

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1280 Session of
2007

INTRODUCED BY FREEMAN, STEIL, TANGRETTI, ROSS, ARGALL, LEACH, GRUCELA, BOYD, BRENNAN, CALTAGIRONE, CARROLL, COHEN, DALLY, GEIST, GINGRICH, HARPER, HENNESSEY, JOSEPHS, KOTIK, LENTZ, LEVDANSKY, MILNE, MUNDY, NICKOL, O'NEILL, PASHINSKI, PETRONE, READSHAW, REICHLEY, RUBLEY, SCAVELLO, SCHRODER, SIPTROTH, SOLOBAY, STURLA, VITALI, WAGNER, YOUNGBLOOD AND YUDICHAK, MAY 8, 2007

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 8, 2007

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 defining "traditional neighborhood
21 development"; further providing for grants of power to
22 municipalities, for standards and conditions for traditional
23 neighborhood development designations and for manuals of
24 written and graphic design guidelines; and providing for
25 subdivision and land development ordinance provisions
26 applicable to traditional neighborhood development.

27 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

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

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

12 * * *

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

1 * * *

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

4 Section 702-A. Grant of Power.--The governing body of each
5 municipality may enact, amend and repeal provisions of a zoning
6 ordinance in order to fix standards and conditions for
7 traditional neighborhood development. The provisions for
8 standards and conditions for traditional neighborhood
9 development shall be included within the zoning ordinance, and
10 the enactment of the traditional neighborhood development
11 provisions shall be in accordance with the procedures required
12 for the enactment of an amendment of a zoning ordinance as
13 provided in Article VI. The provisions shall:

14 (1) Set forth the standards, conditions and regulations
15 for a traditional neighborhood development consistent with
16 this article.

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

22 (ii) [In the case of either an outgrowth or
23 extension of existing development or urban infill, a] A
24 traditional neighborhood development designation may be
25 either in the form of an overlay zone or as an outright
26 designation, whichever the municipality decides.

27 [Outgrowths or extensions of existing development may
28 include development of a contiguous municipality.]

29 (iii) Whenever a traditional neighborhood
30 development designation is an outright designation, it

1 may be a permitted use in an existing district or in a
2 proposed new district.

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

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

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

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

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

1 tracts whenever possible.

2 (3) The location and physical characteristics of the
3 site of the proposed traditional neighborhood development so
4 that it will develop out of the location of squares, parks
5 and other neighborhood centers and subcenters. Zoning changes
6 in building type should generally occur at mid-block rather
7 than mid-street, and buildings should tend to be zoned by
8 compatibility of building type rather than building use. The
9 proposed traditional neighborhood development should be
10 designed to work with the topography of the site to minimize
11 the amount of grading necessary to achieve a street network,
12 and some significant high points of the site should be set
13 aside for public tracts for the location of public buildings
14 or other public facilities.

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

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

30 (6) The location for vehicular parking with the street

1 plan providing for on-street parking for most streets, with
2 the exception of alleys. All parking lots, except where there
3 is a compelling reason to the contrary, should be located
4 either behind or to the side of buildings and in most cases
5 should be located toward the center of blocks such that only
6 their access is visible from adjacent streets. In most cases,
7 structures located on lots smaller than 50 feet in width
8 should be served by a rear alley with all garages fronting on
9 alleys. Garages not served by an alley should be set back [a
10 minimum of 20 feet] from the front of the house or rotated so
11 that the garage doors do not face any adjacent streets.

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

22 (8) The site plan to provide for either a natural or
23 man-made corridor to serve as the edge of the neighborhood.
24 When standing alone, the traditional neighborhood development
25 should front on open space to serve as its edge. Such open
26 space may include, but is not limited to, parks, a golf
27 course, cemetery, farmland or natural settings such as
28 woodlands or waterways. When adjacent to existing
29 development, the traditional neighborhood development should
30 either front on open space, a street or roadway or any

1 combination hereof.

2 (9) The greatest density of housing and the
3 preponderance of office and commercial uses should be located
4 [in the center of] to anchor the traditional neighborhood
5 development. [However, if] If the neighborhood is adjacent to
6 existing development or a major roadway then office,
7 commercial and denser residential uses may be located at
8 either the edge or the center, or both. Commercial uses
9 located at the edge of the traditional neighborhood
10 development may be located adjacent to similar commercial
11 uses in order to form a greater commercial corridor.

12 * * *

13 Section 708-A. Manual of Written and Graphic Design
14 Guidelines.--Where it has adopted provisions for a traditional
15 neighborhood development, the governing body of a municipality
16 may also adopt [by ordinance], upon review and recommendation of
17 the planning commission where one exists, a manual of written
18 and graphic design guidelines [to assist applicants in the
19 preparation of proposals for a traditional neighborhood
20 development]. The manual may be included in the zoning ordinance
21 or the subdivision and land development ordinance or in both.

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

23 Section 708.1-A. Subdivision and Land Development Ordinance
24 Provisions Applicable to Traditional Neighborhood Development.--
25 The municipality may enact subdivision and land development
26 ordinance provisions applicable to a traditional neighborhood
27 development to address the design standards that are appropriate
28 to a traditional neighborhood development, including, but not
29 limited to, compactness, pedestrian orientation, street geometry
30 or other small scale design features. The provisions may be

1 included as part of any ordinance pertaining to traditional
2 neighborhood development and may be subject to modification
3 similar to section 512.1.

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