

NORTH WHITEHALL TOWNSHIP ZONING HEARING BOARD APPEAL PROCEDURES AND POLICY

- 1) All zoning appeal applications to the Zoning Hearing Board shall be made in writing on the Zoning Appeal Application form provided by the Zoning Officer. The appeal shall be in accordance with the North Whitehall Township Zoning Ordinance (herein called Zoning Ordinance) and the Pennsylvania Municipalities Planning Code (herein called the MPC). The completed application, any pertinent fees, site plans and other required information shall be submitted to the Zoning Officer. It is the applicant's responsibility to see that a Township official notes the date of receipt on the Zoning Appeal Application.
- 2) All appeal applications to the Zoning Officer shall include the following information on a site plan unless it is determined that such information is unnecessary for compliance with the Zoning Ordinance. The following information and procedures shall be followed for all site plans required to be submitted to the Zoning Hearing Board.
 - a. A minimum of seven (7) complete copies of a site plan shall be submitted to Zoning Officer. **If the appeal is for a Special Exception, seventeen (22) copies must be submitted.** The Zoning Officer may refuse to accept an application if there is not enough information to determine compliance with the Zoning Ordinance. A minimum of one (1) copy shall be retained in North Whitehall Township files. The Zoning Officer may seek a review by the Township Engineer, if necessary.
 - b. The Zoning Officer shall review the site plan to determine compliance with the Zoning Ordinance. **The following items must be included on the site plan:**
 - A statement or paragraph describing the proposed use for the property and/or structure.
 - A site layout drawn to scale (preferably 1-inch=50 feet) showing the location, dimensions, and area of each lot; location, dimensions, and height of any proposed or existing structures; the required setback areas; all easements; the proposed density of residential uses; the location and width of proposed or abutting streets; and the proposed areas to be used for different purposes within the development, if applicable, including outdoor storage or display areas.
 - If the plan involves one phase of what will eventually become a larger development, then the relationships of the phases shall be shown.
 - The width of any buffer yard and the heights, spacing and general species of plants to be used for screening. General numbers, locations, and types of landscaping to be located on off-street parking lots, along streets and other areas.
 - The location and number of parking spaces; the location and width of aisles, the location and size of off-street loading areas. The method of calculating the off-street parking requirement, based on Section 601 of the Zoning Ordinance. Driveways or areas of egress and ingress for emergency must also be shown on the plan.

- The height, location, and approximate intensity of exterior lighting. The sign area, height, location, and general method of lighting of signs.
- The location and width of any proposed sidewalks and curbing.
- A note stating general proposed method of providing wastewater treatment and water supply (such as “On-lot Well and On-Lot Septic Services”). All other utilities including easements must be shown on the plan.
- A description of any proposed operations or storage that will indicate potential nuisances and hazards including noise, large trucks, glare, air pollution, odors, dust, fire, toxic, explosive hazards or other hazards to the public health and safety; a description of proposed methods to control such hazards and nuisances.
- Proposed and existing contours with limits of earth disturbance must be shown. Identification of any slopes greater than 15 percent that are proposed to be impacted. The proposed method of managing stormwater runoff and erosion as well as sedimentation control must be included. Delineation of any floodplain from the official Federal Emergency Management Agency Floodplain Maps or an approved elevation study, as per the North Whitehall Township Floodplain Ordinance. Delineations of all wetlands, if hydric soils are present, along with their respective setback requirements. All associated federal and state environmental, highway, agricultural permits, etc. or applications for permits associated with this site must be included with the submission. See Article V---Environmental—to ensure all provisions of the Zoning Ordinance have been met.
- Approximate lot lines of abutting lots within 50 feet of the project and identification of abutting land uses.
- Zoning district, tax parcel number, and major applicable requirements.
- Name and address of the party that prepared the Site Plan, name of the applicant and the owner of record of the land.
- Other data or information that the Zoning Officer deems necessary to determine compliance with North Whitehall Township ordinances.

3) Under the provisions of the MPC, only a landowner or tenant with written permission of the landowner, shall file a Zoning Appeal Application. Appeals may also be filed with the Zoning Hearing Board by the landowner affected, any officer or agency of the municipality, or any person aggrieved.

4) Zoning Hearing Board Appeal Fee Schedule:

▪ Variance Appeal	\$	750.00
▪ Special Exception Appeal	\$	750.00
▪ Enforcement Notice Appeal	\$	750.00
▪ Curative Amendments to the Zoning Ordinance	\$	3,000.00
▪ All other zoning appeals	\$	750.00

All applicants shall pay one-half of the stenographer’s appearance cost for each meeting continued beyond the first zoning board meeting.

All checks are made payable to North Whitehall Township.

5) PROCEDURAL INFORMATION AND POLICY:

- The Zoning Hearing Board meets _____ at 7:00pm in the Public Meeting Room of the North Whitehall Township Municipal Building—3256 Levans Road, Coplay (Ironton), PA 18037.
- Notice of hearing shall be given in accordance with Section 112A of the Zoning Ordinance. Such notice shall be sent to the applicant in writing. Notice to all property owners within 200 feet from the exterior limits of the subject property will also be provided in writing and sent by regular first-class mail.
- Notice of such hearing shall be conspicuously posted on the affected tract of land by the Zoning Office, a minimum of seven days prior to the hearing. The applicant is responsible for the maintenance of the notice. If the notice is removed or destroyed, the property owner must immediately obtain another notice to post.
- A complete appeal application requires all appeal fees to be paid, site plans to comply with all regulations and all relevant sections of the application to be fully completed. All materials must be received on or before the submission deadline. If an application is not fully completed, it will not be accepted and the case will not be heard at the next regularly scheduled meeting of the Zoning Hearing Board and/or the Planning Commission.
- SUBMISSION DEADLINE—ALL APPEALS EXCEPT SPECIAL EXCEPTION APPEALS. The first Thursday of the prior month.
- All Special Exception appeals are referred to the Planning Commission for an advisory report. The Planning Commission meets every fourth Tuesday of each month at 7:00pm in the Township Building Meeting Room. The applicant will receive an agenda in the mail and must attend the meeting. The Planning Commission will submit its findings and recommendations to the Zoning Board prior to the Zoning Hearing/meeting.
- SUBMISSION DEADLINE—SPECIAL EXCEPTION APPEALS—completed applications and plans must be received by 12:00 noon, thirty (30) days prior to the Planning Commission meeting. The Zoning Officer has fifteen (15) days from date of submission to review the site plan. The site plan must be in total compliance with the requirements of the ordinance to be submitted to the Township Planning Commission and Zoning Hearing Board.
- The Zoning Hearing Board consists of three members that hear all appeals. In the event one Board Member cannot attend the meeting, the applicant will be given the option of having their appeal heard with two member board or request a continuance to a date at which a full board can be convened. If a continuance is requested, it will be granted, provided the applicant agrees in writing to waive the provision on the MPC that requires a hearing be held within sixty (60) days of the date of their request. If the applicant elects to proceed with a two-member board and the vote is split (one member voting for and one member voting against), the appeal is deemed to be denied.
- The Zoning Hearing Board shall remain in session until 10:00pm. If any appeal is not concluded by the adjournment time, the Board may either complete the appeal or continue the appeal on a date that is publicly announced prior to adjournment. If the Zoning Hearing Board is unable to select a date for the continued hearing, the new date for the hearing shall be advertised pursuant to the provisions of the Zoning Ordinance.

- The Zoning Hearing Board is permitted forty-five (45) days to render a written decision following the last hearing at which testimony was given, oral arguments were made, or legal memos and briefs filed, whichever is last to occur. A signed copy of the written decision along with a certified copy of the stenographic transcript will be sent by certified mailed to the applicant no later than one (1) day following the date of the last signature.
- The applicant shall have a right of appeal to the Court of Common Pleas of Lehigh County within thirty (30) days after the entry of the decision as provided in 42 PA.C.S. 5572, or in case of a deemed decision, within thirty (30) days after the date upon which notice of said deemed decision is given as set forth in Section 908(9) of the MPC.
- An approval for a Zoning Permit granted by the Zoning Hearing Board for uses permitted by Special Exception and/or by variance, shall expire one (1) year after the date of the board approval (the date of the written decision of the board), unless the work authorized by the permit has been substantially begun within said one (1) year period. If the work authorized by the permit has not been completed within three (3) years from the date of the issuance of the permit, the permit shall automatically expire at the end of said three (3) year period. Written notice of such cancellation shall be forwarded by certified mail with return receipt requested within five days to the person affected.