

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 103 Session of 2019

INTRODUCED BY MALONEY, MOUL, ROTHMAN, STRUZZI, ZIMMERMAN AND GILLEN, JANUARY 28, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 10, 2019

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 THIS ACT MAY BE REFERRED TO AS THE FAMILY HERITAGE OPEN SPACE <--
23 PROTECTION ACT.

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

26 Section 1. The act of July 31, 1968 (P.L.805, No.247), known
27 as the Pennsylvania Municipalities Planning Code, is amended by

1 adding a section to read:

2 Section 503.2. Nonbuilding Lots.--(a) The creation of a
3 nonbuilding lot shall be exempt from regulation under a
4 subdivision and land development plan except as provided under
5 subsection (b).

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

8 (1) Provisions allowing for the creation of two
9 nonbuilding lots when presented with a waiver form obtained
10 from the Department of Environmental Protection, as provided
11 for by the act of January 24, 1966 (1965 P.L.1535, No.537),
12 known as the "Pennsylvania Sewage Facilities Act," which
13 declares that there is no present need for sewage disposal
14 facilities on the site and that completion of sewage
15 facilities planning is not required, and two or more
16 nonbuilding lots if the waiver designates that the property
17 is being divided among immediate family members.

18 (2) In the event that the owner or applicant of a
19 subdivided parcel that has been granted a nonbuilding waiver
20 subsequently desires to build upon or develop the property,
21 the owner or applicant shall comply with all applicable
22 statutes, regulations or ordinances in effect at the time of
23 the desired construction or development.

24 (c) As used in this section:

25 "Immediate family member" shall mean a spouse, parent, child,
26 grandchild, brother or sister.

27 "Nonbuilding lot" shall mean a parcel of land that does not
28 contain any structure or building that produces sewage, provided
29 that a structure or building not producing sewage is allowed on
30 the site.

1 "Sewage disposal facilities" shall mean any sewage disposal
2 system and the associated infrastructure allowed by the
3 Department of Environmental Protection under the "Pennsylvania
4 Sewage Facilities Act."

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