
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1609 Session of
2009

INTRODUCED BY FREEMAN, HENNESSEY, HOUGHTON, SANTARSIERO, BOYD,
BRENNAN, COHEN, CREIGHTON, CUTLER, DALLY, DERMODY, FABRIZIO,
GEIST, GINGRICH, GRUCELA, HARKINS, HORNAMAN, KORTZ, MAHONEY,
MCGEEHAN, MILNE, MURT, O'NEILL, REICHLEY, SCAVELLO, SIPTROTH,
K. SMITH, STURLA, SWANGER, YOUNGBLOOD AND YUDICHAK,
JUNE 3, 2009

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 3, 2009

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 grant 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

28 hereby enacts as follows:

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

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

11 * * *

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

30 * * *

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

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

15 (1) Set forth the standards, conditions and regulations
16 for a traditional neighborhood development consistent with
17 this article. A zoning ordinance or amendment may authorize
18 and provide standards, conditions and regulations for
19 traditional neighborhood development that:

20 (i) designate a part or parts of the municipality as
21 a district or districts which are reserved exclusively
22 for traditional neighborhood development; or

23 (ii) permit the creation of a traditional
24 neighborhood development in any part of the municipality
25 or in one or more specified zoning districts.

26 [(i) In the case of new development, a traditional
27 neighborhood development designation shall be in the form
28 of an overlay zone. Such an overlay zone does not need to
29 be considered a conditional use by the municipality if it
30 chooses not to.

1 (ii) In the case of either an outgrowth or extension
2 of existing development or urban infill, a traditional
3 neighborhood development designation may be either in the
4 form of an overlay zone or as an outright designation,
5 whichever the municipality decides. Outgrowths or
6 extensions of existing development may include
7 development of a contiguous municipality.]

8 (2) Set forth the procedures pertaining to the
9 application for, hearing on and preliminary and final
10 approval of a traditional neighborhood development which
11 shall be consistent with this article for those applications
12 and hearings.

13 Section 706-A. Standards and Conditions for Traditional
14 Neighborhood Development.--* * *

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

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

29 (2) The location and physical characteristics of the
30 site of the proposed traditional neighborhood development,

1 providing for the retaining and enhancing, where practicable,
2 of natural features such as wetlands, ponds, lakes,
3 waterways, trees of high quality, significant tree stands and
4 other significant natural features. These significant natural
5 features should be at least partially fronted by public
6 tracts whenever possible.

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

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

27 (5) The location, design, type and use of streets,
28 alleys, sidewalks and other public rights-of-way with a
29 hierarchy of streets laid out [in a rectilinear or grid
30 pattern of interconnecting] with an interconnected network of

1 streets and blocks that provide multiple routes from origins
2 to destinations and are appropriately designed to serve the
3 needs of pedestrians and vehicles equally. As such, most
4 streets, except alleys, should have sidewalks.

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

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

27 (8) The site plan to provide for either a natural or
28 man-made corridor to serve as the edge of the neighborhood.
29 When standing alone, the traditional neighborhood development
30 should front on open space to serve as its edge. Such open

1 space may include, but is not limited to, parks, a golf
2 course, cemetery, farmland or natural settings such as
3 woodlands or waterways. When adjacent to existing
4 development, the traditional neighborhood development should
5 either front on open space, a street or roadway or any
6 combination hereof.

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

17 * * *

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

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

28 Section 708.1-A. Subdivision and Land Development Ordinance
29 Provisions Applicable to Traditional Neighborhood Development.--
30 The municipality may enact subdivision and land development

1 ordinance provisions applicable to a traditional neighborhood
2 development to address the design standards that are appropriate
3 to a traditional neighborhood development, including, but not
4 limited to, compactness, pedestrian orientation, street geometry
5 or other related design features. The provisions may be included
6 as part of any ordinance pertaining to traditional neighborhood
7 development and may be subject to modification similar to
8 section 512.1.

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