

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1401 Session of
1995

INTRODUCED BY REBER, MCGILL, HENNESSEY, LYNCH, PETTIT, JAROLIN,
E. Z. TAYLOR, D. W. SNYDER, TRELLO AND STISH, APRIL 20, 1995

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 20, 1995

AN ACT

1 Amending the act of July 31, 1968 (P.L.805, No.247), entitled,
2 as amended, "An act to empower cities of the second class A,
3 and third class, boroughs, incorporated towns, townships of
4 the first and second classes including those within a county
5 of the 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," further providing for plat approvals.

21 The General Assembly of the Commonwealth of Pennsylvania

22 hereby enacts as follows:

23 Section 1. Section 508(4)(i) and (ii) of the act of July 31,
24 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities
25 Planning Code, reenacted and amended December 21, 1988
26 (P.L.1329, No.170), are amended to read:

27 Section 508. Approval of Plats.--All applications for

1 approval of a plat (other than those governed by Article VII),
2 whether preliminary or final, shall be acted upon by the
3 governing body or the planning agency within such time limits as
4 may be fixed in the subdivision and land development ordinance
5 but the governing body or the planning agency shall render its
6 decision and communicate it to the applicant not later than 90
7 days following the date of the regular meeting of the governing
8 body or the planning agency (whichever first reviews the
9 application) next following the date the application is filed,
10 provided that should the said next regular meeting occur more
11 than 30 days following the filing of the application, the said
12 90-day period shall be measured from the 30th day following the
13 day the application has been filed.

14 * * *

15 (4) Changes in the ordinance shall affect plats as
16 follows:

17 (i) From the time an application for approval of a
18 plat, whether preliminary or final, is duly filed as
19 provided in the subdivision and land development
20 ordinance, and while such application is pending approval
21 or disapproval, no change or amendment of the zoning[,]
22 or subdivision [or other governing] ordinance or plan
23 shall affect the decision on such application adversely
24 to the applicant and the applicant shall be entitled to a
25 decision in accordance with the provisions of the
26 governing ordinances or plans as they stood at the time
27 the application was duly filed. In addition, when a
28 preliminary application has been duly approved, the
29 applicant shall be entitled to final approval in
30 accordance with the terms of the approved preliminary

1 application as hereinafter provided. However, if an
2 application is properly and finally denied, any
3 subsequent application shall be subject to the
4 intervening change in governing regulations.

5 (ii) When an application for approval of a plat,
6 whether preliminary or final, has been approved without
7 conditions or approved by the applicant's acceptance of
8 conditions, no subsequent change or amendment in the
9 zoning[,] or subdivision [or other governing] ordinance
10 or plan shall be applied to affect adversely the right of
11 the applicant to commence and to complete any aspect of
12 the approved development in accordance with the terms of
13 such approval within five years from such approval.

14 * * *

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