

Bond Case Briefs

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ZONING & PLANNING - PENNSYLVANIA

In re Board of Commissioners of Cheltenham Township

Supreme Court of Pennsylvania - July 17, 2019 - A.3d - 2019 WL 3219255

Board of commissioners of township appealed decision of township zoning hearing board, which granted developer's application for special exception to construct age-restricted housing development on its property.

The Court of Common Pleas affirmed. Board appealed. The Commonwealth Court affirmed. Board filed petition for discretionary review.

The Supreme Court held that statutory protection of pending land development applications from changes to governing ordinance extends to zoning applications.

The statutory protection of pending land development applications, which precludes a municipality from changing its zoning, subdivision, or other governing ordinance or plan subsequent to the filing of a land development application and then applying the new version of any of those municipal enactments to the then-pending application, extends to zoning applications submitted to a zoning hearing board that are related to the land development application, and filed with the zoning hearing board during the pendency of the land development application and after an adverse zoning change.