

## Alerts and Updates

### PENNSYLVANIA PLANNED COMMUNITIES AND CONDOMINIUMS IN LIGHT OF SHAFFER

#### DECISION: WHAT NOW?

February 9, 2010

Recently, the Pennsylvania Supreme Court affirmed, without opinion, the Commonwealth Court's decision in *Shaffer Family Limited Partnership v. Zoning Hearing Board of Chanceford Township*.<sup>1</sup> This case has caused an uproar in the real estate development community. Many real estate developers and their attorneys are now asking, "What governmental approvals are required for the creation and use of planned community and condominium regimes in Pennsylvania?"

In its decision, the Commonwealth Court of Pennsylvania held that the Shaffers' division of a tract of land into units, pursuant to the Pennsylvania Uniform Planned Community Act, and the subsequent transfer of one of those units—without first having received subdivision or land development approval—was unlawful.

Some legal practitioners have disagreed with this ruling. However, the *Shaffer* case is not a departure from existing law, and the court decision may not have much changed the legal landscape, if at all. Nonetheless, the result in the *Shaffer* case does illustrate one important consideration for real estate development: It is prudent to seek legal guidance in the proper use of planned communities and condominiums in order to take advantage of the significant development flexibility they can provide—and to avoid a result like that in the *Shaffer* case.

#### For Further Information

If you have any questions about the proper creation and use of planned communities and condominiums, please contact [Marc D. Brookman](#), [David I. Haas](#), any other [member](#) of the [Real Estate Practice Group](#) or the attorney in the firm with whom you are regularly in contact.

#### Note

1. *Frank N. Shaffer Family Ltd. P'ship v. Zoning Hearing Bd. of Chanceford Twp.*, 2010 Pa. LEXIS 26 (Pa. Jan. 26, 2010), *aff'g* 964 A.2d 23 (Pa. Commw. Ct., 2008).