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## Newsletter of the Pa. Association of Zoning Officials

August 2021

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### Latest News

#### **Reminder: Zoning Hearing Board Meetings to Require Agendas**

Beginning August 29, Act 65 of 2021 will require all township boards and commissions — including zoning hearing boards and planning commissions — to post agendas at least 24 hours before meetings on the township website, if the township has one; at the township building; and at the location of the meeting. Action items may still be added to the agenda at the meeting by majority vote after first stating the reason for the change. An amended agenda will need to be posted on the website, if the township has one, and at the township building and meeting place on the first business day after the meeting. [Click here](#) for a new PSATS fact sheet with the details.

#### **Save the Date for the PSATS Zoning Academy**

The finishing touches are being made to the new PSATS Zoning Academy, which will be held **December 7-9** at the PSATS Education Center in Enola. The academy is designed to give attendees a foundational understanding of all important aspects of zoning in Pennsylvania. It will include small-group and individualized exercises and post-academy assessments, and will leave attendees well-prepared for the Certified Zoning Officials exam.

Topics to be addressed include:

- Legal foundations and framework of zoning
- Overview of key elements of the Municipalities Planning Code
- Review of important zoning terminology and elements
- Permitting process
- Use regulations and zoning districts
- Enforcement
- Zoning hearing boards
- New and emerging zoning uses

This will also be a great refresher for seasoned zoning officials and a good start for those looking to get into the zoning field. Watch your email and this newsletter for more details in the coming weeks.

#### **Registration Open for PSATS Centennial Celebration Dinner**

PSATS will be celebrating its 100th anniversary with a celebratory reception and dinner at the

Hershey Lodge October 14. Registration is open at [psats100.mypli.org](https://psats100.mypli.org). Please consider joining PSATS and your township clients there. For more information, [click here](#).

### **Agrivoltaics: Two for One – Harvesting Crops and Solar**

Townships that are faced with the decision of either allowing a solar farm in an agricultural area or preserving farmland may be able to do both at the same location. Christopher Knarr of McNees Wallace & Nurick explains the concept of “agrivoltaics,” which is a system that collocates and simultaneously operates agriculture and solar energy generation on the same land, helping to maximize the land’s overall production value. Read the blog post [here](#).

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## **Training Opportunities**

### **PAAZO Fall Seminars**

The agendas for these events are in process and will be sent to PAAZO members once finalized. In the meantime, here are the dates and registration information:

- [October 19, 2021 \(PSATS, Cumberland County\)](#)
- [October 21, 2021 \(Monroeville, Allegheny County\)](#)
- [November 9, 2021 \(Exton, Chester County\)](#)



### **Efficiencies in Park and Open Space Management – 11/10 Webinar**

Designed to emphasize the importance of parks and public open space as essential elements in community infrastructure, this webinar will highlight opportunities for land managers to improve maintenance, operational efficiencies, and sustainability efforts. Participants will also network in small groups to share best practices in resource management and capital planning across various industries that can be applied to public works, facilities, grounds, and public property stewardship.



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## **Legal Update**

### **Court Rejects ‘Drive-By’ Investigation Claim, Upholds Township Enforcement Notice**

In *Granny N Pops, LLC v. East Lampeter Twp. Zoning Hearing Bd.*, No. 287 C.D. 2020, 2021 WL 3012174 (Pa.Cmwlth. July 16, 2021), the Commonwealth Court rejected an argument that a zoning officer’s “drive-by” investigation was insufficient and upheld an enforcement notice issued to property owners for constructing two apartment units in an accessory building without zoning approval.

The property owners contended that the zoning hearing board failed to present substantial evidence to establish the zoning violation because the zoning officer conducted only a “drive-by”

investigation of the property, where the accessory structure was more than 150 feet from the road and behind the primary structure. Thus, the board had no witness with personal knowledge of the interior of the structure.

The court found that the testimony of the assistant zoning officer — he spoke with the resident who confirmed the existence of the units, performed a drive-by inspection, and observed improvements and cars parked in front of the structure — was sufficient to support the enforcement notice. The court also noted that the property owners, when submitting a request for a special exception after receiving the enforcement notice, stated that the use had existed for several decades.

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We would love to hear what you think about this newsletter's new format, plus any suggestions you may have. Send us an email at [paazo@psats.org](mailto:paazo@psats.org) or call Editor Brenda Wilt at (717) 763-0930, ext. 123, or PAAZO Program Manager Kathy Kronicz at (717) 763-0930, ext. 154.



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