
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1512 Session of
1981

INTRODUCED BY J. L. WRIGHT, SWEET, STAIRS AND ITKIN, JUNE 3,
1981

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 2, 1982

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," providing for the promotion of energy
18 conservation and the effective utilization of renewable
19 energy sources.

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

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

AN ACT

To empower cities of the second class A, and third class, boroughs, incorporated towns, townships of the first and second classes including those within a county of the second class and counties of the second class A through eighth classes, individually or jointly, to plan their development and to govern the same by zoning, subdivision and land development ordinances, planned residential development and other ordinances, by official maps, by the reservation of certain land for future public purpose and by the acquisition of such land; to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; providing for the establishment of planning commissions, planning departments, planning committees and zoning hearing boards, authorizing them to charge fees, make inspections and hold public hearings; providing for appropriations, appeals to courts and penalties for violations; and repealing acts and parts of acts.

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

Section 105. Purpose of Act.--It is the intent, purpose and scope of this act to protect and promote safety, health and morals; to accomplish a coordinated development of municipalities, other than cities of the first and second class; to provide for the general welfare by guiding and protecting amenity, convenience, future governmental, economic, practical, and social and cultural facilities, development and growth, as well as the improvement of governmental processes and functions; to guide uses of land and structures, type and location of

1 streets, public grounds and other facilities; to promote the
2 conservation of energy through the use of planning practices and
3 to promote the effective utilization of renewable energy
4 sources; and to permit municipalities, other than cities of the
5 first and second class, to minimize such problems as may
6 presently exist or which may be foreseen. It is the further
7 intent of this act that any recommendations made by any planning
8 agency to any governing body shall be advisory only.

9 Section 3. The introductory paragraph of section 107 of the
10 act is amended and ~~clauses are~~ A CLAUSE IS added to read: <—

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

14 * * *

15 ~~(3.1) "Climatic," means pertaining to the composite or~~ <—
16 ~~generally prevailing weather conditions of a region, such as~~
17 ~~temperature, air pressure, humidity, precipitation, sunshine,~~
18 ~~cloudiness and winds throughout the year, averaged over a series~~
19 ~~of years.~~

20 * * *

21 ~~(12.05) "Microclimatic," means pertaining to the variation~~
22 ~~in regional climate at a specific site, caused by topography,~~
23 ~~vegetation, soil, water conditions and construction.~~

24 * * *

25 (18.1) "Renewable energy source," means any method, process
26 or substance whose supply is rejuvenated through natural
27 processes and, subject to those natural processes, remains
28 relatively constant, including, but not limited to, biomass
29 conversion, geothermal energy, solar and wind energy and
30 hydroelectric energy and excluding those sources of energy used

1 in the fission and fusion processes.

2 * * *

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

5 Section 209.1. Powers and Duties of Planning Agency.--* * *

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

8 * * *

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

13 * * *

14 ~~Section 5. Section 301 of the act, amended June 1, 1972~~ <—

15 ~~(P.L.333, No.93), is amended to read:~~

16 ~~Section 301. Preparation of Comprehensive Plan. The~~
17 ~~comprehensive plan, consisting of maps, charts and textual~~
18 ~~matter, shall indicate the recommendations of the planning~~
19 ~~agency for the continuing development of the municipality. The~~
20 ~~comprehensive plan shall include, but need not be limited to,~~
21 ~~the following related basic elements:~~

22 ~~(1) A statement of objectives of the municipality concerning~~
23 ~~its future development;~~

24 ~~(2) A plan for land use, which may include the amount,~~
25 ~~intensity, and character of land use proposed for residence,~~
26 ~~industry, business, agriculture, major traffic and transit~~
27 ~~facilities, public grounds, flood plans and other areas of~~
28 ~~special hazards and other similar uses;~~

29 ~~(3) A plan for movement of people and goods, which may~~
30 ~~include expressways, highways, local street systems, parking~~

1 facilities, mass transit routes, terminals, airfields, port
2 facilities, railroad facilities and other similar facilities or
3 uses;

4 ~~(4) A plan for community facilities and utilities, which may~~
5 ~~include public and private education, recreation, municipal~~
6 ~~buildings, libraries, water supply, sewage disposal, refuse~~
7 ~~disposal, storm drainage, hospitals, and other similar uses;~~
8 ~~{and}~~

9 ~~(5) A map or statement indicating the relationship of the~~
10 ~~municipality and its proposed development to adjacent~~
11 ~~municipalities and areas. and~~

12 ~~(6) An energy conservation plan element which systematically~~
13 ~~analyzes the impact of each other component and element of the~~
14 ~~comprehensive plan on the present and future use of energy in~~
15 ~~the municipality, details specific measures contained in the~~
16 ~~other plan elements designed to reduce energy consumption, and~~
17 ~~proposes other measures that the municipality may take to reduce~~
18 ~~energy consumption and to promote the effective utilization of~~
19 ~~renewable energy sources.~~

20 ~~In preparing the comprehensive plan the planning agency shall~~
21 ~~make careful surveys and studies of existing conditions and~~
22 ~~prospects for future growth in the municipality.~~

23 ~~Section 6 5. Section 604 of the THE act is amended by adding~~ <—
24 ~~a clause SECTION to read:~~ <—

25 ~~Section 604. Zoning Purposes. The provisions of zoning~~ <—
26 ~~ordinances shall be designed:~~

27 ~~* * *~~

28 ~~(4) To promote energy conservation and the effective~~
29 ~~utilization of renewable energy sources.~~

30 ~~SECTION 301.1. ENERGY CONSERVATION PLAN ELEMENT.--TO PROMOTE~~ <—

1 ENERGY CONSERVATION AND THE EFFECTIVE UTILIZATION OF RENEWABLE
2 ENERGY SOURCES, THE COMPREHENSIVE PLAN MAY INCLUDE AN ENERGY
3 CONSERVATION PLAN ELEMENT WHICH SYSTEMATICALLY ANALYZES THE
4 IMPACT OF EACH OTHER COMPONENT AND ELEMENT OF THE COMPREHENSIVE
5 PLAN ON THE PRESENT AND FUTURE USE OF ENERGY IN THE
6 MUNICIPALITY, DETAILS SPECIFIC MEASURES CONTAINED IN THE OTHER
7 PLAN ELEMENTS DESIGNED TO REDUCE ENERGY CONSUMPTION AND PROPOSES
8 OTHER MEASURES THAT THE MUNICIPALITY MAY TAKE TO REDUCE ENERGY
9 CONSUMPTION AND TO PROMOTE THE EFFECTIVE UTILIZATION OF
10 RENEWABLE ENERGY SOURCES.

11 SECTION 6. SECTION 503 OF THE ACT IS AMENDED BY ADDING A <—
12 CLAUSE TO READ:

13 SECTION 503. CONTENTS OF SUBDIVISION AND LAND DEVELOPMENT
14 ORDINANCE.--THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE MAY
15 INCLUDE, BUT NEED NOT BE LIMITED TO:

16 * * *

17 (6) PROVISIONS FOR ENCOURAGING THE USE OF RENEWABLE ENERGY
18 SYSTEMS AND ENERGY-CONSERVING BUILDING DESIGN.

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

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

28 * * *

29 (f) The authority granted a municipality by Article V to
30 establish standards for the location, width, course and

1 surfacing of streets, walkways, curbs, gutters, street lights,
2 shade trees, water, sewage and drainage facilities, easements or
3 rights-of-way for drainage and utilities, reservations of public
4 grounds, OTHER IMPROVEMENTS, regulations for the height- <—
5 location, setback, orientation and use of structures, AND <—
6 SETBACK AS THEY RELATE TO RENEWABLE ENERGY SYSTEMS AND ENERGY-
7 CONSERVING BUILDING DESIGN, regulations for the height and
8 location of vegetation with respect to boundary lines, AS THEY <—
9 RELATE TO RENEWABLE ENERGY SYSTEMS AND ENERGY-CONSERVING
10 BUILDING DESIGN, regulations for the type and location of
11 renewable energy systems or their components AND regulations for <—
12 the design and construction of structures to encourage the use
13 of renewable energy systems, easements to ensure access to <—
14 sunlight and climatic and microclimatic consideration, [and <—
15 other improvements,] shall be vested in the governing body or <—
16 its designated agency for the purposes of this article. The
17 standards applicable to a particular planned residential
18 development may be different than or modifications, of the
19 standards and requirements otherwise required of subdivisions
20 authorized under an ordinance adopted pursuant to Article V,
21 provided, however, that an ordinance adopted pursuant to this
22 article shall set forth the limits and extent of any
23 modifications or changes in such standards and requirements in
24 order that a landowner shall know the limits and extent of
25 permissible modifications from the standards otherwise
26 applicable to subdivisions.

27 * * *

28 Section 707. Application for Tentative Approval of Planned
29 Residential Development.--In order to provide an expeditious
30 method for processing a development plan for a planned

1 residential development under the terms of an ordinance adopted
2 pursuant to the powers granted herein, and to avoid the delay
3 and uncertainty which would arise if it were necessary to secure
4 approval, by a multiplicity of local procedures, of a plat of
5 subdivision as well as approval of a change in the zoning
6 regulations otherwise applicable to the property, it is hereby
7 declared to be in the public interest that all procedures with
8 respect to the approval or disapproval of a development plan for
9 a planned residential development and the continuing
10 administration thereof shall be consistent with the following
11 provisions:

12 * * *

13 (4) The ordinance shall require only such information in the
14 application as is reasonably necessary to disclose to the
15 governing body or its designated agency: (i) the location, size
16 and topography of the site and the nature of the landowner's
17 interest in the land proposed to be developed; (ii) the density
18 of land use to be allocated to parts of the site to be
19 developed; (iii) the location and size of the common open space
20 and the form of organization proposed to own and maintain the
21 common open space; (iv) the use and the approximate height, bulk
22 and location of buildings and other structures; (v) the
23 feasibility of proposals for the disposition of sanitary waste
24 and storm water; (vi) the substance of covenants, grants of
25 easements or other restrictions proposed to be imposed upon the
26 use of the land, buildings and structures including proposed
27 easements or grants for public utilities; (vii) the provisions
28 for parking of vehicles and the location and width of proposed
29 streets and public ways; (viii) the required modifications in
30 the municipal land use regulations otherwise applicable to the

1 subject property; (viii.1) the feasibility of proposals for
2 energy conservation and the effective utilization of renewable
3 energy sources; and (ix) in the case of development plans which
4 call for development over a period of years, a schedule showing
5 the proposed times within which applications for final approval
6 of all sections of the planned residential development are
7 intended to be filed and this schedule must be updated annually,
8 on the anniversary of its approval, until the development is
9 completed and accepted;

10 * * *

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

18 Section 9. ~~Except for the provisions of section 301 which~~ <—
19 ~~shall take effect one year from the effective date of this act,~~
20 ~~and which shall be applicable and amended into all new~~
21 ~~comprehensive plans, this~~ THIS act shall take effect in 60 days. <—