



ZONING FAQs

How is my property zoned?

This question should be directed to the Zoning Officer. Each zone is shown on the official zoning map. The zoning ordinance contains zone district schedules prescribing permitted uses and bulk information pertaining to setbacks, density, structure height, lot size, etc. The Township consists of the following zoning districts:

- Rural Residential-3
- Rural Residential-2
- Rural Residential and Agricultural (R-R)
- R-2 Low Density Residential
- R-3 Low Density Residential
- R-4 Medium Density Residential
- R-5 Medium Density Residential
- R-10 High Density Residential
- IC-1 Industrial Commercial I (Special Height Limitation)
- I Industrial
- HC Highway Commercial
- HC-I Highway Commercial I (Special Height Limitation)
- NC Neighborhood Commercial
- GC General Commercial
- GC-I General Commercial I (Special Height Limitation)
- CR Commercial Recreation
- OC Office Commercial

The zoning map and zoning district schedules are available for purchase at the Township Building or for download at www.southwhitehall.com.

What Township approvals do I need to start a home-based business?

A home occupation and home office are permitted provided that the scope of the business meets the parameters set forth in Section 12.41(d)(8) of the Zoning Ordinance. A zoning permit is to be secured from the Department of Community Development. A Business Privilege License Application is to be submitted and approved by the Finance Department. You can download the Home Occupation Guide, or speak with the Zoning Officer. Making an appointment to ask questions is always appreciated.

When should I apply for a zoning permit?

A zoning permit shall be secured under the following conditions:

Prior to: the creation of any use of a structure, building or land; or the change to any use of a structure, building or land.

For each nonconforming use and each nonconforming structure (those structures or uses not currently permitted by the Zoning Ordinance) including: the expansion of a structure; the change of use of a structure; or the change of use of the land.

Prior to any alteration of any building or structure or any part of a building or structure.

Generally for any work related to parking areas and signs, regardless of cost or zoning district in which it is located.

How do I apply for a zoning permit?

Currently, South Whitehall Township uses a combination Building/ Zoning Permit application form for most scenarios. Certain unique projects have their own unique form, e.g. Pools, Fences, signs, etc. Pick up an application at the Township Building or download one at www.southwhitehall.com. Fill out all pertinent information, especially: the address of the subject property; a description of what you propose to do; the owner's permission (by his or her own signature); telephone numbers of the people we may need to reach. Include any relevant information with your submission such as a plot plan.

How do I know if my proposal complies with the Zoning Ordinance?

You can call the Zoning Officer for general information beforehand but the purpose of a permit review is to do just that, determine if a proposal will comply. We often can assist you better if you submit drawings/plans first and/or make an appointment to discuss your plan in person. The Zoning Officer can explain processes/procedures and can provide necessary information so you can make choices, but ultimately, the responsibility to comply with the Zoning Ordinance rests with the property owner. Unfortunately, no set of regulations can foresee every kind of circumstances, and there is always the possibility of varying interpretation. Copies of the Township's Zoning Ordinance are for sale at our Permit Counter for the cost of copying. For extensive projects you are advised to purchase one. The Zoning Ordinance is also available at our web site.

If the Zoning Officer denies my permit, can he/she be overruled?

Yes. You can file an appeal with our Zoning Hearing Board if you feel the Zoning Officer made an incorrect interpretation of the Zoning Ordinance and they will render a decision accordingly. If you feel the zoning regulation that caused the denial of your permit is unfair in your particular circumstances, especially physical hardship related to the irregularity, narrowness, exceptional topography or other conditions peculiar to your particular property, you may choose to seek a variance by way of appeal to the Zoning Hearing Board.

Please explain what "grandfathering" and "non-conforming" means. How do these terms apply?

If you have a property with a building that does not conform to our zoning regulations (perhaps in terms of its setback from the property line, or its height), too small of an existing lot, or you have a business that is not expressly permitted for a given zone district – and that building, lot or business existed prior to the zoning regulation that otherwise prohibits it – you may have a "non-conforming" building, lot or use/business. It might be "grandfathered" and be legally allowed to continue – and to some extent potentially expanded. In such a case you shall or must provide good, compelling evidence of when the non-conforming entity came into existence. This might include: business records, pictures, affidavits, etc.

How do I know what Zoning District I am in?

If you call the Zoning Officer and give him your address, he can tell you the name of your zone district and generally what is permitted there. You can come to the Township Building and buy a Zoning Ordinance that contains a zoning map, or simply look at the zoning map. You can also view or download a zoning map at www.southwhitehall.com. Within the Zoning Ordinance there is a schedule of permitted uses and restrictions that goes with each type of zone that is

depicted on the zoning map. Be careful, however, not to assume that this schedule has all of the answers to all of your zoning questions. Also, be sure to check your understanding with the Zoning Officer before you make any commitments to buy property or build upon it. Be aware there may be other sets of regulations that may apply to your property or project, especially if you plan to make changes. Making an appointment to ask your questions is always appreciated.

How do I make an appeal to the Zoning Hearing Board?

Zoning appeals are made by submitting an application with corresponding fee which you can obtain by clicking on Zoning Appeal Application.

They must be submitted about a month prior to the date of the scheduled hearing in order to legally advertise it. There is no guarantee that your appeal will be heard on the date of the next scheduled meeting of the Zoning Hearing Board because there is always the possibility of case overload; the unexpected absences of members, or bad weather. We do our best, however. Submit all pertinent information along with your appeal application, and be advised you will not get back any exhibits you may present as supporting evidence for your case. Fees for an appeal are listed on the application form.

Where can I get a plot plan of a property?

The Township has the engineered subdivision plans for many of the Township's subdivided properties, especially if the subdivision or land development occurred within the last 20 years or so. Contact the Community Development office with the street address or subdivision name of the property in question to request a copy of the plot plan via pick-up, mail or email. Should a copy larger than 11" x 17" in size be desired, payment for the copying in advance will be required. Please note that the Township may not be able to locate a particular plan due to age or loss. You may also wish to use an internet map site such as Google, Bing, et al in order to provide you wish some perspective as to where your house sits in the neighborhood.

What should I know before I attempt to start a new non-residential activity in an already-constructed building?

It is suggested that you meet with your own pertinent professional (zoning/realty attorney, surveyor, engineer, contractor, etc.), then check with the Zoning Officer, Building Inspector, and Planner. The zoning ordinance has specific uses it allows in each zoning district. It is not advised to try and interpret the ordinance yourself. Be sure the Zoning Officer agrees that the use you propose for a given location is permissible and is able to be supported by proposed parking or other accessory uses you need. Then, check with the Planner to ascertain if your project will be subject to the planning process and if additional water and sewer charges will be applied. These charges can be higher than you might expect. You won't want to be surprised. Finally, check with the Commercial Building Inspector to learn whether you will have to make significant upgrades to the building you propose to occupy. Required renovations can be very costly. Find out what they might be before you are committed to the occupancy.

Does a homeowner need a permit for a shed?

Yes, a residential storage building needs a zoning permit, regardless of size. If the shed is greater than 500 square feet (measured by the exterior dimensions), in addition to zoning approval it will also require building department review of construction plans and approval with inspections.

Does a homeowner need a permit for driveway or sidewalk work?

You need a Public Works "Right-of-Way" permit for all driveways and sidewalks that would involve work proposed to be accomplished within any Township right-of-way such as street right-of-way widths, sewer and water line easements, and such. If one is installing a brand new driveway or public sidewalk or intend to expand one on their private property and it doesn't involve a Township right-of-way, a zoning permit is required. Securing a zoning permit does not exempt conditions of complying with maximum impervious surface requirements, or endorse violating other easements/right-of-ways, etc. Furthermore, parking areas are different from driveways or sidewalks, and are required to have a permit application reviewed.

If a homeowner wants to attach a shed to the rear of their home, would it meet the same accessory setbacks as a free-standing one?

An accessory building that is attached to the primary building shall be considered as an integral part of said primary building and not as an accessory building. It shall follow the primary use setback criteria accordingly.

Must I obtain a permit for even a small sign?

As there are many regulations concerning signs within the Township, it is advisable to contact the Zoning Officer regarding the placement or erection of even small signs.

Is my property in a flood plain?

The Township's official Flood Insurance Rate Map was last updated by FEMA in 2004. To determine whether a property is located within a flood plain, please contact the Community Development Department with the street address of the property in question. Copies of the section of the map panel containing the property in question can also be obtained from the Township.

What can I do with my trees and landscaping?

Trees are, for the most part, not regulated by the Zoning Ordinance. As far as the Township is concerned, there are two types of trees: Shade Trees and all other trees. Shade Trees are planted within the right-of-way of a Township street. The Township and the property owner both have rights and responsibilities with regard to street trees. All other trees grow outside of the street right-of-way and are the sole responsibility of the property owner. Inquiries about such trees should be directed toward the owner of the property upon which the tree grows. There are no required setbacks for landscaping; however there are requirements with regard to the Clear Sight Triangles at street intersections. Please consult the **Clear Sight Triangle Guide** for more information.

If there is a question as to whether a tree is a street tree and what the property owner's responsibilities are with regard to it, please consult **the SWT Shade Tree Ordinance, Policy and Guide**, or contact the Department of Community Development.