

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 38

Session of  
2003

INTRODUCED BY STEIL, BARD, CLYMER, CREIGHTON, CRUZ, DeLUCA,  
GILLESPIE, HENNESSEY, JAMES, KIRKLAND, LAUGHLIN, LEH, PETRI,  
RUBLEY, SCHRODER, E. Z. TAYLOR, THOMAS AND YOUNGBLOOD,  
JANUARY 29, 2003

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 29, 2003

AN ACT

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

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

23 Section 1. Section 603(c) of the act of July 31, 1968  
24 (P.L.805, No.247), known as the Pennsylvania Municipalities  
25 Planning Code, reenacted and amended December 21, 1988  
26 (P.L.1329, No.170) and amended June 22, 2000 (P.L.495, No.68),

1 is amended to read:

2 Section 603. Ordinance Provisions.--\* \* \*

3 (c) Zoning ordinances may contain:

4 (1) provisions for special exceptions and variances  
5 administered by the zoning hearing board, which provisions  
6 shall be in accordance with this act;

7 (2) provisions for conditional uses to be allowed or  
8 denied by the governing body pursuant to public notice and  
9 hearing and recommendations by the planning agency and  
10 pursuant to express standards and criteria set forth in the  
11 zoning ordinances. In allowing a conditional use, the  
12 governing body may attach such reasonable conditions and  
13 safeguards, other than those related to off-site  
14 transportation or road improvements, in addition to those  
15 expressed in the ordinance, as it may deem necessary to  
16 implement the purposes of this act and the zoning ordinance;

17 (2.2) provisions for regulating transferable development  
18 rights, on a voluntary basis, including provisions for the  
19 protection of persons acquiring the same, in accordance with  
20 express standards and criteria set forth in the ordinance and  
21 section 619.1;

22 (2.3) provisions regulating the operation of  
23 establishments selling video cassettes, audio compact disks  
24 or audio cassettes by requiring the establishments to conduct  
25 sales in accordance with the Voluntary Movie Rating System  
26 adopted by the Motion Picture Association of America, Inc.,  
27 and the Parental Advisory Program adopted by the Recording  
28 Industry Association of America or substantially similar  
29 systems or programs promulgated from time to time by the  
30 Motion Picture Association of America, Inc., or the Recording

1     Industry Association of America or successor entities;

2           (3) provisions for the administration and enforcement of  
3     such ordinances;

4           (4) such other provisions as may be necessary to  
5     implement the purposes of this act;

6           (5) provisions to encourage innovation and to promote  
7     flexibility, economy and ingenuity in development, including  
8     subdivisions and land developments as defined in this act;

9           (6) provisions authorizing increases in the permissible  
10    density of population or intensity of a particular use based  
11    upon expressed standards and criteria set forth in the zoning  
12    ordinance; and

13          (7) provisions to promote and preserve prime  
14    agricultural land, environmentally sensitive areas and areas  
15    of historic significance.

16    \* \* \*

17    Section 2. This act shall take effect in 60 days.