

PENNSYLVANIA MUNICIPALITIES PLANNING CODE - MUNICIPALITIES' POWERS,
TRADITIONAL NEIGHBORHOOD DEVELOPMENT DESIGNATIONS, WRITTEN AND
GRAPHIC DESIGN GUIDELINE MANUALS, ORDINANCE PROVISIONS FOR
TRADITIONAL NEIGHBORHOOD DEVELOPMENT

Act of Nov. 23, 2010, P.L. 1101, No. 111

Cl. 53

Session of 2010

No. 2010-111

HB 1609

AN ACT

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 through eighth classes, individually or jointly, to plan their development and to govern the same by zoning, subdivision and land development ordinances, planned residential development and other ordinances, by official maps, by the reservation of certain land for future public purpose and by the acquisition of such land; to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; providing for the establishment of planning commissions, planning departments, planning committees and zoning hearing boards, authorizing them to charge fees, make inspections and hold public hearings; providing for mediation; providing for transferable development rights; providing for appropriations, appeals to courts and penalties for violations; and repealing acts and parts of acts," further defining "traditional neighborhood development"; further providing for grant of power to municipalities, for standards and conditions for traditional neighborhood development designations and for manuals of written and graphic design guidelines; and providing for subdivision and land development ordinance provisions applicable to traditional neighborhood development.

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

Section 1. The definition of "traditional neighborhood development" in section 107(a) of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, reenacted and amended December 21, 1988 (P.L.1329, No.170) and added June 22, 2000 (P.L.495, No.68), is amended to read:

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

* * *

"Traditional neighborhood development," an area of land **typically** developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact[, limited in size] and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is

in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out [in a rectilinear or grid pattern of interconnecting] **with an interconnected network of** streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

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Section 2. Sections 702-A, 706-A(d) and 708-A of the act, added June 22, 2000 (P.L.495, No.68), are amended to read:

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, **except as otherwise provided in this article, consistent with Article VI and 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 for a traditional neighborhood development consistent with this article. **A zoning ordinance or amendment may authorize and provide standards, conditions and regulations for traditional neighborhood development that:**

(i) **designate a part or parts of the municipality as a district or districts which are reserved exclusively for traditional neighborhood development; or**

(ii) **permit the creation of a traditional neighborhood development in any part of the municipality or in one or more specified zoning districts.**

[(i) In the case of new development, a traditional neighborhood development designation shall be in the form of an overlay zone. Such an overlay zone does not need to be considered a conditional use by the municipality if it chooses not to.

(ii) In the case of either an outgrowth or extension of existing development or urban infill, a traditional neighborhood development designation may be either in the form of an overlay zone or as an outright designation, whichever the municipality decides. Outgrowths or extensions of existing development may include development of a contiguous municipality.]

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

Section 706-A. Standards and Conditions for Traditional Neighborhood Development.--* * *

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

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

(5) The location, design, type and use of streets, alleys, sidewalks and other public rights-of-way with a hierarchy of streets laid out [in a rectilinear or grid pattern of interconnecting] **with an interconnected network of** streets and blocks that provide multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally. As such, most streets, except alleys, should have sidewalks.

(6) The location for vehicular parking with the street plan providing for on-street parking for most streets, with the exception of alleys. All parking lots, except where there is a compelling reason to the contrary, should be located either behind or to the side of buildings and in most cases should be located toward the center of blocks such that only 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 man-made 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] **to anchor** the traditional neighborhood development. [However, if] **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.

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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] **provide**, 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]. **The manual may be included in or amended into the subdivision and land development ordinance, the zoning ordinance or both.**

Section 3. The act is amended by adding a section to read:

Section 708.1-A. Subdivision and Land Development Ordinance Provisions Applicable to Traditional Neighborhood Development.--The municipality may enact subdivision and land development ordinance provisions applicable to a traditional neighborhood development to address the design standards that are appropriate to a traditional neighborhood development, including, but not limited to, compactness, pedestrian orientation, street geometry or other related design features. The provisions may be included as part of any ordinance pertaining to traditional neighborhood development and may be subject to modification similar to section 512.1.

Section 4. This act shall take effect in 60 days.

APPROVED--The 23rd day of November, A.D. 2010.

EDWARD G. RENDELL