



# CONDITIONAL USE APPLICATION

Project Name: \_\_\_\_\_

Project Location: \_\_\_\_\_

PIN(s): \_\_\_\_\_ Lot Size(s): \_\_\_\_\_

**Initial Application** (Completed Application, Application Fee and Escrow Required)

**SUBMISSION FILING DEADLINE: 1<sup>st</sup> THURSDAY OF THE MONTH 4PM**

**COMPLETE SUBMISSION ACCEPTANCE DEADLINE: 2<sup>nd</sup> THURSDAY OF THE MONTH 4PM**

**Resubmission** (Completed Application (First 4 Pages ONLY) and Resubmission Fee Required)

**RESUBMISSION ACCEPTANCE DEADLINE: 2<sup>nd</sup> THURSDAY OF THE MONTH 4PM\***

*\*Resubmission may be accepted up to the 3<sup>rd</sup> Thursday of the month with the prior approval of the Planning Commission*

For:  **Planning Commission**     **Board of Commissioners**    Targeted Meeting Date: \_\_\_\_\_

Application Category (check one):	Application Class (check one):
<input type="checkbox"/> <b>Land Use/ Development</b>	<input type="checkbox"/> <b>Betting Parlor</b> Section 350-48(b)(3) <input type="checkbox"/> <b>Incinerator</b> Section 350-48(i)(1) <input type="checkbox"/> <b>Motor Freight Terminal</b> Section 350-48(m)(6) <input type="checkbox"/> <b>Sanitary Landfill</b> Section 350-48(s)(1) <input type="checkbox"/> <b>Solar Energy Facility</b> Section 350-48(s)(11) <input type="checkbox"/> <b>Special Event Venue</b> Section 350-48(s)(14) <input type="checkbox"/> <b>Warehousing and Distribution</b> Section 350-48(w)(1) <input type="checkbox"/> <b>Waste to Energy Facility</b> Section 350-48(w)(2) <input type="checkbox"/> <b>Waste Treatment Facility</b> Section 350-48(w)(3) <input type="checkbox"/> <b>Wind Energy Facility</b> Section 350-48(w)(5)
<input type="checkbox"/> <b>TND Land Development</b>	<input type="checkbox"/> <b>Active Adult Neighborhood Development</b> Section 350-31(f)(5) <input type="checkbox"/> <b>Neighborhood Infill Development (Non-Residential)</b> Section 350-31(f)(1) <input type="checkbox"/> <b>TND – Commercial Retrofit Development</b> Section 350-31(f)(3) <input type="checkbox"/> <b>TND – Cottage Cluster Development</b> Section 350-31(f)(2)(C)(ii) <input type="checkbox"/> <b>TND – Industrial Retrofit and Infill Development</b> Section 350-31(f)(4) <input type="checkbox"/> <b>TND – Mobile Home Park Cluster Development</b> Section 350-31(f)(2)(C)(iii) <input type="checkbox"/> <b>TND – Residential Cluster Development</b> Section 350-31(f)(2)(C)(i)
<input type="checkbox"/> <b>Other</b>	<input type="checkbox"/> <b>Other</b> _____

**PROPERTY OWNER INFORMATION:** (If a Corporation, list Corporation’s name, address, and two officers.)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**APPLICANT INFORMATION:** (If a Corporation, list Corporation's name, address, and two officers.)

**Owner (same as above)**       **Contract**       **Purchaser**       **Authorized Agent**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**ENGINEER, SURVEYOR OR PLANNER responsible for the preparation of the plan:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**Legal Counsel (if any):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**PROJECT DETAILS**

<input type="checkbox"/> <b>Residential (Complete if Mixed-Use)</b>	<u>EXISTING</u>	<u>CHANGES</u>	<u>PROPOSED</u>
Lots	_____	_____	_____
Single Family Dwellings	_____	_____	_____
Semi-Detached Dwellings (Twins, Two-Flats)	_____	_____	_____
Single Family Attached Dwellings (Townhomes)	_____	_____	_____
Multi-Family Dwellings (Apartments or Condos)	_____	_____	_____
New Road (in linear feet)	_____	_____	_____
Recreation/Open Space (in square feet)	_____	_____	_____
 <input type="checkbox"/> <b>Non-Residential (Complete if Mixed-Use)</b>	 <u>EXISTING</u>	 <u>CHANGES</u>	 <u>PROPOSED</u>
Lots	_____	_____	_____
Gross Floor Area	_____	_____	_____
Building Height (maximum)	_____	_____	_____
Number of Stories (maximum)	_____	_____	_____
Parking Spaces	_____	_____	_____
Site Impervious Coverage (in square feet)	_____	_____	_____
New Road (in linear feet)	_____	_____	_____
Recreation/Open Space (in square feet)	_____	_____	_____

Description of Proposed Use \_\_\_\_\_

## SUBMISSION COMPLETENESS REVIEW CHECKLIST

Must be completed by the Applicant. Staff will confirm as part of Completeness Review.

**INITIAL APPLICATION:** The initial application for a Sketch Plan review or the initial application for a Preliminary, Final, or Preliminary/Final Plan review by a Board or Commission.

APPLICANT SIGN-OFF		REQUIRED ITEM	TOWNSHIP SIGN-OFF
SUBMITTED	NOT APPLICABLE		
		<b>\$50 SUBMISSION FILING FEE</b>	
		<b>3 Paper Copies of the Completed APPLICATION</b>	
		<b>1 Paper Copy of a W-9 (March 2024 or later)</b>	
		<b>1 Paper Copy of REQUIRED ESCROW ACCOUNT OPENING INFORMATION Form</b>	
		<b>3 Paper Copies of the PROJECT NARRATIVE</b>	
		<b>3 Paper Copies of the Letter of Title Certifying Owner of Record as of Date of Application.</b>	
		<b>10 Paper Copies of the PLAN SET (See SWT SALDO for required plan sheets)</b>	
		<b>PDF COPIES of the entire submission package</b>	
		<b>ADDITIONAL INFORMATION SUBMITTED: PLEASE SEE SUBMISSION REQUIREMENTS BEGINNING ON PAGE 7</b>	

**COMPLETENESS REVIEW:** Upon receipt of the Initial Application, Township staff will conduct a Completeness Review. The Applicant will be notified via email of any deficiencies within the application and the timeframe in which to remedy the deficiencies. Should the application be deemed acceptable, the Applicant will be sent an invoice for the APPLICATION FEE, an invoice for the SUBDIVISION ESCROW, and a blank ESCROW AND REIMBURSEMENT AGREEMENT. The two fees and the completed AGREEMENT shall be submitted to the Township before the application is deemed COMPLETE and ACCEPTED. *Materials submitted after ACCEPTANCE will not be reviewed for the public meeting.*

**RESUBMISSION:** All subsequent applications for a Sketch Plan review or all subsequent applications for a Preliminary, Final, or Preliminary/Final Plan review by a Board or Commission.

APPLICANT SIGN-OFF		REQUIRED ITEM	TOWNSHIP SIGN-OFF
SUBMITTED	NOT APPLICABLE		
		<b>RESUBMISSION FEE (See next page)</b>	
		<b>Completed APPLICATION</b>	
		<b>8 Paper Copies of the PLAN SET</b>	
		<b>2 Paper Copies of All Other Supporting Plan Sets or Documents</b>	
		<b>PDF COPIES of entire submission package</b>	

To facilitate an accurate and expeditious review of your application, please complete this form as thoroughly as possible.

## FEE SCHEDULE AND ESCROW REQUIREMENTS

Type of Application	Completeness Review Fee	Application Fee	Escrow Amount	Resubmission Fee
Major Non-Residential Plan Review	<b>\$50</b>	\$1,200	<b>\$5,000 PLUS</b> (0 to 5 acres - \$5,000/acre, rounded up) <b>PLUS</b> (>5 to 10 acres - \$2,000/acre, rounded up) <b>PLUS</b> (>10 to 20 acres - \$1,000/acre, rounded up) <b>PLUS</b> (20+ acres - \$250/acre, rounded up)	<b>\$850</b>
Major Residential Plan Review	<b>\$50</b>	\$1,000	<b>\$5,000 PLUS</b> (1 to 10 lots - \$1,000/lot) <b>PLUS</b> (11 to 20 lots - \$500/lot) <b>PLUS</b> (21+ lots - \$200/lot)	<b>\$650</b>
Major Mixed-Use Plan Review	<b>\$50</b>	\$1,200	<b>\$5,000 PLUS</b> [for residential lots (1 to 10 lots - \$500/lot) <b>PLUS</b> (11 to 20 lots - \$250/lot) <b>PLUS</b> (21+ lots - \$100/lot)] <b>PLUS</b> [for non-residential or mixed-use areas (0 to 5 acres - \$2,500/acre, rounded up) <b>PLUS</b> (>5 to 10 acres - \$1,000/acre, rounded up) <b>PLUS</b> (>10 to 20 acres - \$500/acre, rounded up) <b>PLUS</b> (20+ acres - \$100/acre, rounded up)]	<b>\$850</b>

**All Checks Are To Be Made Payable To "South Whitehall Township"**

**Completeness Review Fee: \$50** Check No. \_\_\_\_\_
  **Credit The Plan's Sketch Plan Escrow To This Escrow**  
*Application Fee Invoice and Required Escrow Amount will be received after the successful completion of the Completeness Review*

**RESUBMISSION FEE:** \$ \_\_\_\_\_ Check No. \_\_\_\_\_

**SIGNATURES:**

The undersigned represents that to the best of his knowledge and belief, all the above statements are true, correct and complete.

The undersigned further represents that except as otherwise specifically noted on the attached sheets, all proposed public improvements and facilities as shown on the Subdivision Plans, are to be improved, constructed and completed, or acceptable security shall be posted with the Municipality in sufficient amount to cover full estimated cost of construction thereof, prior to sale, transfer or agreement of sale of any subdivided parcel as shown on the plan.

The applicant and/or authorized agent agrees to appear to present the application to the Commission at any public hearing the Commission holds on the application.

Signature of Applicant	Printed Name	Date
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**COPYRIGHTED MATERIALS STATEMENT:** The applicant warrants that he/she/it has the right to grant permission and does in fact provide permission to the Township to publish, use, and/or distribute any copyrighted materials (including plans) submitted as part of this application and which may be provided at any time to the Township for the approval and completion of the project. Such permission is required for the purpose of providing information to the public. Copyrighted material may be posted on the Township website and available for viewing at public meetings.

Signature of Applicant	Printed Name	Date
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Signature of Engineer	Printed Name	Date
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**SUBMIT APPLICATION PACKAGE TO: SWT PLANNER, COMMUNITY DEVELOPMENT DEPT.**

# Request for Taxpayer Identification Number and Certification

Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Give form to the  
requester. Do not  
send to the IRS.

**Before you begin.** For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type. See Specific instructions on page 3.	<b>1</b> Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.)	
	<b>2</b> Business name/disregarded entity name, if different from above.	
	<b>3a</b> Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only one of the following seven boxes.  <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C corporation <input type="checkbox"/> S corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) . . . . . <b>Note:</b> Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) _____	
	<b>4</b> Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  Exempt payee code (if any) _____  Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) _____  <i>(Applies to accounts maintained outside the United States.)</i>	
	<b>3b</b> If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions . . . . . <input type="checkbox"/>	
	<b>5</b> Address (number, street, and apt. or suite no.). See instructions.	Requester's name and address (optional)
	<b>6</b> City, state, and ZIP code	
<b>7</b> List account number(s) here (optional)		

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

<b>Social security number</b>	
-	-
<b>OR</b>	
<b>Employer identification number</b>	
-	-

**Note:** If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

## Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

<b>Sign Here</b>	Signature of U.S. person	Date

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they



# REQUIRED ESCROW ACCOUNT OPENING INFORMATION

**INFORMATION REQUIRED IN ORDER TO OPEN ESCROW ACCOUNT      PLEASE PRINT LEGIBLY AND FILL OUT FORM COMPLETELY**

**For Individuals, please fill in the information requested in the box below:**

<b>PLEASE NOTE</b>	If the individual has a Tax Identification Number (TIN), please provide, with this completed form, the following: A <b>completed</b> Form W-9 Request For Taxpayer Identification Number And Certification.
	If the individual does not have a TIN, please provide, with this completed form, the following: A <b>completed</b> Form W-8EN Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding. Supporting documentation when required to certify the foreign status of the individual.

**INDIVIDUAL'S NAME:** \_\_\_\_\_ **DATE OF BIRTH (MM/DD/YYYY):** \_\_\_\_\_

PHYSICAL ADDRESS (PO Box not acceptable): \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_ OCCUPATION/PROFESSION: \_\_\_\_\_

TAX IDENTIFICATION NUMBER: \_\_\_\_\_ TAX IDENTIFICATION NUMBER TYPE:  TIN  SSN

COUNTRY OF CITIZENSHIP: \_\_\_\_\_ ARE YOU A LEGAL RESIDENT OF THE UNITED STATES:  YES  NO

DO YOU CONDUCT BUSINESS IN NON-US COUNTRIES?  YES  NO

IF YES, PLEASE LIST THEM: \_\_\_\_\_

I certify that the above information is correct and true to the best of my knowledge.

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**For Non-Individual Entities (corporations, etc.), please fill in the information requested in the box below:**

<b>NOTE</b>	Please provide, with this completed form, a <b>completed</b> Form W-9 Request For Taxpayer Identification Number And Certification, signed by an authorized individual for the non-individual entity.
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**NON-INDIVIDUAL ENTITY'S NAME:** \_\_\_\_\_

PHYSICAL ADDRESS (PO Box not acceptable): \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_ ENTITY FORMATION DATE: \_\_\_\_\_

TAX IDENTIFICATION NUMBER: \_\_\_\_\_ TAX IDENTIFICATION NUMBER TYPE:  EIN  TIN  SSN

COUNTRY OF REGISTRATION: \_\_\_\_\_ STATE OF REGISTRATION: \_\_\_\_\_

DESCRIPTION OF BUSINESS SERVICES PROVIDED: \_\_\_\_\_

ARE YOU AN INTERNET GAMBLING BUSINESS:  YES  NO

DO YOU CONDUCT BUSINESS IN NON-US COUNTRIES?  YES  NO

IF YES, PLEASE LIST THEM: \_\_\_\_\_

I certify that the above information is correct and true to the best of my knowledge.

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## Conditional Use Application

This is an application for Conditional Use Approval from the South Whitehall Township Board of Commissioners, the process and requirements for which are fully set forth in the Township Zoning Ordinance. Some of the provisions of the Zoning Ordinance that pertain to Conditional Uses are presented below in a way that is intended to assist you in presenting your application, however, you are solely responsible to comply with all the provisions of the Zoning Ordinance as fully set forth in the Zoning Ordinance.

### **350-18 THE GRANTING OF CONDITIONAL USES**

**(a) Purpose.** It is hereby recognized that the establishment, maintenance and operation of certain uses may be necessary to serve the needs and convenience of the public and the Township, but that such uses may be adverse to the public health, safety and general welfare by reason of their inherent nature and/or operation and maintenance and, therefore, require special and proper consideration of, inter alia, the proposed Use, and characteristics of the surrounding area. Such uses are hereby declared to be Conditional Uses and may be permitted upon application to and approval by the Board of Commissioners provided said Use is shown as a Conditional Use in the zoning district schedule for the district in which the Use is located, in accordance with the requirements below. Before zoning approval is granted for any Use listed as a Conditional Use in this Ordinance, a site plan shall be reviewed by the Township Planning Commission and approved by the Township Board of Commissioners.

#### **(b) Approval of Conditional Uses.**

(1) The Board of Commissioners shall approve any proposed Conditional Use only if they find sufficient evidence that any proposed Use will meet:

(A) The design, characteristics, maintenance and operation of the Use are such that the public health, safety and general welfare will be protected and reasonable consideration is given to, among other things, the character and suitability of the location in question and the zoning district, traffic safety and road capacities, conservation of property values, preservation of the nature and quality of the environment;

(B) Consistent with the community development objectives articulated in the Zoning Ordinance (pursuant to Section 606 of the Municipalities Planning Code);

(C) Consistent with the statement of purpose articulated for the district in which the Use is proposed and promotes the harmonious and orderly development of such zoning district;

(D) Consistent with the South Whitehall Township Comprehensive Plan and Official Map;

(E) Compatible with the character and type of development existing in the area that surrounds the site and permitted in the underlying zoning district, in terms of the size, scale, height and bulk of the proposed uses and the size, shape and placement of Buildings and other Structures;

(F) Compatible with the uses permitted in the surrounding area and permitted in the underlying zoning district, in terms of the Density and/or Intensity of land Use;

(G) Reflective of sound engineering and land development design and construction principles, practices and techniques;

(H) Provide safe and efficient access to roads and will not create traffic congestion, hazardous traffic conditions or excessive traffic volumes;

(I) Provide continuity of existing circulation systems, including roads, sidewalks, and trails;

(J) Provide for adequate environmental controls and performance standards to minimize noise, vibration, glare, heat, odor, smoke, dust, fumes, vapors, gases, air emissions, water emissions and outdoor storage;

(K) Each Conditional Use shall adhere to the minimum standards specified for the particular Use by the applicable regulations of this Ordinance.

(L) All of the specific standards for the proposed Use, listed in Sections 350-30 or in 350-48.

(2) The Board of Commissioners shall hold hearings on and decide requests for such Conditional Uses in accordance with such General Standards and Specific Standards in Section 350-30 herein or in Section 350-48, as applicable. The hearing shall be conducted by the Board of Commissioners or the Board of Commissioners may appoint any member or an independent attorney as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Board of Commissioners. However, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board of Commissioners and accept the decision or findings of the hearing officer as final.

(3) In granting a Conditional Use, the Board of Commissioners may attach such reasonable conditions and safeguards, in addition to those expressed in this ordinance, as it may deem necessary to implement the purposes of this Ordinance.

### **(c) Administration**

(1) The Zoning Officer shall deny a zoning permit for the proposed development until written approval of the Township Board of Commissioners is obtained.

(2) All applicants for Conditional Use shall submit ten (10) sets of site plans sealed by a Pennsylvania licensed design professional.

(3) All site plans shall contain information otherwise required by the Township Subdivision and Land Development Regulations for a Sketch Plan. In addition, site plans for Incinerators, Sanitary Landfills, Waste to Energy Facilities, and Waste Treatment Facilities shall contain the following information as it pertains to the subject Lot(s) (and to the area within one (1) mile if the proposed facility is a Sanitary Landfill):

(A) The location of public and private water lines, supplies, wells, springs, streams, swamps, rivers and other bodies of water, and public and private sewer lines and septic systems;

(B) The location of underground and surface mines showing the extent of deep mine workings, elevation of the mine pool, and location of mine pool discharges;

(C) The location of gas and oil wells;

(D) The location of high-tension power line right-of-ways;

(E) The location of pipeline right-of-ways,

(F) The location of geologic and hydrologic features;



(G) The Flood plain and location of the site or facility within that Flood plain, and storm water runoffs;

(H) The location of public and private recreational areas;

(I) A soils, geologic and groundwater report of the characteristics of the area where the proposed site or facility will be located;

(J) The location of significant historical and architectural sites; and

(I) Any other information needed in order to review compliance with the General Standards listed in Section 350-18(b)(1) or Specific Standards listed in Sections 350-30 or in 350-48, as applicable.

(4) The Board of Commissioners, within ten (10) days of receipt of a completed submission, shall forward one copy of the site plan to the Zoning Officer, one copy to the Township Engineer, one copy to the South Whitehall Township Environmental Advisory Council and one copy to the Department of Community Development for review by the Township Planning Commission. Owners of real property situated within three hundred (300) feet of the proposed site or facility shall be sent a notice of the Planning Commission's review meeting not less than ten (10) days prior to the date fixed for review.

(5) The Zoning Officer shall, within thirty (30) days of receipt of a completed submission by the Township, review the plan and submission to determine compliance with this Ordinance, and submit a written recommendation to the Board of Commissioners.

(6) The Planning Commission shall, within thirty (30) days of receipt of a completed submission by the Township, review the plan and submission to determine compliance with this Ordinance, and submit a written recommendation to the Board of Commissioners.

(7) Failure of the Zoning Officer or the Planning Commission to submit a written report in a timely fashion shall not prevent the Board of Commissioners from hearing and deciding the request.

(8) Referral to the Planning Commission.

(A) The Board of Commissioners shall refer to the Township Planning Commission all applications for Conditional Uses.

(B) In its review of the Conditional Use, the Township Planning Commission shall determine compliance with the standards and criteria set forth in this Ordinance.

(C) In all cases the Township Planning Commission shall report in writing its findings and recommendations to the Board of Commissioners within thirty (30) days of receipt of a completed submission by the Township.

(D) The Board of Commissioners and Planning Commission shall establish mutually acceptable procedures to assure that the review is accomplished in time to permit the Board of Commissioners to make its required decision.

(E) Public notification shall be required prior to the hearing before the Board of Commissioners in accordance with Section 350-16(j)(1).

(9) Decision Findings.

(A) The Board of Commissioners shall render a written decision or make

written findings (when no decision is called for) on the application within forty-five (45) days after the last hearing before the Board of Commissioners. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. Any conclusion based on any provision of Act 170, as amended, or of this Ordinance, or of any other Ordinance, rule or regulation, shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

(B) Where the Board of Commissioners fails to render the decision within the period required in paragraph (A) of this subsection (9) or fails to commence, conduct, or complete the required hearing as provided in Section 908(1.2) of the Pennsylvania Municipalities Planning Code (MPC), the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the governing body to meet or render a decision as hereinabove provided, the Board of Commissioners shall give Public Notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the Public Notice requirements of the MPC. If the Board of Commissioners shall fail to provide such notice, the applicant may do so.

(C) A copy of the final decision or a copy of the finding (when no decision is called for) shall be delivered to the applicant. The Board of Commissioners shall provide (by mail or otherwise) a brief notice of the decision or findings and the statement of the place where the full decision findings may be examined to all other persons who have filed their names and addresses with the Board of Commissioners.

(10) Appeals. In general, all appeals for securing a review of this Ordinance or any decision, determination, order of the Board of Commissioners, its agencies or officers issued pursuant to this Ordinance, shall be in conformance with Article X-A of, the Municipalities Planning Code as amended.

### **Specific Standards for Conditional Uses**

Consult the appropriate Use Schedule within South Whitehall Township Zoning Ordinance Section 350-48 to determine the specific Standards particular to the Use, or the appropriate TND Overlay District Section within Section 350-31.