

**ZONING HEARING**

FINAL AUGUST 20, 2009

(intended as a process guide only - complete information is in the zoning ordinance - Chapter 27)

REVIEW & APPROVAL PROCESS

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ZONING HEARING

**ZONING HEARING BOARD (ZHB) JURISDICTION:**  
Exclusive jurisdiction on the following matters:

- a. Substantive challenges to the validity of the zoning ordinance
- b. Challenges to the validity of the zoning ordinance raising procedural questions or alleged defects in the process of enactment or adoption
- c. Appeals from the determination or preliminary opinion determination of the zoning officer.
- d. Appeals from the determination of the engineer or zoning officer re: floodplains (see ch. 8)
- e. Variance applications related to the zoning ordinance or floodplains.
- f. Special Exception applications related to the zoning ordinance or floodplains.
- g. Changes in non conforming use. (27-1105.A. 1-8)

**Note: certain matters may require planning commission review** (e.g., variances, signs etc.)

**PARTIES:** Appeals under the zoning ordinance may be filed with the ZHB in writing by the landowner affected, by any officer or agency of the Borough or any person aggrieved. Requests for a variance or special exception may be filed with the ZHB only by a landowner or any tenant with the permission of such landowner. (27-1106)

**1. APPLICANT / ZONING OFFICER:** Applications for all matters involving the ZHB shall be filed with the Zoning Officer on the forms prescribed for the respective action required. See 27-1301 for full powers and duties.

**2. ZONING OFFICER:** Reviews the application to determine whether is administratively complete. Application date stamped second time when administratively complete.

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If application is incomplete, return to no. 1 & begin again.

**3. ZONING OFFICER:** Within five (5) business days of receipt of an **administratively complete application**, the Zoning Officer shall submit one (1) copy of the application and any materials submitted therewith to: the Borough Solicitor; the Borough Engineer; each member of the Planning Commission; and each member of the ZHB

**4. PLANNING COMMISSION:** Shall review the application and forward its recommendation to the ZHB prior to the public hearing. (27-1107.B.)

**5. ZHB:** Shall hold a **public hearing**, pursuant to public notice, within sixty (60) days of the date of the filing of an administratively complete application. (27-1112)

**6. ZHB:** If more than one (1) hearing date is required, scheduling shall be in accordance with the PA.MPC. (27-1112)

**7. ZHB DECISION:** A decision on the application shall be made within forty-five (45) days of the last hearing. A copy of the final decision or the findings shall be delivered to the applicant personally or mailed no later than the day following its date (27-1113.B)

