

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1016 Session of
1997

INTRODUCED BY MCGILL, ARMSTRONG, CORRIGAN, YOUNGBLOOD, CLARK,
FICHTER, McNAUGHTON, FEESE, D. W. SNYDER AND CORNELL,
MARCH 19, 1997

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 19, 1997

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 approval.

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

23 Section 1. Section 508(4) of the act of July 31, 1968
24 (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), is amended to read:

1 Section 508. Approval of Plats.--All applications for
2 approval of a plat (other than those governed by Article VII),
3 whether preliminary or final, shall be acted upon by the
4 governing body or the planning agency within such time limits as
5 may be fixed in the subdivision and land development ordinance
6 but the governing body or the planning agency shall render its
7 decision and communicate it to the applicant not later than 90
8 days following the date of the regular meeting of the governing
9 body or the planning agency (whichever first reviews the
10 application) next following the date the application is filed,
11 provided that should the said next regular meeting occur more
12 than 30 days following the filing of the application, the said
13 90-day period shall be measured from the 30th day following the
14 day the application has been filed.

15 * * *

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

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

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

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

15 (iii) Where final approval is preceded by
16 preliminary approval, the aforesaid five-year period
17 shall be counted from the date of the preliminary
18 approval. In the case of any doubt as to the terms of a
19 preliminary approval, the terms shall be construed in the
20 light of the provisions of the governing ordinances or
21 plans as they stood at the time when the application for
22 such approval was duly filed. In the event an application
23 for final approval of a plat is filed within one year
24 from the date of preliminary approval and the plat is
25 approved without conditions or approved by applicant's
26 acceptance of conditions, the five-year period shall
27 commence anew and shall be counted from the date of final
28 approval. If an application for final approval of a plat
29 is not filed within one year from the date of preliminary
30 approval or if an application for final approval is

1 properly denied, the five-year period shall continue to
2 be measured from the date of preliminary approval.

3 (iv) Where the landowner has substantially completed
4 the required improvements as depicted upon the final plat
5 within the aforesaid five-year limit, or any extension
6 thereof as may be granted by the governing body, no
7 change of municipal ordinance or plan enacted subsequent
8 to the date of filing of the preliminary plat shall
9 modify or revoke any aspect of the approved final plat
10 pertaining to zoning classification or density, lot,
11 building, street or utility location.

12 (v) In the case of a preliminary plat calling for
13 the installation of improvements beyond the five-year
14 period, a schedule shall be filed by the landowner with
15 the preliminary plat delineating all proposed sections as
16 well as deadlines within which applications for final
17 plat approval of each section are intended to be filed.
18 Such schedule shall be updated annually by the applicant
19 on or before the anniversary of the preliminary plat
20 approval, until final plat approval of the final section
21 has been granted and any modification in the aforesaid
22 schedule shall be subject to approval of the governing
23 body in its discretion.

24 (vi) Each section in any residential subdivision or
25 land development, except for the last section, shall
26 contain a minimum of 25% of the total number of dwelling
27 units as depicted on the preliminary plan, unless a
28 lesser percentage is approved by the governing body in
29 its discretion. Provided the landowner has not defaulted
30 with regard to or violated any of the conditions of the

1 preliminary plat approval, including compliance with
2 landowner's aforesaid schedule of submission of final
3 plats for the various sections, then the aforesaid
4 protections afforded by substantially completing the
5 improvements depicted upon the final plat within five
6 years shall apply and for any section or sections, beyond
7 the initial section, in which the required improvements
8 have not been substantially completed within said five-
9 year period the aforesaid protections shall apply for an
10 additional term or terms of three years from the date of
11 final plat approval for each section.

12 (vii) Failure of landowner to adhere to the
13 aforesaid schedule of submission of final plats for the
14 various sections shall subject any such section to any
15 and all changes in zoning, subdivision and other
16 governing ordinance enacted by the municipality
17 subsequent to the date of the initial preliminary plan
18 submission.

19 (viii) For purposes of this clause, the five-year
20 period referred to in subclauses (ii), (iii), (iv), (v)
21 and (vi) shall not include any of the following periods
22 during which the applicant is unable to proceed with the
23 development described on the approved plat, whether
24 preliminary or final:

25 (A) During the pendency of any proceeding filed
26 with the zoning hearing board of a municipality under
27 section 909.1(a), (1), (2), (3), (4), (7), (8) or (9)
28 resulting in a stay of proceedings under section
29 915.1(a).

30 (B) During the pendency of any appeal to court

1 from a decision rendered under Article IX or deemed
2 to have been rendered under this act filed by a
3 person or persons seeking to prevent development
4 pursuant to an approved plat, whether preliminary or
5 final.

6 (C) During the pendency of any appeal to court
7 by a landowner from a decision of the governing body
8 denying final plat approval of a subdivision or land
9 development which has received preliminary plat
10 approval or denying final approval of a planned
11 residential development which has received tentative
12 approval.

13 (D) During the pendency of any appeal filed by a
14 landowner from an action or refusal to act of a
15 municipality or any Federal, State, county or local
16 agency on an application for a permit or approval
17 required in order to permit development in accordance
18 with an approved plat, whether preliminary or final.
19 For purposes of this section an appeal shall be
20 deemed to include a private request for a revision to
21 the official sewage facilities plan of the
22 municipality under the act of January 24, 1966 (1965
23 P.L.1535, No.537), known as the "Pennsylvania Sewage
24 Facilities Act."

25 (E) During any moratorium imposed on connections
26 to water or sanitary sewer facilities or both water
27 and sanitary sewer facilities where development in
28 accordance with the approved plat requires water or
29 sanitary sewer facilities or both water and sanitary
30 sewer facilities.

1 * * *

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