

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, YUDICHAK, MARSHALL AND CALTAGIRONE, JUNE 3, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 23, 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

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, except as otherwise provided in this
10 article, consistent with Article VI and shall be included within
11 the zoning ordinance, and the enactment of the traditional
12 neighborhood development provisions shall be in accordance with
13 the procedures required for the enactment of an amendment of a
14 zoning ordinance as provided in Article VI. The provisions
15 shall:

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

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

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

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

1 chooses not to.

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

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

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

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

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

30 (2) The location and physical characteristics of the

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

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

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

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

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

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

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

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

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

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

18 * * *

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

29 Section 3. The act is amended by adding a section to read:
30 Section 708.1-A. Subdivision and Land Development Ordinance

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

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