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?

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.”
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?