

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 628

Session of
1985

INTRODUCED BY GREENWOOD, AFFLERBACH, E. Z. TAYLOR, DISTLER,
FLICK AND FOX, MARCH 20, 1985

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 20, 1985

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 class A
6 through eighth classes, individually or jointly, to plan
7 their development and to govern the same by zoning,
8 subdivision and land development ordinances, planned
9 residential development and other ordinances, by official
10 maps, by the reservation of certain land for future public
11 purpose and by the acquisition of such land; to promote the
12 conservation of energy through the use of planning practices
13 and to promote the effective utilization of renewable energy
14 sources; providing for the establishment of planning
15 commissions, planning departments, planning committees and
16 zoning hearing boards, authorizing them to charge fees, make
17 inspections and hold public hearings; providing for
18 appropriations, appeals to courts and penalties for
19 violations; and repealing acts and parts of acts," imposing
20 prospective limitations on owners obtaining curative
21 amendments.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

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

27 Section 609.3. Limitations on Curative Amendments.--(a)

1 Where, after the effective date of this section, a plan is
2 approved by the grant of a curative amendment application or the
3 sustaining of a validity challenge before the zoning hearing
4 board or final action of the court on appeal from denial of a
5 curative amendment plan by either the governing body or the
6 zoning hearing board, and the plan so approved requires a
7 further application for subdivision or land development, the
8 developer shall have two years from the date of such approval to
9 file an application for preliminary or tentative approval
10 pursuant to Article V or VII. Within the two-year period, no
11 subsequent change or amendment in the zoning, subdivision or
12 other governing ordinance or plan shall be applied in any manner
13 which adversely affects the rights of the applicant as granted
14 in the curative amendment. Upon the filing of the preliminary or
15 tentative plan, the provisions of clause (4) of section 508
16 shall apply.

17 (b) Where the plan appended to the curative amendment
18 application or to the validity challenge is approved but does
19 not require further application under any subdivision or land
20 development ordinance, the developer shall have one year within
21 which to file for a building permit. Within the one-year period,
22 no subsequent change or amendment in the zoning, subdivision or
23 other governing ordinance or plan shall be applied in any manner
24 which adversely affects the rights of the applicant as granted
25 in the curative amendment.

26 (c) During the protected periods provided in subsection (a)
27 or (b), the court shall retain or assume jurisdiction for the
28 purpose of awarding such supplemental relief as may be
29 necessary.

30 Section 2. This act shall apply to all curative amendments

1 which are applied for and received on or after the effective
2 date of this act.

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