

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 34 Session of 2023

INTRODUCED BY MALONEY, MOUL, ROWE AND ZIMMERMAN, MARCH 7, 2023

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 7, 2023

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
 28 adding a section to read:

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

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

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

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

23 (c) As used in this section:

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

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

30 "Sewage disposal facilities" shall mean any sewage disposal

1 system and the associated infrastructure allowed by the
2 Department of Environmental Protection under the "Pennsylvania
3 Sewage Facilities Act."

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