

Bond Case Briefs

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ZONING & PLANNING - PENNSYLVANIA

Yannaccone v. Lewis Township Board of Supervisors

Commonwealth Court of Pennsylvania - August 9, 2019 - A.3d - 2019 WL 3755213

Property owner brought action against township governing board for declaratory judgment that zoning ordinance was void, alleging planning committee was not valid planning agency under Municipalities Planning Code (MPC).

Board objected to complaint on grounds including standing. Trial court sustained standing objection. Property owner filed amended complaint asserting he owned land within township. Trial court denied property owner's motion for summary judgment and found board complied with procedural requirements for enacting ordinance. Following trial, the Court of Common Pleas entered judgment in favor of board and denied property owner's subsequent motion for reconsideration. Property owner appealed.

The Commonwealth Court held that:

- MPC did not require planning committee to be created by ordinance;
- Property owner failed to establish planning committee did not actually exist during development of proposed ordinance;
- Membership of planning committee was not improper;
- Planning committee failed to publish or post notice of public meeting;
- Where a challenge to an ordinance is filed within statutory deadline, challenger must only prove a failure to strictly comply with statutory procedure; and
- Statute governing time for appeals from and remedies for procedural defects in land use decisions did not apply to zoning ordinance.