUATELY PLANNED AND PROVIDED AS
12 NEEDED TO ACCOMMODATE THE GROWTH THAT OCCURS.

13 (11) TO ENCOURAGE INNOVATIONS IN RESIDENTIAL, COMMERCIAL
14 AND INDUSTRIAL DEVELOPMENT TO MEET GROWING POPULATION DEMANDS
15 BY AN INCREASED VARIETY IN TYPE, DESIGN AND LAYOUT OF
16 STRUCTURES AND BY THE CONSERVATION AND MORE EFFICIENT USE OF
17 OPEN SPACE ANCILLARY TO SUCH STRUCTURES.

18 (12) TO FACILITATE THE DEVELOPMENT OF AFFORDABLE AND
19 OTHER TYPES OF HOUSING IN NUMBERS CONSISTENT WITH THE NEED
20 FOR SUCH HOUSING AS SHOWN BY EXISTING AND PROJECTED
21 POPULATION AND EMPLOYMENT DATA FOR THE REGION.

22 SECTION 1102. [CREATION, APPOINTMENT AND OPERATION OF JOINT
23 MUNICIPAL PLANNING COMMISSION.--THE GOVERNING BODIES OF TWO OR
24 MORE MUNICIPALITIES MAY BY ORDINANCE AUTHORIZE THE ESTABLISHMENT
25 AND PARTICIPATION OR MEMBERSHIP IN AND SUPPORT OF, A JOINT
26 MUNICIPAL PLANNING COMMISSION. THE NUMBER AND QUALIFICATIONS OF
27 THE MEMBERS OF SUCH PLANNING COMMISSION AND THEIR TERMS AND
28 METHOD OF APPOINTMENT OR REMOVAL SHALL BE SUCH AS MAY BE
29 DETERMINED AND AGREED UPON BY THE GOVERNING BODIES. MEMBERS OF A
30 JOINT MUNICIPAL PLANNING COMMISSION SHALL SERVE WITHOUT SALARY

1 BUT MAY BE PAID EXPENSES, INCURRED IN THE PERFORMANCE OF THEIR
2 DUTIES. THE JOINT MUNICIPAL PLANNING COMMISSION SHALL ELECT A
3 CHAIRMAN WHOSE TERM SHALL NOT EXCEED ONE YEAR AND WHO SHALL BE
4 ELIGIBLE FOR REELECTION. THE COMMISSION MAY CREATE AND FILL SUCH
5 OTHER OFFICES AS IT MAY DETERMINE. EVERY JOINT MUNICIPAL
6 PLANNING COMMISSION SHALL ADOPT RULES FOR THE TRANSACTIONS,
7 FINDINGS AND DETERMINATIONS, WHICH RECORD SHALL BE A PUBLIC
8 RECORD. EACH PARTICIPATING OR MEMBER MUNICIPALITY MAY FROM TIME
9 TO TIME, UPON THE REQUEST OF THE JOINT MUNICIPAL PLANNING
10 COMMISSION, ASSIGN OR DETAIL TO THE COMMISSION ANY EMPLOYEES OF
11 THE MUNICIPALITY TO MAKE SPECIAL SURVEYS OR STUDIES.]

12 INTERGOVERNMENTAL COOPERATIVE PLANNING AND IMPLEMENTATION
13 AGREEMENTS.--FOR THE PURPOSE OF DEVELOPING, ADOPTING AND
14 IMPLEMENTING A COMPREHENSIVE PLAN FOR THE ENTIRE COUNTY OR FOR
15 ANY AREA WITHIN THE COUNTY, THE GOVERNING BODIES OF
16 MUNICIPALITIES LOCATED WITHIN THE COUNTY OR COUNTIES MAY ENTER
17 INTO INTERGOVERNMENTAL COOPERATIVE AGREEMENTS, AS PROVIDED BY 53
18 PA.C.S. CH. 23 SUCH. A (RELATING TO INTERGOVERNMENTAL
19 COOPERATION), EXCEPT FOR ANY PROVISIONS PERMITTING INITIATIVE
20 AND REFERENDUM. SUCH AGREEMENTS MAY ALSO BE ENTERED INTO BETWEEN
21 AND AMONG COUNTIES AND MUNICIPALITIES FOR AREAS THAT INCLUDE
22 MUNICIPALITIES IN MORE THAN ONE COUNTY, AND BETWEEN AND AMONG
23 COUNTIES, MUNICIPALITIES, AUTHORITIES AND SPECIAL DISTRICTS
24 PROVIDING WATER AND SEWER FACILITIES, TRANSPORTATION PLANNING OR
25 OTHER SERVICES WITHIN THE AREA OF A PLAN AND WITH THE
26 OPPORTUNITY FOR THE ACTIVE PARTICIPATION OF STATE AGENCIES AND
27 SCHOOL DISTRICTS. IMPLEMENTATION OF THE COMPREHENSIVE PLAN AND
28 SUBDIVISION AND ZONING ORDINANCES SHALL BE ACCOMPLISHED IN
29 ACCORDANCE WITH ARTICLES OF THIS ACT.

30 SECTION 1103. [FINANCES, STAFF AND PROGRAM.--(A) THE

1 GOVERNING BODIES OF MUNICIPALITIES SHALL HAVE THE AUTHORITY TO
2 APPROPRIATE FUNDS FOR THE PURPOSE OF CONTRIBUTING TO THE
3 OPERATION OF A JOINT MUNICIPAL PLANNING COMMISSION. A JOINT
4 MUNICIPAL PLANNING COMMISSION, WITH THE CONSENT OF ALL THE
5 GOVERNING BODIES, MAY ALSO RECEIVE GRANTS FROM THE FEDERAL OR
6 STATE GOVERNMENTS, OR FROM INDIVIDUALS OR FOUNDATIONS, AND SHALL
7 HAVE THE AUTHORITY TO CONTRACT THEREWITH. EVERY JOINT MUNICIPAL
8 PLANNING COMMISSION SHALL HAVE THE POWER TO APPOINT SUCH
9 EMPLOYEES AND STAFF AS IT MAY DEEM NECESSARY FOR ITS WORK, AND
10 CONTRACT WITH PLANNERS AND OTHER CONSULTANTS FOR THE SERVICES IT
11 MAY REQUIRE TO THE EXTENT PERMITTED BY ITS FINANCIAL RESOURCES.
12 EACH SUCH COMMISSION MAY ALSO PERFORM PLANNING SERVICES FOR ANY
13 MUNICIPALITY WHICH IS NOT A MEMBER THEREOF AND MAY CHARGE FEES
14 FOR THE WORK. A JOINT MUNICIPAL PLANNING COMMISSION MAY ALSO
15 PREPARE AND SELL MAPS, REPORTS, BULLETINS OR OTHER MATERIAL AND
16 ESTABLISH REASONABLE CHARGES THEREFOR.

17 (A.1) A JOINT MUNICIPAL PLANNING COMMISSION SHALL, AT THE
18 REQUEST OF THE GOVERNING BODIES OF THE PARTICIPATING OR MEMBER
19 MUNICIPALITIES, HAVE THE POWER AND SHALL BE REQUIRED TO
20 UNDERTAKE ANY OF THE ACTIVITIES SPECIFIED IN SECTION 209.1. SUCH
21 ACTIVITIES SHALL RELATE TO THE AREA ENCOMPASSED BY THE
22 PARTICIPATING OR MEMBER MUNICIPALITIES.

23 (B) FOR THIS PURPOSE, A JOINT MUNICIPAL PLANNING COMMISSION
24 MAY, WITH THE CONSENT OF ALL THE GOVERNING BODIES, ACCEPT AND
25 UTILIZE ANY FUNDS, PERSONNEL OR OTHER ASSISTANCE MADE AVAILABLE
26 BY THE FEDERAL OR STATE GOVERNMENTS OR ANY OF THEIR AGENCIES, OR
27 FROM INDIVIDUALS OR FOUNDATIONS, AND FOR THE PURPOSES OF
28 RECEIVING AND USING FEDERAL OR STATE PLANNING GRANTS FOR
29 PROVISION OF PLANNING ASSISTANCE MAY ENTER INTO AGREEMENTS OR
30 CONTRACTS REGARDING ACCEPTANCE OR UTILIZATION OF THE FUNDS OR

1 ASSISTANCE.

2 (C) THE ORDINANCE WHICH CREATES A JOINT MUNICIPAL PLANNING
3 COMMISSION SHALL:

4 (1) STATE THE PURPOSE FOR THE CREATION OF THE PLANNING
5 COMMISSION.

6 (2) SPECIFY WHICH OF THE ACTIVITIES IDENTIFIED BY THIS
7 ACT THE JOINT MUNICIPAL PLANNING COMMISSION SHALL BE
8 AUTHORIZED TO UNDERTAKE.

9 (3) SPECIFY WHICH ACTIVITIES SHALL REMAIN WITH THE LOCAL
10 PLANNING COMMISSIONS, WHEN THEY ARE RETAINED.

11 (4) SPECIFY THE NOTICE AND PROCEDURES WHICH A MEMBER
12 MUNICIPALITY MUST FOLLOW WHEN WITHDRAWING FROM THE JOINT
13 MUNICIPAL PLANNING COMMISSION.

14 (5) SPECIFY THE NOTICE AND PROCEDURES WHEN THE MEMBER
15 MUNICIPALITIES DECIDE TO DISSOLVE THE JOINT MUNICIPAL
16 PLANNING COMMISSION.] COUNTY OR MULTIMUNICIPAL COMPREHENSIVE
17 PLANS.--(A) THE COMPREHENSIVE PLAN THAT IS THE SUBJECT OF AN
18 AGREEMENT MAY BE DEVELOPED BY THE MUNICIPALITIES OR AT THE
19 REQUEST OF THE MUNICIPALITIES, BY THE COUNTY PLANNING AGENCY,
20 OR AGENCIES IN THE CASE OF A PLAN COVERING MUNICIPALITIES IN
21 MORE THAN ONE COUNTY, IN COOPERATION WITH MUNICIPALITIES
22 WITHIN THE AREA AND SHALL INCLUDE ALL THE ELEMENTS REQUIRED
23 OR AUTHORIZED IN SECTION 301 FOR THE REGION OF THE PLAN. THE
24 PLAN MAY:

25 (1) DESIGNATE GROWTH AREAS WHERE:

26 (I) ORDERLY AND EFFICIENT DEVELOPMENT TO ACCOMMODATE
27 THE PROJECTED GROWTH OF THE AREA WITHIN THE NEXT 20 YEARS
28 IS PLANNED FOR RESIDENTIAL AND MIXED USE DENSITIES OF ONE
29 UNIT OR MORE PER ACRE.

30 (II) COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL USES

1 TO PROVIDE FOR THE ECONOMIC AND EMPLOYMENT NEEDS OF THE
2 AREA AND TO INSURE THAT THE AREA HAS AN ADEQUATE TAX BASE
3 ARE PLANNED FOR.

4 (III) SERVICES TO SERVE SUCH DEVELOPMENT ARE
5 PROVIDED OR PLANNED FOR.

6 (2) DESIGNATE POTENTIAL FUTURE GROWTH AREAS WHERE FUTURE
7 DEVELOPMENT IS PLANNED FOR DENSITIES TO ACCOMPANY THE ORDERLY
8 EXTENSION AND PROVISION OF SERVICES.

9 (3) DESIGNATE RURAL RESOURCE AREAS, IF APPLICABLE,
10 WHERE:

11 (I) RURAL RESOURCE USES ARE PLANNED FOR.

12 (II) DEVELOPMENT AT DENSITIES THAT ARE COMPATIBLE
13 WITH RURAL RESOURCE USES ARE OR MAY BE PERMITTED.

14 (III) PUBLICLY FINANCED INFRASTRUCTURE SERVICES MAY
15 NOT BE PROVIDED OR PLANNED FOR EXCEPT IN VILLAGES, UNLESS
16 THE PARTICIPATING OR AFFECTED MUNICIPALITIES AGREE THAT
17 SUCH SERVICE SHOULD BE PROVIDED TO AN AREA FOR HEALTH OR
18 SAFETY REASONS OR TO ACCOMPLISH ONE OR MORE OF THE
19 PURPOSES SET FORTH IN SECTION 1101.

20 (4) PLAN FOR THE ACCOMMODATION OF ALL CATEGORIES OF USES
21 WITHIN THE AREA OF THE PLAN, INCLUDING A WIDE RANGE OF
22 HOUSING OPPORTUNITIES FOR ALL INCOME LEVELS AND A REASONABLE
23 ALLOCATION OF AFFORDABLE HOUSING TO ACCOMMODATE LOW TO
24 MODERATE-INCOME HOUSEHOLDS WITHIN THE MUNICIPALITIES THAT ARE
25 INCLUDED IN THE PLAN, PROVIDED, HOWEVER, THAT ALL USES NEED
26 NOT BE PROVIDED IN EVERY MUNICIPALITY, BUT SHALL BE PLANNED
27 AND PROVIDED FOR WITHIN A REASONABLE GEOGRAPHIC AREA OF THE
28 PLAN.

29 (5) PLAN FOR DEVELOPMENTS OF AREA WIDE SIGNIFICANCE AND
30 IMPACT, PARTICULARLY THOSE IDENTIFIED IN SECTION 301(3) AND

1 (4).

2 (6) PLAN FOR THE CONSERVATION AND ENHANCEMENT OF THE
3 NATURAL, SCENIC, HISTORIC AND AESTHETIC RESOURCES WITHIN THE
4 AREA OF THE PLAN, INCLUDING, BUT NOT LIMITED TO, SURFACE AND
5 GROUNDWATER RESOURCES, AIR QUALITY, FOREST AND GAME LANDS,
6 HISTORIC SITES AND SCENIC VISTAS.

7 (B) THE COUNTY MAY FACILITATE A MULTIMUNICIPAL PROCESS AND
8 MAY ENTER INTO COOPERATIVE PLANNING AGREEMENTS WITH
9 PARTICIPATING MUNICIPALITIES GOVERNING PARTICULAR PLANNING
10 SUBJECTS AND RESPONSIBILITIES. THE PLANNING PROCESS SHALL
11 INCLUDE A PUBLIC PARTICIPATION PROCESS TO ASSURE THAT ALL
12 GOVERNING BODIES, MUNICIPAL AUTHORITIES, SCHOOL DISTRICTS AND
13 AGENCIES, WHETHER PUBLIC OR PRIVATE, HAVING JURISDICTION OR
14 OPERATING WITHIN THE AREA OF THE PLAN AND LANDOWNERS AND
15 CITIZENS AFFECTED BY THE PLAN HAVE AN OPPORTUNITY TO BE HEARD
16 PRIOR TO THE PUBLIC HEARINGS REQUIRED FOR THE ADOPTION OF THE
17 PLAN UNDER SECTION 302(A).

18 (C) ADOPTION OF THE PLAN AND PLAN AMENDMENTS SHALL CONFORM
19 TO THE REQUIREMENTS OF SECTION 302, AND MAY BE REFLECTED ON THE
20 OFFICIAL MAP OF EACH PARTICIPATING MUNICIPALITY PURSUANT TO
21 SECTION 401. WHERE A COUNTY AND MUNICIPALITY HAVE DEVELOPED AND
22 ADOPTED A COMPREHENSIVE COUNTY OR MULTIMUNICIPAL PLAN THAT
23 CONFORMS TO THE REQUIREMENTS OF THIS ARTICLE WITHIN FIVE YEARS
24 PRIOR TO THE DATE OF ADOPTION OF THIS ARTICLE, THE PLAN MAY BE
25 IMPLEMENTED BY AGREEMENTS AS PROVIDED FOR IN THIS ARTICLE.

26 SECTION 1104. [PREPARATION OF COMPREHENSIVE PLAN.--(A)
27 EVERY JOINT MUNICIPAL PLANNING COMMISSION MAY PREPARE AND
28 MAINTAIN A COMPREHENSIVE PLAN, IN ACCORDANCE WITH THE PROVISIONS
29 OF THIS ACT, FOR THE GUIDANCE OF THE CONTINUING DEVELOPMENT OF
30 THE AREA ENCOMPASSED BY THE PARTICIPATING OR MEMBER

1 MUNICIPALITIES. THE GOVERNING BODIES SHALL HAVE THE POWER TO
2 ADOPT AND AMEND THE JOINT MUNICIPAL COMPREHENSIVE PLAN. SAID
3 JOINT MUNICIPAL COMPREHENSIVE PLAN SHALL BE A PREREQUISITE FOR A
4 JOINT MUNICIPAL ZONING ORDINANCE AS SPECIFIED IN THIS ACT.

5 (B) SUCH JOINT MUNICIPAL COMPREHENSIVE PLAN SHALL
6 SPECIFICALLY IDENTIFY ISSUES OF SIGNIFICANCE TO THE AREA WHICH
7 IS ENCOMPASSED BY THE PARTICIPATING OR MEMBER MUNICIPALITIES AND
8 SHALL SPECIFY THOSE MUNICIPAL ACTIVITIES WHICH WILL REQUIRE
9 COORDINATION OR COOPERATION AMONG THEM.

10 (C) IN THE PREPARATION OF THE JOINT MUNICIPAL COMPREHENSIVE
11 PLAN, CONSIDERATION SHALL BE GIVEN TO THE COMPREHENSIVE PLANS OF
12 THE COUNTY, ADJOINING MUNICIPALITIES AND THE MEMBER OR
13 PARTICIPATING MUNICIPALITIES IN ORDER THAT THE OBJECTIVES OF
14 EACH PLAN CAN BE PROTECTED TO THE GREATEST EXTENT POSSIBLE AND
15 TO ATTAIN CONSISTENCY BETWEEN THE VARIOUS PLANS AND THE JOINT
16 MUNICIPAL COMPREHENSIVE PLAN.] IMPLEMENTATION AGREEMENTS.--(A)
17 IN ORDER TO IMPLEMENT MULTIMUNICIPAL COMPREHENSIVE PLANS, UNDER
18 SECTION 1103 COUNTIES AND MUNICIPALITIES SHALL HAVE AUTHORITY TO
19 ENTER INTO INTERGOVERNMENTAL COOPERATIVE AGREEMENTS.

20 (B) COOPERATIVE IMPLEMENTATION AGREEMENTS BETWEEN A COUNTY
21 AND ONE OR MORE MUNICIPALITIES SHALL:

22 (1) ESTABLISH THE PROCESS THAT THE PARTICIPATING
23 MUNICIPALITIES WILL USE TO ACHIEVE GENERAL CONSISTENCY
24 BETWEEN THE COUNTY OR MULTIMUNICIPAL COMPREHENSIVE PLAN AND
25 ZONING ORDINANCES, SUBDIVISION AND LAND DEVELOPMENT AND
26 CAPITAL IMPROVEMENT PLANS WITHIN PARTICIPATING
27 MUNICIPALITIES, INCLUDING ADOPTION OF CONFORMING ORDINANCES
28 BY PARTICIPATING MUNICIPALITIES WITHIN TWO YEARS AND A
29 MECHANISM FOR RESOLVING DISPUTES OVER THE INTERPRETATION OF
30 THE MULTIMUNICIPAL COMPREHENSIVE PLAN AND THE CONSISTENCY OF

1 IMPLEMENTING PLANS AND ORDINANCES.

2 (2) ESTABLISH A PROCESS FOR REVIEW AND APPROVAL OF
3 DEVELOPMENTS OF REGIONAL SIGNIFICANCE AND IMPACT THAT ARE
4 PROPOSED WITHIN ANY PARTICIPATING MUNICIPALITY. SUBDIVISION
5 AND LAND DEVELOPMENT APPROVAL POWERS UNDER THIS ACT SHALL
6 ONLY BE EXERCISED BY THE MUNICIPALITY IN WHICH THE PROPERTY
7 WHERE THE APPROVAL IS SOUGHT. UNDER NO CIRCUMSTANCES SHALL A
8 SUBDIVISION OR LAND DEVELOPMENT APPLICANT BE REQUIRED TO
9 UNDERGO MORE THAN ONE APPROVAL PROCESS.

10 (3) ESTABLISH THE ROLE AND RESPONSIBILITIES OF
11 PARTICIPATING MUNICIPALITIES WITH RESPECT TO IMPLEMENTATION
12 OF THE PLAN, INCLUDING THE PROVISION OF PUBLIC INFRASTRUCTURE
13 SERVICES WITHIN PARTICIPATING MUNICIPALITIES AS DESCRIBED IN
14 SUBSECTION (D), THE PROVISION OF AFFORDABLE HOUSING, AND
15 PURCHASE OF REAL PROPERTY, INCLUDING RIGHTS-OF-WAY AND
16 EASEMENTS.

17 (4) REQUIRE A YEARLY REPORT BY PARTICIPATING
18 MUNICIPALITIES TO THE COUNTY PLANNING AGENCY AND BY THE
19 COUNTY PLANNING AGENCY TO THE PARTICIPATING MUNICIPALITIES
20 CONCERNING ACTIVITIES CARRIED OUT PURSUANT TO THE AGREEMENT
21 DURING THE PREVIOUS YEAR. SUCH REPORTS SHALL INCLUDE
22 SUMMARIES OF PUBLIC INFRASTRUCTURE NEEDS IN GROWTH AREAS AND
23 PROGRESS TOWARD MEETING THOSE NEEDS THROUGH CAPITAL
24 IMPROVEMENT PLANS AND IMPLEMENTING ACTIONS, AND REPORTS ON
25 DEVELOPMENT APPLICATIONS AND DISPOSITIONS FOR RESIDENTIAL,
26 COMMERCIAL, AND INDUSTRIAL DEVELOPMENT IN EACH PARTICIPATING
27 MUNICIPALITY FOR THE PURPOSE OF EVALUATING THE EXTENT OF
28 PROVISION FOR ALL CATEGORIES OF USE AND HOUSING FOR ALL
29 INCOME LEVELS WITHIN THE REGION OF THE PLAN.

30 (5) DESCRIBE ANY OTHER DUTIES AND RESPONSIBILITIES AS

1 MAY BE AGREED UPON BY THE PARTIES.

2 (C) COOPERATIVE IMPLEMENTATION AGREEMENTS MAY DESIGNATE
3 GROWTH AREAS, FUTURE GROWTH AREAS AND RURAL RESOURCE AREAS
4 WITHIN THE PLAN. THE AGREEMENT SHALL ALSO PROVIDE A PROCESS FOR
5 AMENDING THE MULTIMUNICIPAL COMPREHENSIVE PLAN AND REDEFINING
6 THE DESIGNATED GROWTH AREA, FUTURE GROWTH AREA AND RURAL
7 RESOURCE AREA WITHIN THE PLAN.

8 (D) THE COUNTY MAY FACILITATE CONVENING REPRESENTATIVES OF
9 MUNICIPALITIES, MUNICIPAL AUTHORITIES, SPECIAL DISTRICTS, PUBLIC
10 UTILITIES, WHETHER PUBLIC OR PRIVATE, OR OTHER AGENCIES THAT
11 PROVIDE OR DECLARE AN INTEREST IN PROVIDING A PUBLIC
12 INFRASTRUCTURE SERVICE IN A PUBLIC INFRASTRUCTURE SERVICE AREA
13 OR A PORTION OF A PUBLIC INFRASTRUCTURE SERVICE AREA WITHIN A
14 GROWTH AREA, AS ESTABLISHED IN A COUNTY OR MULTIMUNICIPAL
15 COMPREHENSIVE PLAN, FOR THE PURPOSE OF NEGOTIATING AGREEMENTS
16 FOR THE PROVISION OF SUCH SERVICES. THE COUNTY MAY PROVIDE OR
17 CONTRACT WITH OTHERS TO PROVIDE TECHNICAL ASSISTANCE, MEDIATION
18 OR DISPUTE RESOLUTION SERVICES IN ORDER TO ASSIST THE PARTIES IN
19 NEGOTIATING SUCH AGREEMENTS.

20 SECTION 1105. [COOPERATION AMONG JOINT MUNICIPAL PLANNING
21 COMMISSION, MUNICIPALITIES AND OTHERS.--EVERY JOINT MUNICIPAL
22 PLANNING COMMISSION SHALL ENCOURAGE THE COOPERATION OF THE
23 PARTICIPATING MUNICIPALITIES IN MATTERS WHICH CONCERN THE
24 INTEGRITY OF THE COMPREHENSIVE PLAN OR MAPS PREPARED BY THE
25 COMMISSION, AND, AS AN AID TOWARD COORDINATION, ALL
26 MUNICIPALITIES AND PUBLIC OFFICIALS SHALL UPON REQUEST FURNISH
27 TO THE JOINT MUNICIPAL PLANNING COMMISSION WITHIN A REASONABLE
28 TIME THE AVAILABLE MAPS, PLANS, REPORTS, STATISTICAL OR OTHER
29 INFORMATION SUCH COMMISSION MAY REQUIRE FOR ITS WORK.] LEGAL
30 EFFECT.--(A) WHERE MUNICIPALITIES HAVE ADOPTED A COUNTY PLAN OR

1 A MULTIMUNICIPAL PLAN IS ADOPTED UNDER THIS ARTICLE AND THE
2 PARTICIPATING MUNICIPALITIES HAVE CONFORMED THEIR LOCAL PLANS
3 AND ORDINANCES TO THE COUNTY OR MULTIMUNICIPAL PLAN BY
4 IMPLEMENTING COOPERATIVE AGREEMENTS AND ADOPTING APPROPRIATE
5 RESOLUTIONS AND ORDINANCES, THE FOLLOWING SHALL APPLY:

6 (1) SECTIONS 916.1 AND 1006-A.

7 (2) STATE AGENCIES SHALL CONSIDER AND MAY RELY UPON
8 COMPREHENSIVE PLANS AND ZONING ORDINANCES WHEN REVIEWING
9 APPLICATIONS FOR THE FUNDING OR PERMITTING OF INFRASTRUCTURE
10 OR FACILITIES.

11 (3) STATE AGENCIES SHALL CONSIDER AND MAY GIVE PRIORITY
12 CONSIDERATION TO APPLICATIONS FOR FINANCIAL OR TECHNICAL
13 ASSISTANCE FOR PROJECTS CONSISTENT WITH THE COUNTY OR
14 MULTIMUNICIPAL PLAN.

15 (B) PARTICIPATING MUNICIPALITIES THAT HAVE ENTERED INTO
16 IMPLEMENTATION AGREEMENTS TO CARRY OUT A COUNTY OR
17 MULTIMUNICIPAL PLAN AS DESCRIBED IN THIS ARTICLE SHALL HAVE THE
18 FOLLOWING ADDITIONAL POWERS:

19 (1) TO PROVIDE BY COOPERATIVE AGREEMENT FOR THE SHARING
20 OF TAX REVENUES AND FEES BY MUNICIPALITIES WITHIN THE REGION
21 OF THE PLAN.

22 (2) TO ADOPT A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM BY
23 ADOPTION OF AN ORDINANCE APPLICABLE TO THE REGION OF THE PLAN
24 SO AS TO ENABLE DEVELOPMENT RIGHTS TO BE TRANSFERRED FROM
25 RURAL RESOURCE AREAS IN ANY MUNICIPALITY WITHIN THE PLAN TO
26 DESIGNATED GROWTH AREAS IN ANY MUNICIPALITY WITHIN THE PLAN.

27 (C) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AUTHORIZE
28 A MUNICIPALITY TO REGULATE THE ALLOCATION OR WITHDRAWAL OF WATER
29 RESOURCES BY A MUNICIPAL AUTHORITY OR WATER COMPANY THAT IS
30 OTHERWISE REGULATED BY THE PENNSYLVANIA PUBLIC UTILITY

1 COMMISSION OR OTHER FEDERAL OR STATE AGENCIES OR STATUTES.

2 (D) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS LIMITING
3 THE AUTHORITY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION OVER
4 THE IMPLEMENTATION, LOCATION, CONSTRUCTION AND MAINTENANCE OF
5 PUBLIC UTILITY FACILITIES AND THE RENDERING OF PUBLIC UTILITY
6 SERVICES TO THE PUBLIC.

7 SECTION 1106. [ESTABLISHED REGIONAL PLANNING COMMISSION.--
8 MUNICIPALITIES WHICH ARE PRESENTLY PARTICIPATING IN AN EXISTING
9 REGIONAL PLANNING COMMISSION OR A JOINT MUNICIPAL PLANNING
10 COMMISSION SHALL COMPLY WITH AND BE GOVERNED BY THE PROVISIONS
11 OF THIS ACT WITHIN FIVE YEARS FROM THE EFFECTIVE DATE OF THIS
12 AMENDATORY ACT.] SPECIFIC PLANS.--(A) PARTICIPATING
13 MUNICIPALITIES SHALL HAVE AUTHORITY TO ADOPT A SPECIFIC PLAN FOR
14 THE SYSTEMATIC IMPLEMENTATION OF A COUNTY OR MULTIMUNICIPAL
15 COMPREHENSIVE PLAN FOR ANY NONRESIDENTIAL PART OF THE AREA
16 COVERED BY THE PLAN. SUCH SPECIFIC PLAN SHALL INCLUDE A TEXT AND
17 A DIAGRAM OR DIAGRAMS AND IMPLEMENTING ORDINANCES WHICH SPECIFY
18 ALL OF THE FOLLOWING IN DETAIL:

19 (1) THE DISTRIBUTION, LOCATION, EXTENT OF AREA AND
20 STANDARDS FOR LAND USES AND FACILITIES, INCLUDING DESIGN OF
21 SEWAGE, WATER, DRAINAGE AND OTHER ESSENTIAL FACILITIES NEEDED
22 TO SUPPORT THE LAND USES.

23 (2) THE LOCATION, CLASSIFICATION AND DESIGN OF ALL
24 TRANSPORTATION FACILITIES, INCLUDING, BUT NOT LIMITED TO,
25 STREETS AND ROADS NEEDED TO SERVE THE LAND USES DESCRIBED IN
26 THE SPECIFIC PLAN.

27 (3) STANDARDS FOR POPULATION DENSITY, LAND COVERAGE,
28 BUILDING INTENSITY AND SUPPORTING SERVICES, INCLUDING
29 UTILITIES.

30 (4) STANDARDS FOR THE PRESERVATION, CONSERVATION,

1 DEVELOPMENT AND USE OF NATURAL RESOURCES, INCLUDING THE
2 PROTECTION OF SIGNIFICANT OPEN SPACES, RESOURCE LANDS AND
3 AGRICULTURAL LANDS WITHIN OR ADJACENT TO THE AREA COVERED BY
4 THE SPECIFIC PLAN.

5 (5) A PROGRAM OF IMPLEMENTATION INCLUDING REGULATIONS,
6 FINANCING OF THE CAPITAL IMPROVEMENTS AND PROVISIONS FOR
7 REPEALING OR AMENDING THE SPECIFIC PLAN. REGULATIONS MAY
8 INCLUDE ZONING, STORM WATER, SUBDIVISION AND LAND
9 DEVELOPMENT, HIGHWAY ACCESS AND ANY OTHER PROVISIONS FOR
10 WHICH MUNICIPALITIES ARE AUTHORIZED BY LAW TO ENACT. THE
11 REGULATIONS MAY BE AMENDED INTO THE COUNTY OR MUNICIPAL
12 ORDINANCES OR ADOPTED AS SEPARATE ORDINANCES. IF ENACTED AS
13 SEPARATE ORDINANCES FOR THE AREA COVERED BY THE SPECIFIC
14 PLAN, THE ORDINANCES SHALL REPEAL AND REPLACE ANY COUNTY OR
15 MUNICIPAL ORDINANCES IN EFFECT WITHIN THE AREA COVERED BY THE
16 SPECIFIC PLAN AND ORDINANCES SHALL CONFORM TO THE PROVISIONS
17 OF THE SPECIFIC PLAN.

18 (B) (1) NO SPECIFIC PLAN MAY BE ADOPTED OR AMENDED UNLESS
19 THE PROPOSED PLAN OR AMENDMENT IS CONSISTENT WITH AN ADOPTED
20 COUNTY OR MULTI-MUNICIPAL COMPREHENSIVE PLAN.

21 (2) NO CAPITAL PROJECT BY ANY MUNICIPAL AUTHORITY OR
22 MUNICIPALITY SHALL BE APPROVED OR UNDERTAKEN, AND NO FINAL
23 PLAN, DEVELOPMENT PLAN OR PLAT FOR ANY SUBDIVISION OR
24 DEVELOPMENT OF LAND SHALL BE APPROVED UNLESS SUCH PROJECTS,
25 PLANS OR PLATS ARE CONSISTENT WITH THE ADOPTED SPECIFIC PLAN.

26 (C) IN ADOPTING OR AMENDING A SPECIFIC PLAN, A COUNTY AND
27 PARTICIPATING MUNICIPALITIES SHALL USE THE SAME PROCEDURES AS
28 PROVIDED IN THIS ARTICLE FOR ADOPTING COMPREHENSIVE PLANS AND
29 ORDINANCES.

30 (D) WHENEVER A SPECIFIC PLAN HAS BEEN ADOPTED, APPLICANTS

1 FOR SUBDIVISION OR LAND DEVELOPMENT APPROVAL SHALL BE REQUIRED
2 TO SUBMIT ONLY A FINAL PLAN AS PROVIDED IN ARTICLE V, PROVIDED
3 THAT SUCH FINAL PLAN IS CONSISTENT WITH AND IMPLEMENTS THE
4 ADOPTED SPECIFIC PLAN.

5 (E) A COUNTY OR COUNTIES AND PARTICIPATING MUNICIPALITIES
6 ARE PROHIBITED FROM ASSESSING SUBDIVISION AND LAND DEVELOPMENT
7 APPLICANTS FOR THE COST OF THE SPECIFIC PLAN.

8 SECTION 1107. SAVING CLAUSE.--(A) THE PASSAGE OF THIS ACT
9 AND THE REPEAL BY IT OF ANY PRIOR ENABLING LAWS RELATING TO
10 REGIONAL PLANNING SHALL NOT INVALIDATE ANY REGIONAL PLANNING
11 COMMISSION CREATED UNDER SUCH OTHER LAWS. THIS ACT, IN SUCH
12 RESPECT, SHALL BE DEEMED A CONTINUATION AND CODIFICATION OF SUCH
13 PRIOR ENABLING LAWS.

14 (B) THE AMENDMENT OF THIS ARTICLE SHALL NOT INVALIDATE ANY
15 JOINT MUNICIPAL PLANNING COMMISSION ESTABLISHED UNDER THE FORMER
16 PROVISIONS OF THIS ARTICLE. A JOINT MUNICIPAL PLANNING
17 COMMISSION SHALL CONTINUE TO FUNCTION UNDER THE AMENDED
18 PROVISIONS OF THIS ARTICLE.

19 Section ~~3~~ 4. Section 1202 of the act is amended to read: <—

20 Section 1202. General Repeal.--All other acts and parts of
21 acts are repealed in so far as they are inconsistent herewith,
22 but this act shall not repeal or modify any of the provisions of
23 66 Pa.C.S. Pt. I (relating to public utility code), 68 Pa.C.S.
24 Pt. II Subpt. B (relating to condominiums)[, the "Public Utility
25 Law,"] or any laws administered by the Department of [Highways]
26 Transportation of the Commonwealth of Pennsylvania.

27 Section ~~4~~ 5. This act shall take effect in 60 days. <—