



## 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 and Agricultural (R-R)
- Rural Holding (R-H)
- 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
- I-C-I 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](http://www.southwhitehall.com).

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

A home occupation and home office are permitted provided that the scope of the business meets the parameters set forth in Section 12.33(q) 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. Should your business exceed the parameters of Section 12.33(q) of the Zoning Ordinance, the extent of the approval process becomes much more involved as these businesses are classified as “new commercial uses”. New commercial uses, albeit operated from your home, are only permitted in certain zoning districts; whereas, home occupations and home offices are permitted in all zoning districts. New commercial uses require site plan approval under the subdivision and land development regulations that require a formal application and fees. New commercial uses almost always require modifications to the home to comply with building and fire codes. 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?**

You should check with the Township Zoning Officer whenever you propose to: build or alter a structure; change the nature of the activity that is to take place on a given property (e.g., residential use to commercial use, or one kind of business activity to another); hold a temporary event, or anything else that could have some impact upon other properties. The Zoning Officer will tell you if you need to apply for a permit. Call him at (610) 398-0401.

### **How do I apply for a zoning permit?**

Currently, South Whitehall Township uses a combination Zoning/Building Permit application form. Pick up an application at the Township Building or download one at [www.southwhitehall.com](http://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 but we can serve you much better if you submit drawings/plans first and/or make an appointment to discuss your plan in person. The Zoning Officer will give you the best guidance he can, 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. They cost \$15.00. For extensive projects you are advised to purchase one. The Zoning Ordinance will also soon be 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, or if you feel the zoning regulation that caused the denial of your permit is unfair in your particular circumstances.

### **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), or you have a business that is not expressly permitted for a given zone district – and that building or business existed prior to the zoning regulation that otherwise prohibits it – you may have a "non-conforming" building or business. It may therefore be "grandfathered" and 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](http://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.

### **What can I do with my trees?**

As far as the Township is concerned, there are two types of trees: street trees and all other trees. Street 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.

If there is a question as to whether a tree is a street tree, please contact the Department of Community Development.

There are also restrictions on planting trees in what is called the “clear sight triangle”, common to corner lots, even though it may not be located in the street right-of-way. Please contact the Zoning Officer for further information.

If the tree is a street tree, the following applies:

The property owner is responsible for the planting, removal and replacement of street trees. Street trees are to be trimmed so that branches are not to interfere with vehicular or pedestrian traffic. Branches are to be trimmed to no lower than fourteen (14) feet above the street and no lower than eight (8) feet above the sidewalk. The property owner has the option to trim the trees or let the Township do the trimming. The Township generally trims trees in the fall and will issue a notice letter to property owners a week before trimming is scheduled. The Township cannot trim all trees annually and will usually schedule trimming on an as-needed basis.

Any and all work to be done on street trees requires a street tree permit. There is no cost for this permit. You can pick up an application at the Township Building or download one at [www.southwhitehall.com](http://www.southwhitehall.com). Fill out the Street Tree Permit Application and submit it to the Township. The application may be submitted by the property owner or an individual or company the property owner designates, such as a contractor or landscaper. The permit will be reviewed by the Zoning Officer, the Public Works Department and the Landscape and Shade Tree Commission.

The Landscape and Shade Tree Commission will make an effort to view the site and discuss the proposed work with the property owner. The review usually takes approximately two weeks, after which the applicant will be notified by telephone that the permit is ready for pick up. Depending upon the scope of work being done, the Township may add certain requirements as conditions of approval of the permit, such as replacing a removed street tree,

requiring that a different species of tree be planted, or that a removed tree not be replaced at all. If trees are to be planted, the Public Works Department may require that they be notified prior to the planting of new trees so that they can mark the location of the trees so as not to interfere with underground utilities. The Landscape and Shade Tree Commission may also require prior notification so that they can view the planting to ensure that proper procedures are being followed.

**Where can I get a plot plan of a property?**

The Township does have, using the Lehigh County Tax Parcel map, plot plans of almost all subdivided properties that show their shape, but no structures. The Township also has the engineered subdivision plans for many the Township's subdivided properties. 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. Should a copy up to 11" x 17" in size be desired, the cost will be \$0.10 per copy. Should a larger copy be desired, more time and expense will be required. Please note that the Township may not be able to locate a particular plot plan due to age or loss.

**Is my property in a flood plain?**

The Township has recently updated the official Flood Insurance Rate Map. 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 at the cost of \$0.10 per copy.

**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. Don't 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 150 square feet of interior space, 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?**

Yes, you need a Public Works "Right-of-Way" permit for all driveways and sidewalks that would involve any Township right-of-way such as street right-of-way widths, sewer and water line easements, and such. If one is doing/re-doing a driveway or sidewalk on their private property and it doesn't involve a Township right-of-way, a zoning permit is required

if the work to be done costs in excess of \$250. 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.

**Are there limits on the number of pets for a household?**

The housing of more than four house animals or pets, such as but not limited to dogs, cats, or rabbits, over three months old, shall not be closer than 100' to a property line nor closer than 200' to a dwelling on an adjoining premises. This shall include outdoor runs for said animals.

**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?**

All signs in excess of six (6) square feet in area and all signs regardless of size located other than on the property to which they apply shall require the issuance of a zoning and/or building permit before erection, replacement, or repair. All signs must comply with all of the regulations of zoning section 12.39, irrespective of whether a permit is required. No sign, however, are ever permitted to be placed in the road right-of-way or in a clear-sight triangle unless proper permission is pre-obtained from the Township.

**I'd like to do business out of my home. What do I need to know?**

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic (except with regard to music teachers, art instructors, or academic tutors), whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

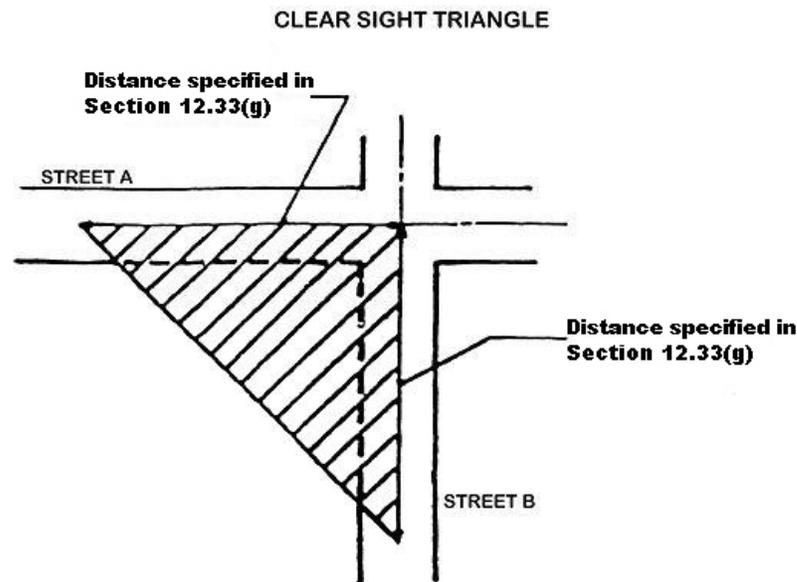
No-impact home-based businesses must satisfy the following requirements:

- (1) Permits are to be secured from the Community Development Department.
- (2) No-impact home-based businesses shall be owned and controlled by a resident of the property on which the activity takes place. Termination of residence by the owner who establishes the no-impact home-based business shall automatically terminate the no-impact home-based business at that residence.
- (3) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (4) The business shall employ no employees other than the family members residing in the dwelling, at the site.
- (5) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (6) The minimum lot and yard requirements are as applicable for the principle use.
- (7) Only one vehicle, not to exceed one-ton payload capacity, may be utilized by the business.
- (8) There shall be no appearance of a business use, including, but not limited to, parking, signs or lights.

- (9) There shall be no tractor trailer deliveries to the home-based business.
- (10) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (11) The business activity may not generate any solid waste or sewage discharge in volume or type, which is not normally associated with residential use in the neighborhood.
- (12) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (13) The business may not involve any illegal activity.

### What is a Clear Sight Triangle and how does it impact me?

At every intersection there shall be a triangular area (shown in the figure) deemed to be a clear sight triangle. The clear sight triangle shall be determined by the intersecting centerlines and a diagonal line connecting the two points, one at each centerline. The length of each centerline shall be determined as follows: seventy-five (75') feet from the intersection of such centerlines for a street with a **local** classification or from non-residential or multi-family residential driveways; one hundred (100') feet from the intersection of such centerlines for a street with a **collector** classification; and, one hundred fifty (150') feet from the intersection of such centerlines for a street with an **arterial** classification.



There shall be no obstruction of vision between a height of two (2') feet and ten (10') feet above the centerline grade of the street within the clear sight triangle. Clear sight triangles shall be graded as necessary and kept clear of any buildings, plantings, or other obstructions. Chain-link and split rail fences shall be allowed, provided no screening vegetation or material renders the fence opaque, and the intersection is signalized, or equipped with stop signs requiring all traffic to stop. Other structures shall be Conditional Uses and will be subject to the approval of the Board of Commissioners.