ZONING & PLANNING - PENNSYLVANIA

Protect PT v. Penn Township Zoning Hearing Board

Commonwealth Court of Pennsylvania - November 14, 2019 - A.3d - 2019 WL 5991755

Citizens' association sought judicial review of decision by zoning board, which denied association's challenge to constitutionality of zoning ordinance permitting unconventional natural gas development (UNGD) in township's low-density residential district.

The Court of Common Pleas upheld the ordinance. Association appealed.

The Commonwealth Court held that:

- Evidence was sufficient to establish that UNGD was compatible with purposes of zoning district;
- Evidence was sufficient to establish that overlay district was consistent with township's comprehensive plan and residential land use expectations;
- Evidence was sufficient to establish that ordinance protected residents' right to enjoy their property and their right to a healthy environment under state constitution; and
- Association failed to establish that ordinance posed a substantial actual risk to environment or health of residents.

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