

ARTICLE 9

ZONING HEARING BOARD

§ 208-901. Establishment and Membership.

- A. The LMT BOC shall appoint a Zoning Hearing Board consisting of three (3) members who shall be residents of Lower Moreland Township. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The LMT ZHB shall promptly notify the LMT BOC of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the LMT ZHB shall hold no other office in the Township of Lower Moreland. Any member of the LMT ZHB may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the LMT BOC taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
- B. The LMT BOC may appoint by resolution at least one (1) but no more than three (3) residents of Lower Moreland Township to serve as alternate members of the LMT ZHB. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of Article 9 of this Chapter relating to *Organization of Zoning Hearing Board (§ 208-902.)*, an alternate shall be entitled to participate in all proceedings and discussions of the LMT ZHB to the same and full extent as provided by law for LMT ZHB members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other office in the Township of Lower Moreland, including membership on the LMT PC and Township Zoning Officer. Any alternate may participate in any proceeding or discussion of the LMT ZHB, but shall not be entitled to vote as a member of the LMT ZHB nor be compensated pursuant to Article 9 of this Chapter relating to *Expenditures for Services (§ 208-903.)*, unless designated as a voting alternate member pursuant to Article 9 of this Chapter relating to *Organization of Zoning Hearing Board (§ 208-902.)*.

§ 208-902. Organization of Zoning Hearing Board.

- A. The LMT ZHB shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the LMT ZHB, but the LMT ZHB may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the LMT ZHB, as provided in Article 9 of this Chapter relating to *Hearings (§ 208-904.)*. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the LMT ZHB shall designate as many alternate members of the LMT ZHB to sit on the LMT ZHB as may be needed to provide a quorum. Any alternate member of the LMT ZHB shall continue to serve on the LMT ZHB in all proceedings involving the matter or case for which the alternate was initially appointed until the LMT ZHB has made a final determination of the matter or case. Designation of an alternate pursuant to this Section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- B. The LMT ZHB may make, alter, and rescind rules and forms for its procedure, consistent with

ordinances of the Township of Lower Moreland and laws of the Commonwealth. For purposes of this subsection, refer to the most recent version of "Rules of Procedure Lower Moreland Township Zoning Hearing Board".

- C. The LMT ZHB shall keep full public records of its business, which records shall be the property of the Township of Lower Moreland, and shall submit a report of its activities to the LMT BOC upon request.

§ 208-903. Expenditures for Services.

Within the limits of funds appropriated by the LMT BOC, the LMT ZHB may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the LMT ZHB may receive compensation for the performance of their duties, as may be fixed by the LMT BOC. Alternate members of the LMT ZHB may receive compensation, as may be fixed by the LMT BOC, for the performance of their duties when designated as alternate members pursuant to Article 9 of this Chapter relating to *Organization of Zoning Hearing Board (§ 208-902.)*, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members by the LMT BOC.

§ 208-904. Hearings.

- A. The LMT ZHB shall conduct hearings and make decisions in accordance with the following requirements:
 - (1) Public Notice shall be Provided. The LMT ZHB shall notify the applicant, Township Zoning Officer, the LMT BOC, and every other person or organization who shall have registered with the LMT ZHB for the purposes of receiving such notices. Written notices shall be given at such time and in such manner as shall be prescribed by this Chapter or, in the absence of Chapter provision, by rules of the LMT ZHB. In addition to the written notice required herein, public notice shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property deemed sufficient by the Township to notify potentially interested citizens. This sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing.
 - (2) The LMT BOC may prescribe reasonable fees with respect to hearings before the LMT ZHB. Fees for said hearings may include compensation for the secretary and members of the LMT ZHB, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the LMT ZHB, expenses for engineering, architectural or other technical consultants or expert witness costs.
 - (3) The first (1st) hearing before the LMT ZHB or Hearing Officer shall commence within sixty (60) days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the LMT ZHB or Hearing Officer shall be held within forty-five (45) days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete his case-in-chief, within one hundred (100) days of the first (1st) hearing. Upon

the request of the applicant, the LMT ZHB or Hearing Officer shall ensure that the applicant receives at least seven (7) hours of hearings within the one hundred (100) days, including the first (1st) hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Township of Lower Moreland, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- B. The hearings shall be conducted by the LMT ZHB, or the LMT ZHB 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 LMT ZHB; however, the appellant or the applicant, as the case may be, in addition to the Township of Lower Moreland, may, prior to the decision of the hearing, waive decision or findings by the LMT ZHB and accept the decision or findings of the Hearing Officer as final.
- C. The parties to the hearing shall be the Township of Lower Moreland, any person affected by the application who has made timely appearance of record before the LMT ZHB, and any other person, including civic or community organizations permitted to appear by the LMT ZHB. The LMT ZHB shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the LMT ZHB for that purpose.
- D. The Chairman or Acting Chairman of the LMT ZHB or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- G. The LMT ZHB or the Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the LMT ZHB. The cost of the original transcript shall be paid by the LMT ZHB if the transcript is ordered by the LMT ZHB or Hearing Officer; or shall be paid by the person appealing the decision of the LMT ZHB if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- H. The LMT ZHB or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

- I. The LMT ZHB or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for; make written findings on the application within forty-five (45) days after the last hearing before the LMT ZHB or Hearing Officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact, and conclusions based thereon, together with the reasons therefore. Conclusions based on any provisions of the MPC or of this Chapter, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the LMT ZHB shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the LMT ZHB prior to final decision or entry of findings, and the LMT ZHB's decision shall be entered no later than thirty (30) days after the report of the Hearing Officer. Except for challenges filed under Section 916.1 of the MPC, where the LMT ZHB fails to render the decision within the period required in this subsection, or fails to commence or complete the required hearing, as provided in the subsection above relating to *commencing and completing the hearings* (§ 208-904.A.(3)), 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 LMT ZHB to meet or render a decision as in above provided, the LMT ZHB shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner, as provided in the subsection above relating to *The hearings shall be conducted by the LMT ZHB...* (§ 208-904.B.). If the LMT ZHB shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- J. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the LMT ZHB not later than the last day of the hearing, the LMT ZHB shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

- K. Time Limitations on Zoning Hearing Board's Decision.
 - (1) A variance or special exception granted by the LMT ZHB in accordance with this Chapter shall expire at the end of one (1) year from the date of the decision, unless the applicant or owner has commenced construction or otherwise been granted a building or zoning permit necessary to implement the grant of approval.

 - (2) In the event that the applicant anticipates that more than one (1) year will be necessary to implement the grant of variance or special exception, the applicant may request in its initial application to the LMT ZHB, that the LMT ZHB grant an extension of the time period limitation. In requesting an extension of the one (1)-year time period, the applicant shall establish a specific time table within which either a zoning permit, building permit, or application for subdivision and land development would be filed under applicable Township of Lower Moreland ordinances. Additionally, the applicant shall establish a time period within which the construction project would be completed.

§ 208-905. Zoning Hearing Board's Functions.

The LMT ZHB shall have the exclusive jurisdiction to hear and render decisions in the following matters:

- A. Substantive Challenges to the Validity of this Chapter. Substantive challenges to the validity of this Chapter except those brought before the LMT BOC pursuant to Article 10 of this Chapter relating to *Amendment Initiated by a Petition from an Interested Party in Amendments (§ 208-1005.E.)*.
- (1) If a challenge heard by a LMT ZHB is found to have merit, the decision of the LMT ZHB shall include recommended amendments to the challenged Chapter that will cure the defects found. In reaching its decision, the LMT ZHB shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
 - (a) The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - (b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Chapter or Official Zoning Map.
 - (c) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodland, wetlands, floodplains, aquifers, natural resources, and other natural features.
 - (d) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.
 - (e) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
 - (2) The LMT ZHB, shall render its decision within forty-five (45) days after the conclusion of the last hearing. If the LMT ZHB fails to act on the landowner's request within this time limit, a denial of the request is deemed to have occurred on the forty-sixth (46th) day after the close of the last hearing.
 - (3) The LMT ZHB shall commence its hearings within sixty (60) days after the request is filed, unless the landowner requests or consents to an extension of time.
 - (4) Public notice of the hearing shall be provided as specified in Article 10 of this Chapter relating to *Public Notice in Hearing and Enactment Procedures for Zoning Amendments in Amendments (§ 208-1005.B.(2))*.
- B. Special Exceptions. The LMT ZHB shall hear and act upon applications for special exceptions, specifically authorized by this Chapter. The granting of a special exception shall be subject to the

following standards and criteria. The applicant for a special exception shall demonstrate, by credible evidence, compliance with these criteria and those criteria specified elsewhere in this Chapter for the use in question:

- (1) Filing of Special Exception. The special exception application shall include the following:
 - (a) Ground floor plans and schematic architectural drawing of the principal building's façade and elevations of proposed structures.
 - (b) Names and addresses of adjoining property owners, including properties directly across a public right-of-way.
 - (c) A legibly drawn to scale plot/site plan of the site in accordance with Article 10 of this Chapter relating to *Application for All Zoning Permits in Zoning Permits (§208-1002.B.)* with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Chapter.
 - (d) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Chapter.

- (2) General Criteria. Each applicant shall demonstrate, by credible evidence, the proposed use complies with the following:
 - (a) The proposed use shall be consistent with the purpose and intent of this Chapter and such use is specifically authorized as a use by special exception within the applicable zoning district for which the applicant seeks approval.
 - (b) The proposed use shall not detract from the use and enjoyment of adjoining or adjacent properties.
 - (c) The proposed use shall not substantially cause a change in the character of the subject property's neighborhood, nor adversely affect the character of the general neighborhood, the conservation of property values, the health and safety of residents or workers on adjacent properties and in the neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.
 - (d) Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, storage, refuse collection containers/stations areas and other potential related nuisances shall be located and designed to minimize adverse impacts on adjoining residential lots.
 - (e) Adequate public facilities are available to serve the proposed use and the proposed use shall not have an adverse effect upon the logical and economic extension of such public services and facilities (e.g., schools; fire, police and ambulance protection; sewer, water and other utilities; parks and recreation; solid waste disposal; vehicular access; etc.).

- (f) The proposed use will not have deleterious impact on adjacent properties or the neighborhood due to impacts or by-products of the proposed use, such as noise, dust, odor, smoke, litter, glare, heat, radiation, electromagnetic interference, etc.
 - (g) The proposed use will not substantially impair the integrity of the most recent version of the Lower Moreland Township community development objectives or any applicable plan adopted by the LMT BOC set forth in Article 1 of this Chapter relating to *Purpose of Enactment (§ 208-103.)*.
- (3) Specific Criteria. Each applicant shall demonstrate, by credible evidence, the proposed use complies with the following applicable specific criteria listed in:
- (a) Article 3 of this Chapter relating to the following specific requirements and regulations:
 - [1] Permitted use;
 - [2] Density and dimensional (lot, setback, and bulk); and
 - [3] Additional layout, design, and other standards.
 - (b) Article 4 of this Chapter relating to specific overlay zoning district requirements and regulations;
 - (c) Article 5 of this Chapter relating to the following specific requirements and regulations:
 - [1] Accessory uses and structures;
 - [2] Compliance with applicable laws, regulations, codes, and licensing requirements;
 - [3] Hours of operation;
 - [4] Landscaping, buffer yards, and screening;
 - [5] Mechanical appurtenances and equipment; and
 - [6] Sewage and water systems standards.
 - (d) Article 6 of this Chapter relating to the following specific requirements and regulations:
 - [1] Driveways;
 - [2] Parking;

[3] Loading; and

[4] Vehicle stacking.

- (e) Article 7 of this Chapter relating to sign specific requirements and regulations; and
- (f) Article 8 of this Chapter relating to specific use requirements and regulations.
- (g) Calculations and distance, separation, or spacing requirements.

In addition, the proposed use shall comply with all other applicable general and specific requirements and regulations in this Chapter.

(4) Conditions and Alternative Site Layouts.

- (a) The LMT ZHB in approving special exception applications may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zoning district. These conditions shall be enforceable by the Township Zoning Officer, and failure to comply with such conditions shall constitute a violation of this Chapter and be subject to the penalties described in Article 10 of this Chapter.
- (b) The LMT ZHB may require alternative site layouts, including increased setbacks from residential lot lines, different locations of buildings, parking areas, driveways, parking areas, loading areas, outdoor activity areas, light sources, storage, refuse collection containers/stations, or increased landscaping, buffer yards, or screening, in order to minimize adverse impacts of the proposed use on adjoining residential lots.

(5) Plot/Site Plan Approval. Any plot/site plan presented in support of the special exception pursuant to the subsection above relating to *Filing of Special Exception in Special Exceptions (§ 208-905.B.(1))* shall become an official part of the record for said special exception. Approval of any special exception will also bind the use in accordance with the submitted plot/site plan; therefore, should a change in the plot/site plan be required as part of the approval of the use, the applicant shall revise the plot/site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved plot/site plan shall require the obtainment of another special exception approval.

(6) Time Limitations for Special Exceptions. An approved special exception shall be bound by the time period limitations listed in Article 9 of this Chapter relating to *Time Limitations on Zoning Hearing Board's Decisions in Hearings (§ 208-904.K.)*.

C. Variances. The LMT ZHB shall hear requests for variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the applicant. The LMT ZHB may, by rule, prescribe the form of application to the Township Zoning Officer. The LMT ZHB may grant a

variance, provided that the applicant submits sufficient evidence for the LMT ZHB to make the following findings where relevant in a given case:

- (1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or zoning district in which the property is located.
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter, and that the authorization of a variance is therefore necessary to enable reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) That the variance, if authorized, will not alter the essential character of the zoning district or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - (5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.
 - (6) That variances within the O-FC shall comply with Article 4 of this Chapter relating to *Floodplain Conservation Overlay Zoning District/O-FC (§ 208-402.)*.
 - (7) Conditions.
 - (a) In granting any variance, the LMT ZHB may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter. These conditions shall be enforceable by the Township Zoning Officer, and failure to comply with such conditions shall constitute a violation of this Chapter and subject to the penalties described in Article 10 of this Chapter.
 - (b) If a zoning permit has been requested, the approved variance with any conditions imposed by the LMT ZHB shall be attached to the application. Where the variance is approved prior to the application, then the approved variance with any conditions imposed by the LMT ZHB shall be forwarded to the Township Zoning Officer.
 - (8) Time Limitations for Variances. An approved variance shall be bound by the time period limitations listed in Article 9 of this Chapter relating to *Time Limitations on Zoning Hearing Board's Decisions in Hearings (§ 208-904.K)*.
- D. Appeals from the Determination of the Township Zoning Officer. Appeals from the determination of the Township Zoning Officer including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order,

enforcement notices, or the registration or refusal to register any nonconforming use, structure or lot.

- E. Appeals from a Determination by the Township Engineer or the Township Zoning Officer with Reference to the Administration Contained within the O-FC. Appeals from a determination by the Township Engineer or the Township Zoning Officer with reference to the administration of any provisions contained within the O-FC as set forth in Article 4 of this Chapter relating to *Floodplain Conservation Overlay Zoning District/O-FC (§ 208-402.)*.
- F. Appeals from the Determination of any Officer or Agency Charged with the Administration of any Transfers of Development Rights or Performance Density. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Chapter.
- G. Appeals from the Township Zoning Officer's Determination under Section 916.2 of the MPC. Appeals from the Township Zoning Officer's determination under Section 916.2 of the MPC.
- H. Appeals from the Determination of the Township Zoning Officer or Township Engineer in the Administration of any Land Use Ordinance with Reference to Sedimentation and Erosion Control or Storm Water Management for Applications not involving a Subdivision or Land Development, nor a Planned Residential Development. Appeals from the determination of the Township Zoning Officer or Township Engineer in the administration of any land use ordinance with reference to sedimentation and erosion control or storm water management for applications not involving a subdivision or land development, nor a planned residential development as regulated in Articles V and VII of the MPC, respectively.

§ 208-906. Parties Appellant Before the Zoning Hearing Board.

- A. Appeals under Article 9 of this Chapter relating to the *Zoning Hearing Board's Functions (§ 208-905.)* in:

Appeals from the Determination of the Township Zoning Officer;

Appeals from a Determination by the Township Engineer or the Township Zoning Officer with Reference to the Administration Contained within the O-FC;

Appeals from the Determination of any Officer or Agency Charged with the Administration of any Transfers of Development Rights or Performance Density;

Appeals from the Township Zoning Officer's Determination under Section 916.2 of the MPC;
Appeals from the Determination of the Township Zoning Officer or Township Engineer in the Administration of any Land Use Ordinance with Reference to Sedimentation and Erosion Control or Storm Water Management for Applications not involving a Subdivision or Land Development, nor a Planned Residential Development, respectively; and

proceedings to challenge this Chapter under Article 9 of this Chapter relating to the *Zoning Hearing Board's Functions* in *Substantive Challenges to the Validity of this Chapter*

(§ 208-905.A.);

may be filed with the LMT ZHB in writing by the landowner affected, any officer or agency of the Township of Lower Moreland, or any person aggrieved. Requests for a variance under Article 9 of this Chapter relating to *Variances in Zoning Hearing Board's Functions (§ 208-905.C.)* and for special exception under *Special Exceptions in Zoning Hearing Board's Functions (§ 208-905.B.)* may be filed with the LMT ZHB by any landowner or any tenant with the permission of such landowner. Any appeal/application shall state:

- (1) The name and address of the appellant and applicant.
 - (2) The name and address of the landowner of the real estate to be affected.
 - (3) A brief description and location of the real estate to be affected by such proposed change, together with a legibly drawn to scale plot/site plan of the lot on a minimum eight and one half by eleven (8 ½ x 11) inch sheet size with sufficient clarity to show the nature and character of the request.
 - (4) A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
 - (5) A statement of the section of this Chapter under which the request may be allowed, and reasons why it should or should not be granted.
- B. All appeals and any amendments thereto addressed to the LMT ZHB shall be filed with the Township of Lower Moreland on forms prescribed by the Township of Lower Moreland and executed by the applicant(s).
- C. Every appeal form shall be completed in its entirety and shall include a reference to the specific section and, where applicable, the subsection at issue and a statement in numbered paragraphs setting forth the grounds for each form of relief sought together with each fact supporting the claim for relief.
- D. No appeal form or any amendment thereto shall be deemed filed unless and until the applicable fee is paid, the form is properly completed and all necessary signatures are applied. Any failure to comply with the requirements of this subsection may lead to the rejection of the appeal or amendment as determined by the Township Zoning Officer.
- E. By executing the appeal form and any amendment thereto, every applicant verifies that to the best of his or her knowledge, information and belief each fact alleged is true and correct, and that there exists a good faith basis for the requested relief.

§ 208-907. Time Limitations.

No person shall be allowed to file any proceeding with the LMT ZHB later than thirty (30) days after an application for development, preliminary or final, has been approved by the Township Zoning Officer or the agency responsible for granting such approval if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice or knowledge, or reason to believe that such approval had been given. If such person has succeeded to his

interest after such approval, he shall be bound by the knowledge of his predecessor in interest.

§ 208-908. Stay of Proceeding.

- A. Upon filing of any proceeding referred to in Article 9 of this Zoning Ordinance relating to *Parties Appellant Before the Zoning Hearing Board* (§ 208-906.) and during its pendency before the LMT ZHB, all land development pursuant to any challenged ordinance, order or approval of the Township Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed, unless the Township Zoning Officer or any other appropriate agency or body certifies to the LMT ZHB facts indicating that such stay would cause imminent peril to life or property, in which case, the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the LMT ZHB or by the court having jurisdiction of zoning appeals on petition after notice to the Township Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the LMT ZHB by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the LMT ZHB.
- B. All stays of proceeding before the Township Zoning Hearing Board shall be in accordance with the laws of the Commonwealth of Pennsylvania and Article IX of the MPC.

§ 208-909. Appeal.

Any person, taxpayer or the Township of Lower Moreland aggrieved by any decision of the LMT ZHB may within thirty (30) days after such decision of the LMT ZHB seek review by the Court of Common Pleas of such decision in the manner provided by the laws of the Commonwealth of Pennsylvania and Article X-A of the MPC.