
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1960 Session of
2024

INTRODUCED BY EMRICK, PROBST, ZIMMERMAN, HOGAN, GILLEN AND
M. MACKENZIE, JANUARY 31, 2024

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 31, 2024

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 general provisions, further providing for
21 definitions; and, in subdivision and land development,
22 providing for local option for high impact warehouses and
23 distribution centers.

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

26 Section 1. Section 107(a) of the act of July 31, 1968
27 (P.L.805, No.247), known as the Pennsylvania Municipalities
28 Planning Code, is amended by adding definitions to read:

1 Section 107. Definitions.--(a) The following words and
2 phrases when used in this act shall have the meanings given to
3 them in this subsection unless the context clearly indicates
4 otherwise:

5 * * *

6 "Distribution center," a specialized facility within the
7 supply chain management system that serves as a central point
8 for receiving, storing, managing and distributing goods to
9 various destinations. The term does not include a facility which
10 is open to the public for retail sales.

11 * * *

12 "High impact warehouse or distribution center," a proposed
13 development of regional significance and impact that is a
14 warehouse or a distribution center that uses at least three
15 acres and is 100,000 square feet or greater.

16 * * *

17 "Warehouse," a large, organized space or facility used for
18 the systematic storage, retrieval and movement of various goods,
19 materials, merchandise and other items. The term does not
20 include a facility which is open to the public for retail sales.

21 * * *

22 Section 2. The act is amended by adding a section to read:

23 Section 508.2. Local Option for High Impact Warehouses and
24 Distribution Centers.--(a) A decision of a governing body or
25 the planning agency under section 508 that approves an
26 application for a plat containing a high impact warehouse or
27 distribution center shall not be final unless the electorate of
28 the municipality through a local option at an election approve
29 the proposed high impact warehouse or distribution center in
30 accordance with this section.

1 (b) An election under this section shall be held on the date
2 of the next election which occurs at least 100 days after a
3 decision of a governing body or planning agency under subsection
4 (a), to determine the will of the electors with respect to
5 approval of the proposed high impact warehouse or distribution
6 center within the limits of the municipality under the
7 provisions of this act. When the governing body of the
8 municipality adopts, by a majority vote, a resolution to place a
9 question on the ballot and files a copy of the resolution with
10 the board of elections of the county for a referendum on the
11 question of approving a specific high impact warehouse or
12 distribution center, the county board of elections shall place a
13 question on the ballot or on the voting machine board and submit
14 the question to the electors at the applicable election. On the
15 ballot and immediately preceding the question shall appear a
16 sentence describing the details of the proposed high impact
17 warehouse or distribution center use such as the total acreage,
18 the proposed building size and any proposed road and street
19 improvements. The question shall be in the following form:

20 Do you approve of (name of municipality) approving the
21 high impact warehouse or distribution center at
22 (location) whose application was submitted on (month) of
23 (year)?

24 (c) If a majority of the electors voting on the question
25 vote "yes," the application filed under section 508 is finally
26 approved in the municipality, but if a majority of the electors
27 voting on the question vote "no," the application for the
28 proposed high impact warehouse or distribution center is denied.

29 (d) Except as otherwise provided in this section,
30 proceedings under this section shall be in accordance with the

1 provisions of the act of June 3, 1937 (P.L.1333, No.320), known
2 as the "Pennsylvania Election Code."

3 Section 3. This act shall take effect in 60 days.