

LAND USE LAW UPDATE

PENNSYLVANIA PLANNING ASSOCIATION
ANNUAL CONFERENCE
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ZONING, SUBDIVISION AND LAND DEVELOPMENT

WHAT SHOULD YOU KNOW?

- No hardship, no variance
- Outside agency approvals are appropriate subject of condition, not grounds for denial
- Failure to follow statutory procedures remains grounds for deemed approval and/or appeal





ZONING, SUBDIVISION AND LAND DEVELOPMENT

WHAT DO YOU KNOW?

- May a ZHB grant a variance for parking where the applicant is adding a tenant to an existing building on a fully built-out lot?
- May a municipality deny an application outright for failure to have an HOP in hand?
- Can a ZHB hold a scheduled public hearing on an ordinance proposing to apply an overlay zone to 25 properties without posting the properties with notice of the public hearing?



OTHER AREAS OF INTEREST

WHAT SHOULD YOU KNOW?

- Local regulation can be preempted by state and federal law
- A land use ordinance cannot be a revenue-raising tool
- The MPC definitions of "subdivision" and "land development"





OTHER AREAS OF INTEREST

WHAT DO YOU KNOW?

- Can a municipality through its zoning ordinance restrict the location of a CAFO to certain areas of the municipality?
- Can a rental property ordinance require that the applicant for a permit for a rental unit be current on payment of property taxes?
- Is an application for land development required for a billboard?

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OPEN RECORDS LAW FOR PLANNERS

WHAT SHOULD YOU KNOW?

- The release of public records is not determined by who the requester is or why she wants the public record
- Public records include electronic communications
- The Open Records Law broadly defines “public record,” “agency” and “local agency”

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OPEN RECORDS LAW FOR PLANNERS

WHAT DO YOU KNOW?

- Can the Open Records Officer ask the purpose for making the request for a public record when she suspects or knows of litigation?
- Is a request for "any and all" records relating to access for a school construction project, including e-mails sent from or received at the school board member's home computer, a proper request?
- Is a request for e-mails relating to records already obtained under three prior public records requests a proper request?




