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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1975 Session of  
2024

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INTRODUCED BY SIEGEL, KHAN, KINSEY, HANBIDGE, MAYES, MADDEN,  
SANCHEZ, HILL-EVANS, HOHENSTEIN, N. NELSON, PIELLI, GUZMAN,  
MADSEN, WEBSTER, OTTEN, KRAJEWSKI, GREEN, CEPEDA-FREYTIZ,  
ISAACSON AND POWELL, JANUARY 31, 2024

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REFERRED TO COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT,  
JANUARY 31, 2024

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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 zoning, further providing for  
21 classifications.

22 The General Assembly of the Commonwealth of Pennsylvania

23 hereby enacts as follows:

24 Section 1. Section 605 of the act of July 31, 1968 (P.L.805,  
25 No.247), known as the Pennsylvania Municipalities Planning Code,  
26 is amended to read:

1 Section 605. Classifications.--(a) In any municipality,  
2 other than a county, which enacts a zoning ordinance, no part of  
3 such municipality shall be left unzoned. The provisions of all  
4 zoning ordinances may be classified so that different provisions  
5 may be applied to different classes of situations, uses and  
6 structures and to such various districts of the municipality as  
7 shall be described by a map made part of the zoning ordinance.  
8 The municipality may divide the municipality into zoning  
9 districts of an area, number and shape best suited to the  
10 purposes of this section. Within the zoning districts, the  
11 municipality may regulate and restrict the erection,  
12 construction, reconstruction, alteration, repair or use of  
13 buildings, structure or land. Where zoning districts are  
14 created, all provisions shall be uniform for each class of uses  
15 or structures, within each district, except that additional  
16 classifications may be made within any district:

17 (1) For the purpose of making transitional provisions at  
18 and near the boundaries of districts.

19 (1.1) For the purpose of regulating nonconforming uses  
20 and structures.

21 (2) For the regulation, restriction or prohibition of  
22 uses and structures at, along or near:

23 (i) major thoroughfares, their intersections and  
24 interchanges, transportation arteries and rail or transit  
25 terminals;

26 (ii) natural or artificial bodies of water, boat  
27 docks and related facilities;

28 (iii) places of relatively steep slope or grade, or  
29 other areas of hazardous geological or topographic  
30 features;

- 1 (iv) public buildings and public grounds;  
2 (v) aircraft, helicopter, rocket, and spacecraft  
3 facilities;  
4 (vi) places having unique historical, architectural  
5 or patriotic interest or value; or  
6 (vii) flood plain areas, agricultural areas,  
7 sanitary landfills, and other places having a special  
8 character or use affecting and affected by their  
9 surroundings.

10 As among several classes of zoning districts, the provisions  
11 for permitted uses may be mutually exclusive, in whole or in  
12 part.

13 (3) For the purpose of encouraging innovation and the  
14 promotion of flexibility, economy and ingenuity in  
15 development, including subdivisions and land developments as  
16 defined in this act, and for the purpose of authorizing  
17 increases in the permissible density of population or  
18 intensity of a particular use based upon expressed standards  
19 and criteria set forth in the zoning ordinance.

20 (4) For the purpose of regulating transferable  
21 development rights on a voluntary basis.

22 (b) Local design and review standards imposed by a  
23 municipality must be clear, objective and necessary to protect  
24 public health and safety or comply with Federal law.

25 (c) Zoning regulation may not include:

26 (1) a requirement to pay a fee for the purpose of  
27 providing housing for specified income levels or at specific  
28 sale prices; or

29 (2) dedicate real property for the purpose of providing  
30 housing for specified income levels or at specific sale

1 prices. This paragraph includes a payment or other  
2 contribution to a local housing authority or the reservation  
3 of real property for future development of housing for  
4 specified income levels or specified sale prices.

5 (d) When reviewing an application for a permit or variance,  
6 the determination of compliance with local design standards  
7 shall be conducted solely by employees of the municipality, and  
8 the municipality may not require review by a board.

9 (e) This section may not be construed to limit conditions  
10 imposed in historic districts, local design review standards,  
11 existing covenants or the ability to enter into covenants.

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