



LOWHILL TOWNSHIP

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CONDITIONAL USE APPEAL PROCEDURES

1. All Conditional Use Appeal applications shall be made in writing on the Conditional Use Application form provided by the Zoning Officer and shall be in accordance with the Lowhill Township Zoning Ordinance (Z/O), Lowhill Township Subdivision and Land Development Ordinance (SALDO) and the Pennsylvania Municipalities Planning Code (MPC). The completed application, with all required fees, site plans and other required information, shall be submitted to the Zoning Officer. The Applicant is responsible to see that a Township Official notes the date of receipt on the Conditional Use Appeal application.
2. Under the provisions of the MPC only a landowner or a tenant with written permission of the landowner shall file a Conditional Use Appeal Application. The applicant must also provide a properly signed sales agreement at the time of application to prove equitable ownership.
3. A Conditional Use submission shall not be considered officially accepted for review until any needed Zoning Variance(s) or Special Exception approvals that are directly relevant to the site layout and nature of the use are granted. The Applicant may request an informal review by the Planning Commission of a site plan prior to requesting Variances or Special Exception approval.
4. A complete appeal application requires that all appeal fees are paid, site plans comply with all regulations, and all appropriate and relevant sections of the application are fully completed. All materials must be received on or before the submission deadline. If an application is not fully completed, the application will not be accepted, and the case will not be heard at the next regularly scheduled meeting of the Board of Supervisors and/or the Planning Commission.
5. All Conditional Use Appeals are referred to the Planning Commission for their review and recommendations. The Planning Commission will submit its findings and recommendations to the Board of Supervisors. All local Volunteer Fire Companies that serve Lowhill Township will also be given an opportunity for a review, if deemed appropriate by the Zoning Officer. Upon receiving a recommendation from the Planning Commission, the hearing will be scheduled with the Board of Supervisors. Please refer to the Township Meeting Schedule for the advertised meeting dates of the Board of Supervisors, Planning Commission, and or the Zoning Hearing Board. This schedule also provides the required submission deadlines.
6. A minimum of thirteen (13) complete copies of any required site plan meeting the requirements of the Z/O and SALDO. The Zoning Officer will report in writing or in person to the Planning Commission or Board of Supervisors stating whether the proposal complies with all ordinances.
7. Notice of a public hearing for this conditional use by the Township shall be given in accordance with the Z/O and the PA MPC. Additionally, the applicant must send notices by certified mail of this

conditional use hearing to all property owners within 500 feet of the applicants property. A copy of this listing of notified property owners must be supplied to the Township at the time of the conditional use hearing.

8. A copy of the the public hearing notice shall be conspicuously posted by Lowhill Township. The Applicant is responsible for the maintenance of the notice. If the notice is removed or destroyed, the Applicant must immediately obtain another notice and conspicuously post it.

9. The Board of Supervisors shall approve, conditionally approve or disapprove the Conditional Use submission within 60 days of application. In granting a Conditional Use, the Board of Supervisors may require such reasonable conditions and safeguards (in addition to those expressed in the Z/O 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 as outlined in the Z/O; b) Other applicable sections of this Ordinance; c) The SALDO, as applicable, except that engineering details regarding compliance with such Ordinance may be addressed as part of a subsequent approval under such Ordinance; and d) Comply with all of the Conditional Use general standards and specific criteria listed within the Z/O.

10. The Board of Supervisors consists of three (3) members who hear all Conditional Use Appeals. In the event a quorum - two (2) members has not been met, the Applicant will be given the option of having their appeal continued to a date at which a full board can be convened. If the Applicant(s) requests a continuance, the request will be granted provided the Applicant(s) agrees in writing to waive the provision under the MPC requiring that a hearing be held within 60 days of the date of the Applicant's request for a hearing. If the Applicant(s) elects to proceed with a two-member board and the Board's vote is split (i.e. one member voting for and one member against), the appeal is deemed to be denied.

11. The decision of the Board of Supervisors shall be in writing and shall be directly communicated to, delivered to or mailed to the last known address of the Applicant or his/her representative. The Board of Supervisors are permitted forty-five (45) days to render a written decision following the last hearing at which testimony was given or oral arguments were made, or legal memos or briefs filed, whichever is last to occur. A signed copy of the written decision will be sent by certified mail to the Applicant not later than the day following its date.

12. Applicant(s) 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 30 days after the date upon which notice of said deemed decision is given as set forth in Section 908(9) of the MPC.