

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 818** Session of  
2003

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INTRODUCED BY GRUCELA, BELARDI, CAPPELLI, CAWLEY, COSTA, COY, CRAHALLA, DALEY, D. EVANS, FRANKEL, FREEMAN, GEORGE, HARHAI, HERSHEY, HORSEY, JAMES, KIRKLAND, KOTIK, LaGROTTA, LAUGHLIN, LEACH, LEWIS, MACKERETH, MANN, McGEEHAN, MELIO, R. MILLER, MUNDY, PRESTON, ROONEY, RUBLEY, SATHER, SCHRODER, STABACK, THOMAS, WALKO, WANSACZ, WHEATLEY, WOJNAROSKI, YOUNGBLOOD AND PALLONE, MARCH 11, 2003

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AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 16, 2003

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## 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," providing for impact of plat; and further  
21 providing for application for tentative approval of planned  
22 residential development.

23 The General Assembly of the Commonwealth of Pennsylvania

24 hereby enacts as follows:

25 Section 1. The act of July 31, 1968 (P.L.805, No.247), known

1 as the Pennsylvania Municipalities Planning Code, reenacted and  
2 amended December 21, 1988 (P.L.1329, No.170), is amended by  
3 adding a section to read:

4 ~~Section 508.1. Impact of Plat. (a) The applicant shall~~ <—  
5 ~~file a copy of the application for approval of a plat with the~~  
6 ~~school district wherein the residential development plan is~~  
7 ~~proposed. No application for approval of a plat shall be~~  
8 ~~considered by the governing body or the planning agency until~~  
9 ~~the applicant has filed a copy of the application with the~~  
10 ~~school district. The school district shall immediately notify~~  
11 ~~the governing body, in writing, when the copy of the application~~  
12 ~~has been received. The school district shall provide a copy of~~  
13 ~~the written notification to the applicant. Failure of the school~~  
14 ~~district to notify the governing body within the prescribed time~~  
15 ~~frame shall not cause any undue delay in the consideration of~~  
16 ~~the application. The time limitations of section 508 shall not~~  
17 ~~apply until the application has been filed with the school~~  
18 ~~district.~~

19 ~~(b) The school district, within 30 days after receipt of the~~  
20 ~~copy of the application, may submit the estimated impact of the~~  
21 ~~completed development plan on the school district to the~~

22 SECTION 508.1. IMPACT OF PLAT.--(A) THE APPLICANT SHALL <—  
23 SEND VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED, WITHIN FIVE  
24 DAYS AFTER FILING, A COPY OR SUMMARY OF THE APPLICATION FOR  
25 PRELIMINARY APPROVAL OF A PLAT TO THE SUPERINTENDENT OF THE  
26 SCHOOL DISTRICT WHEREIN THE RESIDENTIAL DEVELOPMENT PLAN IS  
27 PROPOSED. A SUMMARY SHALL INCLUDE, BUT NOT BE LIMITED TO, THE  
28 LOCATION OF THE DEVELOPMENT, THE NUMBER AND TYPES OF UNITS TO BE  
29 INCLUDED IN THE DEVELOPMENT AND THE PROPOSED CONSTRUCTION  
30 SCHEDULE OF THE DEVELOPMENT AND WHERE REQUIRED BY LOCAL

1 ORDINANCE TO BE INCLUDED IN THE APPLICATION, AN ECONOMIC  
2 ASSESSMENT OF THE PROPOSED DEVELOPMENT. THE APPLICANT SHALL  
3 PROVIDE A COPY OF THE RETURN RECEIPT TO THE GOVERNING BODY  
4 SHOWING COMPLIANCE WITH THIS SECTION.

5 (B) THE SCHOOL DISTRICT MAY SUBMIT WRITTEN COMMENTS, WITHIN  
6 30 DAYS AFTER RECEIPT OF THE COPY OR SUMMARY OF THE APPLICATION,  
7 TO THE governing body or planning agency that is considering the  
8 residential development plan. If the governing body or planning  
9 agency does not receive the ~~impact statement~~ WRITTEN COMMENTS <—  
10 from the school district within ~~the time prescribed~~ 30 DAYS, the <—  
11 governing body or planning agency shall proceed with  
12 consideration of the application. Nothing in this section shall  
13 ~~authorize~~ EMPOWER the school district to ~~deny or approve~~ WITH <—  
14 ANY AUTHORITY TO APPROVE OR DENY any application for approval of  
15 a plat.

16 Section 2. Section 707 of the act is amended by adding  
17 clauses to read:

18 Section 707. Application for Tentative Approval of Planned  
19 Residential Development.--In order to provide an expeditious  
20 method for processing a development plan for a planned  
21 residential development under the provisions adopted pursuant to  
22 the powers granted herein, and to avoid the delay and  
23 uncertainty which would arise if it were necessary to secure  
24 approval, by a multiplicity of local procedures, of a plat of  
25 subdivision as well as approval of a change in the zoning  
26 regulations otherwise applicable to the property, it is hereby  
27 declared to be in the public interest that all procedures with  
28 respect to the approval or disapproval of a development plan for  
29 a planned residential development and the continuing  
30 administration thereof shall be consistent with the following

1 provisions:

2 \* \* \*

3 ~~(7) The application for tentative approval of a planned~~ <—  
4 ~~residential development shall be submitted by the applicant~~  
5 ~~to the school district wherein the planned residential~~  
6 ~~development is proposed. No application for approval of a~~  
7 ~~planned residential development shall be considered by the~~  
8 ~~governing body or the planning agency until the applicant has~~  
9 ~~filed a copy of the application with the school district. The~~  
10 ~~school district shall immediately notify the governing body~~  
11 ~~of its receipt of the copy of the application. The school~~  
12 ~~district shall provide a copy of the written notification to~~  
13 ~~the applicant. Nothing in this subsection shall authorize the~~  
14 ~~school district to deny or approve any application for~~  
15 ~~tentative approval of a planned residential development.~~

16 ~~(8) The school district, within 30 days after receipt of~~  
17 ~~the application, may submit the estimated impact of the~~  
18 ~~completed development plan on the school district, to the~~

19 (7) WITHIN FIVE DAYS AFTER THE APPLICATION IS FILED, A <—  
20 COPY OR SUMMARY OF THE APPLICATION FOR TENTATIVE APPROVAL OF  
21 A PLANNED RESIDENTIAL DEVELOPMENT SHALL BE SENT VIA CERTIFIED  
22 MAIL RETURN RECEIPT REQUESTED BY THE APPLICANT TO THE  
23 SUPERINTENDENT OF THE SCHOOL DISTRICT WHEREIN THE PLANNED  
24 RESIDENTIAL DEVELOPMENT IS PROPOSED. A SUMMARY SHALL INCLUDE,  
25 BUT NOT BE LIMITED TO, THE LOCATION OF THE DEVELOPMENT, THE  
26 NUMBER AND TYPES OF UNITS TO BE INCLUDED IN THE DEVELOPMENT  
27 AND THE PROPOSED CONSTRUCTION SCHEDULE OF THE DEVELOPMENT AND  
28 WHERE REQUIRED BY LOCAL ORDINANCE TO BE INCLUDED IN THE  
29 APPLICATION, AN ECONOMIC ASSESSMENT OF THE PROPOSED  
30 DEVELOPMENT. THE APPLICANT SHALL PROVIDE A COPY OF THE RETURN

1 RECEIPT TO THE GOVERNING BODY SHOWING COMPLIANCE WITH THIS  
2 SECTION. NOTHING IN THIS SUBSECTION SHALL EMPOWER THE SCHOOL  
3 DISTRICT WITH ANY AUTHORITY TO APPROVE OR DENY ANY  
4 APPLICATION FOR TENTATIVE APPROVAL OF A PLANNED RESIDENTIAL  
5 DEVELOPMENT.

6 (8) THE SCHOOL DISTRICT MAY SUBMIT WRITTEN COMMENTS,  
7 WITHIN 30 DAYS AFTER RECEIPT OF THE COPY OR SUMMARY OF THE  
8 APPLICATION, TO THE governing body or planning agency that is  
9 considering the residential development plan. If the  
10 governing body or planning agency does not receive the ~~impact~~ <—  
11 ~~statement~~ WRITTEN COMMENTS from the school district within <—  
12 ~~the time prescribed~~ 30 DAYS, the governing body or planning <—  
13 agency shall proceed with consideration of the application.  
14 Nothing in this section shall ~~authorize~~ EMPOWER the school <—  
15 ~~district to deny or approve~~ WITH ANY AUTHORITY TO APPROVE OR <—  
16 DENY any application for approval of a plat.

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