



NORTH WHITEHALL TOWNSHIP

BOARD OF SUPERVISORS

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ZONING OFFICE

CONDITIONAL USE PROCESS

Certain uses that are permitted by this Ordinance as “Conditional Uses” shall be required to follow the review and zoning approval procedures described below. The following procedures are outlined as per 2002 North Whitehall Township Zoning Ordinance.

1. A conditional use submission shall not be considered officially accepted for review until any needed zoning variance(s) or special exception approval that is directly relevant to the site layout and nature of the use is granted. The Applicant may request an informal review by the Planning Commission of a site plan prior to requesting variances or special exception.
2. A **minimum of 17 copies** of a site plan complying with the **Submission Requirements for Site Plans** shall be submitted to the Township. The Zoning Officer shall refuse to officially accept an incomplete application or incomplete site plan which does not provide sufficient information to determine compliance with this Ordinance.
3. Unless these reviews will be separately addressed under the Subdivision and Land Development Ordinance, the Applicant shall prior to or within 3 working days after submittal to the Township, submit 1 copy of the site plan to any central water and sewer supplier.
4. The Township shall distribute copies of the site plan to the Planning Commission and the Board of Supervisors. A minimum of 1 copy shall be retained in the Township files. The Township Fire Services should be given an opportunity for a review, if deemed appropriate by the Zoning Officer.
5. The Zoning Officer shall report in writing or in person to the Planning Commission or Board of Supervisors, stating whether the proposal complies with this Ordinance. The Zoning Officer may request a review by the Township Engineer.
6. The Planning Commission shall be given an opportunity to review the Conditional Use application and submit a recommendation to the Board of Supervisors.
7. The Board of Supervisors shall not act to approve or deny a conditional use application unless the Supervisors have received the reports from the Zoning Officer and the Planning Commission. When the Supervisors fail to hold the Conditional Use Hearing within 60 days from the Applicant’s request for a hearing, the decision shall be deemed to have been in favor of the Applicant unless the Applicant has agreed in writing or stated on the record to an extension of time. When a decision has been rendered in favor of the Applicant because of the failure by the Supervisors to hold a hearing within 60 days, North Whitehall Township shall give public notice of this decision within 10 days from the last day it could have rendered a decision in the same manner.

8. The Board of Supervisors shall conditionally approve or disapprove the conditional use submission. In granting a condition use, the Board of Supervisors may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. The Board of Supervisors shall approve any proposed conditional use if they find adequate evidence that the proposed use will comply with all of the following:
 - a) Any specific standards for the proposed use listed in Section 402 and Section 403 of the North Whitehall Township Zoning Ordinance.
 - b) Other applicable sections of this Ordinance.
 - c) The Subdivision and Land Development Ordinance as applicable, except that engineering details regarding compliance with such Ordinance may be addressed as part of a subsequent approval under such Ordinance.
 - d) Comply with all of the standards listed in Section 119.C.3 of the North Whitehall Township Zoning Ordinance.
9. The Board of Supervisors shall render a written decision or when no decision is called for; make written findings on the Conditional Use application within 45 days after the last Conditional Use Hearing before the Supervisors. The written decision shall be served to the Applicant by person or mailed to the Applicant no later than the day following its date. Where the application is contested or denied, each decision shall be accompanied by Findings of Fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of PA Municipalities Planning Code or of any Township Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found in the hearing. Failure of the Supervisors to render a written decision within 45 days, the decision shall be rendered in favor of the Applicant, unless the Applicant has agreed to extension of time in writing or on the record. It shall also be the right of any party to this hearing to appeal this decision to a court of competent Jurisdiction.

CONDITIONAL USE FEE:

\$1,000.00 including one-half of the stenographer's cost per meeting. Please make check payable to NORTH WHITEHALL TOWNSHIP.

There is also an Escrow Fee that is due upon application. (See current Fee Schedule)