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Newsletter of the Pa. Association of Zoning Officials

July 2022

Latest News

Briefing Underway in Shooting Range Ordinance Dispute

In *Barris v. Stroud Twp.*, the Pennsylvania Supreme Court will be considering the constitutionality of a township ordinance that permits shooting ranges in only two zoning districts. The Commonwealth Court previously ruled that the township had not justified why an outright ban in other zoning districts was necessary, but that municipalities could impose requirements on shooting ranges such as minimum lot sizes, setbacks, and safety requirements.

Supreme Court to Decide Zoning Dispute Over Construction of Medical Center

The Pennsylvania Supreme Court has agreed to hear an appeal from a residents group challenging a decision of the Commonwealth Court that a zoning hearing board “erroneously delved into broader concerns beyond whether the zoning officer properly concluded that the proposed use was allowed” by the zoning ordinance when it ruled that a zoning officer could not issue a use permit for a medical center. To review the issues before the Supreme Court in *AUUE, Inc. v. Borough of Jefferson Hills ZHB*, No. 328 WAL 2021, [click here](#).

Ideas for Sustainability-Related Ordinance Topics?

For the past several years, PSATS has worked with Widener University Commonwealth Law School on a class that focuses on sustainability-related issues at the municipal level. The students draft white papers and model ordinances — or ordinances for specific municipal “clients.” Some of the topics that have been covered include the keeping of bees, chickens, and goats, adaptive reuse of buildings, reducing parking requirements, solar micro-grids, backyard farming, and more. If you have any ideas for consideration or your township is interested in potentially having an ordinance drafted for it, please email Scott Coburn at scoburn@psats.org.

Registration Is Open for PSATS Fall Zoning Events

PSATS will be hosting the PAAZO Fall Forums September 13 at PSATS in Cumberland County, October 13 in Montgomery County, and November 17 in Butler County. To register, click one of the links in the Educational Opportunities section below.

PSATS Regional Forums Kick Off in a Couple of Weeks

Don't miss your opportunity to attend one of PSATS' Regional Forums, which will be held at numerous locations around the state this summer and fall. These events are great opportunities for you to network with other municipal officials and broaden your knowledge base about zoning and other local government issues. Go to regionalforum.psats.org for more information.

Educational Opportunities

PAAZO Fall Seminars – Multiple Dates/Locations

In the PAAZO Fall Seminars, learn from experts on a variety of topics pertinent to your duties as a municipal zoning official. Specific agenda items will be updated when finalized. To register, click on the following date and location of your choice:

- [Cumberland County – 9/13/22](#)
 - [Montgomery County – 10/13/22](#)
 - [Butler County – 11/17/22](#)
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Legal Update

Federal Court Rejects Commonwealth Court Wireless/Zoning Decision as Defying “Common Sense”

In *Cellco Partnership d/b/a Verizon Wireless v. White Deer Zoning Hearing Bd.*, No. 4:20-CV-2438, 2022 WL 2345743 (M.D.Pa. June 29, 2022), a federal district court rejected the reasoning of the Commonwealth Court in *Fairview Twp. v. Fairview Twp. Zoning Hearing Bd.*, 233 A.3d 958 (Pa.Cmwth. 2020), that the federal Telecommunications Act never obliges zoning hearing boards to grant variances to personal wireless service providers if the boards provide some zoning-related reasoning justifying their decisions. The court found that the “Commonwealth Court’s reading of the FCC’s declaratory rulings simply defies common sense.” The court reversed the ZHB’s decision and granted Verizon’s variance application.

This monthly newsletter for members of the Pennsylvania Association of Zoning Officials focuses on news and matters of interest to zoning officials, lists upcoming training opportunities, and provides a snapshot of zoning-related legal decisions. You can access past newsletters under the “Newsroom” tab when you are signed in at psats.org. Email comments and suggestions to PAAZO Program Manager Kathy Kronicz at kkronicz@psats.org.



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