

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1525 Session of  
2007

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YOUNGBLOOD AND BRENNAN, JULY 6, 2007

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JULY 6, 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 providing for definitions, for  
21 comprehensive plans and for compliance by counties; providing  
22 for proposed ordinances; and further providing for impact  
23 fees and for transportation capital improvement plans.

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

26 Section 1. The definitions of "public infrastructure area,"  
27 "public infrastructure services" and "rural resource area" in  
28 section 107(a) of the act of July 31, 1968 (P.L.805, No.247),

1 known as the Pennsylvania Municipalities Planning Code,  
2 reenacted and amended December 21, 1988 (P.L.1329, No.170) and  
3 added June 22, 2000 (P.L.483, No.67), are amended and the  
4 subsection is amended by adding definitions to read:

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

9 \* \* \*

10 "Capital improvements program," a proposed general schedule  
11 of all future projects listed in order of acquisition,  
12 construction or development priority together with cost  
13 estimates and the anticipated means of financing each project.  
14 Included are all major projects requiring the expenditure of  
15 public funds, over and above the annual local government's  
16 operating expenses for the purchase, construction or replacement  
17 of the physical assets of the municipality.

18 \* \* \*

19 "Infrastructure," essential services and related structures,  
20 systems, networks, developed facilities or devices, both  
21 immovable and movable, either publicly or privately owned,  
22 operated and maintained, that are provided or available to or  
23 for the benefit of persons within a municipality or the public  
24 generally or for the benefit of the Commonwealth or one or more  
25 of its political subdivisions. These include wastewater and  
26 sewage collection and treatment; potable water supply, treatment  
27 and distribution; transportation of people and goods via road,  
28 rail, air, water, mass transit, bicycle or on foot; storm water  
29 management systems and facilities; fire, police, emergency and  
30 medical services; schools and educational institutions; networks

1 and facilities for the delivery of energy and  
2 telecommunications; parks and recreation facilities, greenways;  
3 and natural and managed water resource systems, whether natural  
4 or man-made.

5 \* \* \*

6 "Public infrastructure service area," a designated growth  
7 area and all or any portion of a future growth area described in  
8 a county, municipal or multimunicipal comprehensive plan where  
9 public infrastructure services will be provided and outside of  
10 which such public infrastructure services will not be required  
11 to be publicly financed.

12 ["Public infrastructure services," services that are provided  
13 to areas with densities of one or more units to the acre, which  
14 may include sanitary sewers and facilities for the collection  
15 and treatment of sewage, water lines and facilities for the  
16 pumping and treating of water, parks and open space, streets and  
17 sidewalks, public transportation and other services that may be  
18 appropriate within a growth area, but shall exclude fire  
19 protection and emergency medical services and any other service  
20 required to protect the health and safety of residents.]

21 \* \* \*

22 "Rural resource area," an area described in a municipal or  
23 multimunicipal plan within which rural resource uses including,  
24 but not limited to, agriculture, timbering, mining, quarrying  
25 and other extractive industries, forest and game lands and  
26 recreation and tourism are encouraged and enhanced, development  
27 that is compatible with or supportive of such uses is permitted  
28 and public infrastructure services are not provided except in  
29 villages[.] and except that public safety and emergency services  
30 may be provided and certain infrastructure, such as parks,

1 greenways and water resources, may be deemed consistent and  
2 included.

3 \* \* \*

4 Section 2. Sections 301, 301.4(a), 302(a) and 303(c) and (d)  
5 of the act, amended June 22, 2000 (P.L.495, No.68), are amended  
6 to read:

7 Section 301. Preparation of Comprehensive Plan--(a) The  
8 municipal, multimunicipal or county comprehensive plan,  
9 consisting of maps, charts and textual matter, shall include,  
10 but need not be limited to, the following related basic  
11 elements:

12 (1) A statement of objectives of the municipality  
13 concerning its future development, including, but not limited  
14 to, the location, character and timing of future development,  
15 that may also serve as a statement of community development  
16 objectives as provided in section 606.

17 (2) A plan for land use, which may include provisions  
18 for the amount, intensity, character and timing of land use  
19 proposed for residence, industry, business, agriculture,  
20 major traffic and transit facilities, utilities, community  
21 facilities, public grounds, parks and recreation,  
22 preservation of prime agricultural lands, flood plains and  
23 other areas of special hazards and other similar uses.

24 (2.1) A plan to meet the housing needs of present  
25 residents and of those individuals and families anticipated  
26 to reside in the municipality, which may include conservation  
27 of presently sound housing, rehabilitation of housing in  
28 declining neighborhoods and the accommodation of expected new  
29 housing in different dwelling types and at appropriate  
30 densities for households of all income levels.

1           (3) A plan for movement of people and goods, which may  
2 include expressways, highways, local street systems, parking  
3 facilities, pedestrian and bikeway systems, trails, public  
4 transit routes, terminals, airfields, port facilities,  
5 railroad facilities and other similar facilities or uses.

6           (4) A plan for community facilities and utilities, which  
7 may include schools and institutions for public and private  
8 education, recreation, municipal buildings, fire and police  
9 stations, libraries, hospitals, water supply and  
10 distribution, sewerage and waste treatment, solid waste  
11 management, [storm drainage, and flood plain management],  
12 storm water and flood plain management systems and  
13 facilities, utility corridors and associated facilities,  
14 networks and facilities for the delivery of energy and  
15 telecommunications and other similar facilities or uses.

16           [(4.1) A statement of the interrelationships among the  
17 various plan components, which may include an estimate of the  
18 environmental, energy conservation, fiscal, economic  
19 development and social consequences on the municipality.

20           (4.2) A discussion of short- and long-range plan  
21 implementation strategies, which may include implications for  
22 capital improvements programming, new or updated development  
23 regulations, and identification of public funds potentially  
24 available.

25           (5) A statement indicating that the existing and  
26 proposed development of the municipality is compatible with  
27 the existing and proposed development and plans in contiguous  
28 portions of neighboring municipalities, or a statement  
29 indicating measures which have been taken to provide buffers  
30 or other transitional devices between disparate uses, and a

1 statement indicating that the existing and proposed  
2 development of the municipality is generally consistent with  
3 the objectives and plans of the county comprehensive plan.]

4 (6) A plan for the protection of natural and historic  
5 resources to the extent not preempted by Federal or State  
6 law. This clause includes, but is not limited to, wetlands  
7 and aquifer recharge zones, woodlands, steep slopes, prime  
8 agricultural land, agricultural security areas, flood plains,  
9 unique natural areas and historic [sites.] resources. The  
10 plan may include a scheme for a connected natural resource  
11 system throughout the municipal, multimunicipal or county  
12 planning area that encompasses water resources, woodlands,  
13 parks, greenways, conservation easements and agricultural and  
14 forest lands with conservation values, which, as a connected  
15 system contributes to ecological and community health and  
16 well-being. The plan shall be consistent with and may not  
17 exceed those requirements imposed under the following:

18 (i) act of June 22, 1937 (P.L.1987, No.394), known  
19 as "The Clean Streams Law";

20 (ii) act of May 31, 1945 (P.L.1198, No.418), known  
21 as the "Surface Mining Conservation and Reclamation Act";

22 (iii) act of April 27, 1966 (1st Sp.Sess., P.L.31,  
23 No.1), known as "The Bituminous Mine Subsidence and Land  
24 Conservation Act";

25 (iv) act of September 24, 1968 (P.L.1040, No.318),  
26 known as the "Coal Refuse Disposal Control Act";

27 (v) act of December 19, 1984 (P.L.1140, No.223),  
28 known as the "Oil and Gas Act";

29 (vi) act of December 19, 1984 (P.L.1093, No.219),  
30 known as the "Noncoal Surface Mining Conservation and

Reclamation Act";

(vii) act of June 30, 1981 (P.L.128, No.43), known as the "Agricultural Area Security Law"; and

(viii) act of June 10, 1982 (P.L.454, No.133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances"\_.[; and

(ix) act of May 20, 1993 (P.L.12, No.6), known as the "Nutrient Management Act," regardless of whether any agricultural operation within the area to be affected by the plan is a concentrated animal operation as defined under the act.]

(6.1) A statement of the interrelationships among the various plan components, including the sewage facilities plan adopted by the municipality under the act of January 24, 1966 (1965 P.L.1535, No.537), known as the "Pennsylvania Sewage Facilities Act," and any applicable storm water management plan adopted by the county or the municipality under the act of October 4, 1978 (P.L.864, No.167), known as the "Storm Water Management Act," as such plans may be amended and revised from time to time, which shall be included as elements of the comprehensive plan. The statement of interrelationships may include an estimate of the environmental, energy conservation, fiscal, economic development and social consequences for the municipalities affected by a municipal, multimunicipal or county comprehensive plan.

(6.2) Short-term and long-term implementation strategies, including implementing regulations and a capital improvements program for the acquisition, construction or

1 development of the public infrastructure, facilities,  
2 structures, and major equipment identified in the  
3 comprehensive plan, and a list of proposed expenditures on a  
4 six-year basis and identification of public funds potentially  
5 available for such purposes. The capital improvements program  
6 shall be maintained or revised, as necessary, on an annual  
7 basis by the governing body.

8 (6.3) A statement indicating that the existing and  
9 proposed development of the municipality is compatible with  
10 the existing and proposed development and plans in contiguous  
11 portions of neighboring municipalities, or a statement  
12 indicating measures which have been taken to provide buffers  
13 or other transitional devices between disparate uses, and a  
14 statement indicating that the existing and proposed  
15 development of the municipality is generally consistent with  
16 the objectives and plans of the county comprehensive plan.

17 (7) In addition to any other requirements of this act, a  
18 county comprehensive plan shall:

19 (i) Identify land uses as they relate to important  
20 natural resources and appropriate utilization of existing  
21 minerals.

22 (ii) Identify current and proposed land uses which  
23 have a regional impact and significance, such as large  
24 shopping centers, major industrial parks, mines and  
25 related activities, office parks, storage facilities,  
26 large residential developments, regional entertainment  
27 and recreational complexes, hospitals, airports and port  
28 facilities.

29 (iii) Identify a plan for the preservation and  
30 enhancement of prime agricultural land and encourage the



1 compatibility of land use regulation with existing  
2 agricultural operations.

3 (iv) Identify a plan for historic preservation.

4 (b) The comprehensive plan shall include a plan for the  
5 reliable supply of water, considering current and future water  
6 resources availability, uses and limitations, including  
7 provisions adequate to protect water supply sources. Any such  
8 plan shall be generally consistent with the State Water Plan and  
9 any applicable water resources plan adopted by a river basin  
10 commission. It shall also contain a statement recognizing that:

11 (1) Lawful activities such as extraction of minerals may  
12 impact water supply sources and such activities are governed  
13 by statutes regulating mineral extraction that specify  
14 replacement and restoration of water supplies affected by  
15 such activities.

16 (2) Commercial agriculture production may impact water  
17 supply sources.

18 (c) The municipal or multimunicipal comprehensive plan shall  
19 be reviewed at least every ten years. The municipal or  
20 multimunicipal comprehensive plan shall be sent to the governing  
21 bodies of contiguous municipalities for review and comment and  
22 shall also be sent to the Center for Local Government Services  
23 for informational purposes. The municipal or multimunicipal  
24 comprehensive plan shall also be sent to the county planning  
25 commissions or, upon request of a county planning commission, a  
26 regional planning commission when the comprehensive plan is  
27 updated or at ten-year intervals, whichever comes first, for  
28 review and comment on whether the municipal or multimunicipal  
29 comprehensive plan remains generally consistent with the county  
30 comprehensive plan and to indicate where the local plan may

1 deviate from the county comprehensive plan.

2 (d) The municipal, multimunicipal or county comprehensive  
3 plan may identify those areas where growth and development will  
4 occur so that a full range of public infrastructure services,  
5 including sewer, water, highways, police and fire protection,  
6 public schools, parks, open space and other services can be  
7 adequately planned and provided as needed to accommodate growth.

8 (e) The municipal, multimunicipal or county comprehensive  
9 plan may incorporate a plan for economic development that  
10 includes prioritization of economic and community development  
11 projects and the integration of such projects with  
12 transportation, infrastructure, and the land use plans.

13 Section 301.4. Compliance by Counties.--(a) [If a county  
14 does not have a comprehensive plan, then that county shall,  
15 within three years of the effective date of this act and with  
16 the opportunity for the review, comment and participation of the  
17 municipalities and school districts within the respective county  
18 and contiguous counties, school districts and municipalities,  
19 prepare and adopt a comprehensive plan in accordance with the  
20 requirements of section 301.] Municipal comprehensive plans  
21 which are adopted shall be generally consistent with the adopted  
22 county comprehensive plan.

23 \* \* \*

24 Section 302. Adoption of Municipal, Multimunicipal and  
25 County Comprehensive Plans and Plan Amendments.--(a) The  
26 governing body [may] shall adopt and amend the comprehensive  
27 plan as a whole or in part. Before adopting or amending a  
28 comprehensive plan, or any part thereof, the planning agency  
29 shall hold at least one public meeting before forwarding the  
30 proposed comprehensive plan or amendment thereof to the

1 governing body. In reviewing the proposed comprehensive plan,  
2 the governing body shall consider the comments of the county,  
3 contiguous municipalities and the school district, as well as  
4 the public meeting comments and the recommendations of the  
5 municipal planning agency. The comments of the county,  
6 contiguous municipalities and the local school district shall be  
7 made to the governing body within 45 days of receipt by the  
8 governing body, and the proposed plan or amendment thereto shall  
9 not be acted upon until such comment is received. If, however,  
10 the contiguous municipalities and the local school district fail  
11 to respond within 45 days, the governing body may proceed  
12 without their comments.

13 \* \* \*

14 Section 303. Legal Status of Comprehensive Plan Within the  
15 Jurisdiction that Adopted the Plan.--\* \* \*

16 (c) [Notwithstanding any other provision of this act, no  
17 action by the governing body of a municipality shall be invalid  
18 nor shall the same be subject to challenge or appeal on the  
19 basis that such action is inconsistent with, or fails to comply  
20 with, the provision of a comprehensive plan.]

21 (1) A formally adopted county, municipal or  
22 multimunicipal comprehensive plan, if one exists, shall be  
23 used as a guide by the governing body of a municipality, its  
24 departments, agencies and appointed authorities in adopting  
25 or amending any land use ordinance or taking any proposed  
26 action that is to be submitted to the planning agency in  
27 accordance with subsection (a).

28 [(d)]

29 (2) Municipal zoning, subdivision and land development  
30 regulations and capital improvement programs shall generally

1 implement the municipal and multimunicipal comprehensive plan  
2 or, where none exists, the municipal statement of community  
3 development objectives.

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

5 Section 303.1. General Consistency.--(a) In accordance with  
6 this section, a municipal governing body shall make a finding  
7 that a proposed ordinance is generally consistent with the  
8 comprehensive plan. A finding of general consistency shall be  
9 considered and made concurrently with and as part of the  
10 ordinance enactment process prescribed in this act and as  
11 further prescribed in this section.

12 (b) The issue of the general consistency of a proposed  
13 ordinance with the comprehensive plan shall be considered at the  
14 public hearing required to be held prior to a municipal  
15 governing body voting to approve the ordinance.

16 (c) The public notice of the public hearing shall include a  
17 statement that any person, including a representative of the  
18 municipal or county planning agency, may provide written  
19 comments prior to the hearing or may request to present  
20 testimony at the hearing on the question of whether a proposed  
21 ordinance is generally consistent with the comprehensive plan.

22 (d) After receiving comments and testimony pursuant to  
23 subsection (c), and prior to voting on the proposed ordinance,  
24 the governing body shall find that general consistency exists if  
25 it determines that the proposed ordinance promotes, rather than  
26 conflicts with the goals, objectives, policies and strategies  
27 set forth in the comprehensive plan. In order to be found  
28 generally consistent with a comprehensive plan, an ordinance  
29 need not accomplish all of the goals, objectives, policies and  
30 strategies set forth in the comprehensive plan.

1     (e) The finding made pursuant to this section shall be  
2 evidenced by a resolution of the governing body, but it need not  
3 contain detailed findings of fact and may be in the form of a  
4 conclusion.

5     (f) An ordinance adopted after a finding of general  
6 consistency as provided in this section shall not be invalid nor  
7 shall the same be subject to challenge or appeal on the basis  
8 that the ordinance is inconsistent with, or fails to comply  
9 with, the comprehensive plan.

10    (g) Applicants for any permit, approval or variance  
11 authorized by an ordinance duly enacted by the municipal  
12 governing body shall be entitled to rely on the land use  
13 ordinance in effect at the time of their application.

14    (h) A permit, approval or variance issued or granted  
15 pursuant to a duly adopted land use ordinance, or the issuance,  
16 approval or denial of any of the following may not be challenged  
17 on the basis that it is inconsistent with, or fails to comply  
18 with, a comprehensive plan:

19       (1) A zoning permit, variance, special exception or  
20 conditional use.

21       (2) A preliminary or final subdivision or land  
22 development plan, development plan or program for a planned  
23 residential development.

24       (3) A demolition or building permit, certificate-of-  
25 occupancy or other approval or permit required for  
26 construction, land development, subdivision or occupancy.

27    (i) A finding of general consistency in accordance with this  
28 section shall satisfy all requirements of this act concerning an  
29 ordinance's implementation of, or general consistency with, the  
30 comprehensive plan.

1     (j) Nothing in this act shall prevent either of the  
2 following:

3         (1) The concurrent amendment of a zoning ordinance with  
4 a comprehensive plan in accordance with section 603(j) in  
5 order to maintain general consistency of the ordinance with  
6 the comprehensive plan.

7         (2) The implementation of a multimunicipal comprehensive  
8 plan by participating municipalities through one or more  
9 cooperative implementation agreements, not inconsistent with  
10 this section, for the purpose of achieving general  
11 consistency in accordance with section 1104.

12     (k) The following words and phrases when used in this  
13 section shall have the meanings given to them in this subsection  
14 unless the context clearly indicates otherwise:

15         "Comprehensive plan," a formally adopted municipal or  
16 multimunicipal comprehensive plan adopted pursuant to this act.

17         "Ordinance," a land use ordinance or an amendment of a land  
18 use ordinance adopted pursuant to this act.

19     Section 4. Section 503-A(d) of the act, added December 19,  
20 1990 (P.L.1343, No.209), is amended to read:

21     Section 503-A. Grant of Power.--\* \* \*

22         (d) Impact fees may be used for those costs incurred for  
23 improvements designated in the transportation capital  
24 improvement program which are attributable to new development,  
25 including the acquisition of land and rights-of-way;  
26 engineering, legal and planning costs; and all other costs which  
27 are directly related to road improvements within the service  
28 area or areas, including debt service. Impact fees shall not be  
29 imposed or used for costs associated with any of the following:

30         (1) Construction, acquisition or expansion of municipal

1 facilities other than capital improvements identified in the  
2 transportation capital improvements plan required by this  
3 act.

4 (2) Repair, operation or maintenance of existing or new  
5 capital improvements.

6 (3) Upgrading, updating, expanding or replacing existing  
7 capital improvements to serve existing developments in order  
8 to meet stricter safety, efficiency, environmental or  
9 regulatory standards not attributable to new development.

10 (4) Upgrading, updating, expanding or replacing existing  
11 capital improvements to remedy deficiencies in service to  
12 existing development or fund deficiencies in existing  
13 municipal capital improvements resulting from a lack of  
14 adequate municipal funding over the years for maintenance or  
15 capital construction costs.

16 (5) Preparing and developing the land use assumptions,  
17 roadway sufficiency analysis and transportation capital  
18 improvement plan, except that impact fees may be used for no  
19 more than a proportionate amount of the cost of professional  
20 consultants incurred in preparing a roadway sufficiency  
21 analysis [of infrastructure within] for a specified  
22 transportation service area, such allowable proportion to be  
23 calculated by dividing the total costs of all road  
24 improvements in the adopted transportation capital  
25 improvement program within the transportation service area  
26 attributable to projected future development within the  
27 service area, as defined in section 504-A(e)(1)(iii), by the  
28 total costs of all road improvements in the adopted  
29 transportation capital improvement program within the  
30 specific transportation service area, as defined in section

1 504-A.

2 \* \* \*

3 Section 5. Sections 504-A(d)(1) and 1103(a) of the act,  
4 amended June 22, 2000 (P.L.495, No.68), are amended to read:

5 Section 504-A. Transportation Capital Improvements Plans.--\*

6 \* \*

7 (d) (1) Upon adoption of the land use assumptions by the  
8 municipality, the advisory committee shall prepare, or cause  
9 to be prepared, a roadway sufficiency analysis which shall  
10 establish the existing level of [infrastructure] sufficiency  
11 and preferred levels of service within any designated area or  
12 areas of the municipality as described by the resolution  
13 adopted pursuant to the creation of the advisory committee.  
14 The roadway sufficiency analysis shall be prepared for any  
15 highway, road or street within the designated area or areas  
16 on which the need for road improvements attributable to  
17 projected future new development is anticipated. The  
18 municipality shall commission a traffic or transportation  
19 engineer or planner to assist the advisory committee in the  
20 preparation of the roadway sufficiency analysis.

21 Municipalities may jointly commission such engineer or  
22 planner to assist in the preparation of multiple municipality  
23 roadway sufficiency analyses. In preparing the roadway  
24 sufficiency analysis report, the engineer may consider and  
25 refer to previously produced professional studies and reports  
26 relevant to the production of the roadway sufficiency  
27 analysis as required by this section. It shall be deemed that  
28 the roads, streets and highways not on the roadway  
29 sufficiency analysis report are not impacted by future  
30 development. The roadway sufficiency analysis shall include



1 the following components:

2 (i) The establishment of existing volumes of traffic  
3 and existing levels of service.

4 (ii) The identification of a preferred level of  
5 service established pursuant to the following:

6 (A) The level of service shall be one of the  
7 categories of road service as defined by the  
8 Transportation Research Board of the National Academy  
9 of Sciences or the Institute of Transportation  
10 Engineers. The municipality may choose to select a  
11 level of service on a transportation service area  
12 basis as the preferred level of service. The  
13 preferred levels of service shall be designated by  
14 the governing body of the municipality following  
15 determination of the existing level of service as  
16 established by the roadway sufficiency analysis. If  
17 the preferred level of service is designated as  
18 greater than the existing level of service, the  
19 municipality shall be required to identify road  
20 improvements needed to correct the existing  
21 deficiencies.

22 (B) Following adoption of the preferred level of  
23 service, such level of service may be waived for a  
24 particular road segment or intersection if the  
25 municipality finds that one or more of the following  
26 effectively precludes provision of road improvements  
27 necessary to meet the level of service: geometric  
28 design limitations, topographic limitations or the  
29 unavailability of necessary right-of-way.

30 (iii) The identification of existing deficiencies

1           which need to be remedied to accommodate existing traffic  
2           at the preferred level of service.

3           (iv) The specification of the required road  
4           improvements needed to bring the existing level of  
5           service to the preferred level of service.

6           (v) A projection of anticipated traffic volumes,  
7           with a separate determination of pass-through trips, for  
8           a period of not less than five years from the date of the  
9           preparation of the roadway sufficiency analysis based  
10          upon the land use assumptions adopted under this section.

11          (vi) The identification of forecasted deficiencies  
12          which will be created by "pass-through" trips.

13          \* \* \*

14          Section 1103. County or Multimunicipal Comprehensive  
15          Plans.--(a) The comprehensive plan that is the subject of an  
16          agreement may be developed by the municipalities or, at the  
17          request of the municipalities, by the county planning agency, or  
18          agencies in the case of a plan covering municipalities in more  
19          than one county, in cooperation with municipalities within the  
20          area and shall include all the elements required or authorized  
21          in section 301 for the region of the plan, including a plan to  
22          meet the housing needs of present residents and those  
23          individuals and families anticipated to reside in the area of  
24          the plan, which may include conservation of presently sound  
25          housing, rehabilitation of housing in declining neighborhoods  
26          and the accommodations of expected new housing in different  
27          dwelling types and of appropriate densities for households of  
28          all income levels. The plan may:

29          (1) Designate growth areas where:

30               (i) Orderly and efficient development to accommodate

1 the projected growth of the area within the next 20 years  
2 is planned for residential and mixed use densities of one  
3 unit or more per acre.

4 (ii) Commercial, industrial and institutional uses  
5 to provide for the economic and employment needs of the  
6 area and to insure that the area has an adequate tax base  
7 are planned for.

8 (iii) [Services] Infrastructure to serve such  
9 development [are] is provided or planned for.

10 (2) Designate potential future growth areas where future  
11 development is planned for densities to accompany the orderly  
12 extension and provision of [services] infrastructure.

13 (3) Designate rural resource areas, if applicable,  
14 where:

15 (i) Rural resource uses are planned for.

16 (ii) Development at densities that are compatible  
17 with rural resource uses are or may be permitted.

18 (iii) Infrastructure extensions or improvements are  
19 not intended to be publicly financed by municipalities,  
20 except in villages, unless the participating or affected  
21 municipalities agree that such [service] infrastructure  
22 should be provided to an area for health or safety  
23 reasons to support or be consistent with rural resources  
24 or to accomplish one or more of the purposes set forth in  
25 section 1101.

26 (4) Plan for the accommodation of all categories of uses  
27 within the area of the plan, provided, however, that all uses  
28 need not be provided in every municipality but shall be  
29 planned and provided for within a reasonable geographic area  
30 of the plan.

1           (5) Plan for developments of areawide significance and  
2     impact, particularly those identified in section 301(3) and  
3     (4).

4           (6) Plan for the conservation and enhancement of the  
5     natural, scenic, historic and aesthetic resources within the  
6     area of the plan.

7     \* \* \*

8     Section 6. This act shall take effect in 60 days.