

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**HOUSE BILL****No. 2265** Session of  
2018

---

INTRODUCED BY MALONEY, PICKETT, ROTHMAN, WHEELAND, RADER, JAMES,  
GILLEN AND ZIMMERMAN, APRIL 18, 2018

---

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 20, 2018

---

## AN ACT

1 Amending the act of July 31, 1968 (P.L.805, No.247), entitled  
2 "An act to empower cities of the second class A, and third  
3 class, boroughs, incorporated towns, townships of the first  
4 and second classes including those within a county of the  
5 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," in subdivision and land development,  
21 providing for nonbuilding lots.

22 The General Assembly of the Commonwealth of Pennsylvania

23 hereby enacts as follows:

24 Section 1. The act of July 31, 1968 (P.L.805, No.247), known  
25 as the Pennsylvania Municipalities Planning Code, is amended by  
26 adding a section to read:

27 Section 503.2. Nonbuilding Lots.--(a) The creation of a

1 nonbuilding lot shall be exempt from regulation under a  
2 subdivision and land development plan except as provided under  
3 subsection (b).

4 (b) The subdivision and land development ordinance shall  
5 include all of the following:

6 (1) Provisions allowing for the creation of a TWO <--  
7 nonbuilding lot LOTS when presented with a nonbuilding waiver <--  
8 FORM OBTAINED from the Department of Environmental <--  
9 Protection. <--

10 ~~(2) Provisions requiring appropriate testing prior to~~  
11 ~~approval of a building permit for a lot designated as a~~  
12 ~~nonbuilding lot., AS PROVIDED FOR BY THE ACT OF JANUARY 24,~~ <--  
13 ~~1966 (1965 P.L.1535, NO.537), KNOWN AS THE "PENNSYLVANIA~~  
14 ~~SEWAGE FACILITIES ACT," WHICH DECLARES THAT THERE IS NO~~  
15 ~~PRESENT NEED FOR SEWAGE DISPOSAL FACILITIES ON THE SITE AND~~  
16 ~~THAT COMPLETION OF SEWAGE FACILITIES PLANNING IS NOT~~  
17 ~~REQUIRED, AND TWO OR MORE NONBUILDING LOTS IF THE WAIVER~~  
18 ~~DESIGNATES THAT THE PROPERTY IS BEING DIVIDED AMONG IMMEDIATE~~  
19 ~~FAMILY MEMBERS.~~

20 (2) IN THE EVENT THAT THE OWNER OR APPLICANT OF A  
21 SUBDIVIDED PARCEL THAT HAS BEEN GRANTED A NONBUILDING WAIVER  
22 SUBSEQUENTLY DESIRES TO BUILD UPON OR DEVELOP THE PROPERTY,  
23 THE OWNER OR APPLICANT SHALL COMPLY WITH ALL APPLICABLE  
24 STATUTES, REGULATIONS OR ORDINANCES IN EFFECT AT THE TIME OF  
25 THE DESIRED CONSTRUCTION OR DEVELOPMENT.

26 (C) AS USED IN THIS SECTION:

27 "IMMEDIATE FAMILY MEMBER" SHALL MEAN A SPOUSE, PARENT, CHILD,  
28 GRANDCHILD, BROTHER OR SISTER.

29 "NONBUILDING LOT" SHALL MEAN A PARCEL OF LAND THAT DOES NOT  
30 CONTAIN ANY STRUCTURE OR BUILDING THAT PRODUCES SEWAGE, PROVIDED

1 THAT A STRUCTURE OR BUILDING NOT PRODUCING SEWAGE IS ALLOWED ON  
2 THE SITE.

3 "SEWAGE DISPOSAL FACILITIES" SHALL MEAN ANY SEWAGE DISPOSAL  
4 SYSTEM AND THE ASSOCIATED INFRASTRUCTURE ALLOWED BY THE  
5 DEPARTMENT OF ENVIRONMENTAL PROTECTION UNDER THE "PENNSYLVANIA  
6 SEWAGE FACILITIES ACT."

7 Section 2. This act shall take effect in 60 days.