

TOWNSHIP OF WASHINGTON  
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE # 136

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA, BY AUTHORITY OF AND PURSUANT TO THE PROVISIONS OF ARTICLES VI THROUGH X OF ACT NO. 247, AS AMENDED, OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, APPROVED JULY 31, 1968, KNOWN AND CITED AS THE "PENNSYLVANIA MUNICIPALITIES PLANNING CODE"; AND ANY AMENDMENTS AND SUPPLEMENTS THERETO, AMENDING ORDINANCE NO. 105, ADOPTED BY THE BOARD OF SUPERVISORS OF WASHINGTON TOWNSHIP ON MAY 16, 1988, AND KNOWN AS THE WASHINGTON TOWNSHIP ZONING ORDINANCE.

WHEREAS, the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, adopted on May 16, 1988, Washington Township Ordinance No. 105 known as the Washington Township Zoning Ordinance; and

WHEREAS, the Board of Supervisors of Washington Township deems it to be in the interest and welfare of the residents of the Township to amend the Washington Township Zoning Ordinance by making changes in the text to various sections of the Ordinance and the complete rewriting of Section 1912.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, that certain changes be made to the text of various sections of the Ordinance and the complete rewriting of Section 1912, and Ordinance No. 105 is hereby amended as follows:

SECTION 1. Changes in the text of Ordinance #105, as amended, shall be set forth below.

A. Section 104. Glossary and Definition of Terms is amended as follows:

a. The definition of Essential Municipal Service Facility shall be added:

ESSENTIAL MUNICIPAL SERVICE FACILITY: A facility operated by the Washington Township Municipal Authority or the Waynesboro Municipal Authority that provides public water and/or sewer service.

b. The definition of Public Utility Facility shall be revised to read as follows:

PUBLIC UTILITY FACILITY: A facility designed to perform an essential public service such as supplying gas, electricity, telephone service or transportation, operated or regulated by the federal, state or local government excepting, however, Essential Municipal Service Facilities.

B. Section 300. Use Regulations is amended as follows:

Section 300.6. Grading of Land, Erosion and Sedimentation Control.

- a. Any earthmoving activity preparatory to construction or expansion of a building or use for which a building permit is issued must comply with the soil, erosion and sedimentation requirements and storm water management requirements of the approved plot plan or land development plan.
- b. Earthmoving activities, which are not preparatory to the construction or expansion of a building for which a building permit has been issued, must submit a soil and erosion control plan and a storm water management plan to the Township for approval if the earthmoving activity involves a disturbance of more than 10,000 square feet. The soil erosion control plan and stormwater management plan will normally be approved by the Township staff. However, more complex plans may require review by the Township Engineer. The applicant(s) shall be responsible for any and all engineering review fees.
- c. For earthmoving activities not covered above, appropriate sediment and erosion control procedures shall be followed for all earthmoving activities regardless of their size.

C. Section 301. Height Regulations is amended as follows:

Section 301.2. In all residential districts, accessory buildings shall not exceed twenty-five (25) feet in height.

D. Section 309. Storage of Motor Homes, Trailers, Boats, Recreational Vehicles, and Dismantled or Non-Operable Vehicles is amended as follows:

Section 309.1. Motor Homes, Trailers, Boats, or other Recreational Vehicles may be stored but not occupied in any district.

E. Section 310. Customary Home Occupations is amended as follows:

Section 310.2. Evidence of Use. Does not display or create outside the building any evidence of the home occupation except one (1) non-lighted sign (maximum of six (6) square feet in size) which must be mounted on the face of the house.

Section 310.3. Permitted Uses.

- f. Computer operations including word processing.
  - g. Any similar related customary home occupation which in the opinion of the Zoning Hearing Board is clearly incidental to the residential use of the premise and neighborhood.
- F. Section 701. Permitted Uses is amended as follows:
- 5. Essential Municipal Services Facility
- G. Section 702. Conditional Uses is amended as follows:
- 4. Churches or similar places or worship including all parish houses, parsonages and church related cemeteries.
- H. Section 801. Permitted Uses is amended as follows:
- 6. Federal, state, and local municipal buildings and uses, essential services and essential municipal services facility.
- I. Section 1001. Permitted Uses is amended as follows:
- 4. Federal, state, and local municipal buildings and uses, essential services, and essential municipal services facility.
- J. Section 1101. Permitted Uses is amended as follows:
- 10. Federal, state, and local municipal buildings and uses, essential services, and essential municipal services facility.
- K. Section 1103. Minimum Area and Density Requirements is amended as follows:
- 4.h There shall be fifty (50) feet setback from the property line adjacent to any existing dwelling or residential district.
- L. Section 1201. Permitted Uses is amended as follows:
- 11. Federal, state, and local municipal buildings and uses, essential services and essential

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municipal services facility.

M. Section 1301. Permitted Uses is amended as follows:

- 1.e Federal, state and local municipal buildings and uses, essential services and essential municipal services facility .

N. Section 1401. Permitted Uses is amended as follows:

- 1.b Federal, state and local municipal buildings and uses, essential services and essential municipal services facility.

7. Conversion of apartments, conversion of existing single family detached or multi-family dwellings to two or more family dwellings. Each unit shall be provided with two (2) points of entrance/exit from the building and a minimum of two (2) off-street parking spaces per dwelling unit. The area required per unit shall be as per Section 1401.8 as listed below.

8. Multiple use building provided there is a minimum lot area of fifteen thousand square feet (15,000 square feet) for the first use and five thousand square feet (5,000 square feet) for each additional use and in accordance with yard and setback requirements of Commercial Neighborhood Uses.

9. Accessory uses and buildings customarily incidental to the above permitted uses provided that no outside storage of materials or processing activity shall be permitted unless the activity is effectively screened from the adjacent properties by a wall or fence.

O. Section 1501. Permitted Uses is amended as follows:

7. Federal, state and local municipal buildings and uses, essential services and essential municipal services facility.

P. Section 1601. Permitted Uses is amended as follows:

21. Federal, state and local municipal buildings and uses, essential services and essential municipal services facility.

Q. Section 1903. Building Permits is amended as follows:

1. Building Permit Required  
A building permit must be obtained from the Township before any construction or development is undertaken within any district. No building permit shall be issued unless the proposed construction or use is in full compliance with the provisions of this Ordinance, the approved subdivision or land development plan and requirements, and any other Township, State ordinance or law that may apply. Any building permit issued in violation of the provisions of this Ordinance shall be null and void and of no effect, without the necessity for any proceedings or revocations or nullification thereof, and any work undertaken or use established pursuant to such permit shall be unlawful.
- 2.b Site Plan, including a plan of the property drawn to scale, showing any existing buildings or structures, as well as the size and location of the proposed construction in relation to existing lot lines, setback or building lines, soil and erosion control measures, and storm water management shall accompany the application as follows:

R. Section 1912. Conditional Uses is amended as follows:

Section 1912 Conditional Uses

1. Applicability.

The Board of Supervisors shall have the power to allow or deny conditional uses following public notice and hearing and recommendations by the Planning Commission pursuant to express standards and criteria set forth in this ordinance. Such power shall be exercised in all cases where this ordinance specifically requires the filing of an application for a conditional use.

2. Conditions and Standards.

In allowing a conditional use, the governing body 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 the Municipalities Planning Code and this ordinance.

3. General Requirements and Standards Applicable to all Conditional Uses.

The Board of Supervisors may allow a conditional use only if it finds adequate evidence that any proposed development submitted will meet all of the

following general requirements as well as any specific requirements and standards for the proposed use. The Board of Supervisors shall, among other things, require:

- a. That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.
- b. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the District in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
- c. That, in addition to the above, in the case of any use located in, or directly adjacent to, a Residential District:
  - (1) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said Residential District or conflict with the normal traffic of the neighborhood; and
  - (2) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- d. That any proposed use and location be adequate with regard to sanitation and public safety provisions.
- e. That any proposed use and location require that all commercial or industrial parking, loading, access or service areas be adequately illuminated at night when in use, and that such lighting, including sign lighting, shall be arranged so as to protect the highway and neighboring properties from direct glare or

hazardous interference of any kind.

- f. That any proposed use and location be in conformity with the applicable requirements of this ordinance and all municipal ordinances.
- g. That any proposed use and location be suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.

4. Contents of Application.

Each application for conditional use shall be accompanied by a narrative description of the proposed use; and a proposed plan showing the size and location of the lot, the location of all buildings and proposed facilities including access drives, parking areas, and all streets within 200 feet of the lot.

5. Review by Planning Commission.

The Zoning Officer, upon determining that the applicant requires conditional use approval, shall refer the application for conditional use to the Planning Commission for its review and recommendations. Following a public hearing pursuant to public notice, the Planning Commission shall submit written recommendations to the Board of Supervisors.

6. Public Hearing before Planning Commission.

Prior to submitting its recommendations in writing to the Board of Supervisors, the Planning Commission shall hold a public hearing pursuant to public notice. Such notice shall be published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

7. Additional Notice before Planning Commission Public Hearing.

In addition to the public notice provided for in the immediately preceding subsection, additional notice of the public hearing to be held before the



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Planning Commission shall be sent by regular first class mail, at least five (5) days prior to the public hearing to all owners of property which lies adjacent to that owned by the applicant and to all other persons as the Planning Commission may deem advisable. The names and addresses of such property owners shall be taken as they appear on the last completed tax roll of the Township. The failure to give notice in exact conformity with the provisions of this subsection shall not be deemed to invalidate any action taken by the Planning Commission in connection with its recommendations to the Board of Supervisors.

8. Hearing before Board of Supervisors.

The Board of Supervisors shall hold a hearing on and decide requests for conditional uses in accordance with express standards and criteria set forth in this ordinance. In allowing a conditional use, the Board of Supervisors 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 the Municipalities Planning Code and the Zoning Ordinance.

9. Hearing Requirements.

The Board of Supervisors shall conduct hearings and shall make decisions in accordance with the following requirements:

(1) Public notice shall be given; and written notice shall be given to the applicant, the Zoning Officer, and all property owners whose property lies adjacent to that owned by the applicant, as well as to any person who has made timely request for the same. Written notices shall be given by first class mail at least five (5) days prior to the date of the hearing. The names and addresses of adjoining property owners shall be taken as they appear on the last completed tax roll of the Township. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

(1.1) The Board of Supervisors may prescribe reasonable fees with respect to conditional use hearings before the Board of Supervisors. Fees for said hearings



may include compensation for the secretary and members of the Board of Supervisors, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Board of Supervisors, expenses for engineering, architectural or other technical consultants or expert witness costs.

- (1.2) The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- (2) The hearings shall be conducted by the Board of Supervisors. The decision, or, where no decision is called for, the findings shall be made by the Board of Supervisors. However, the applicant may, prior to the decision of the hearing, waive decision or findings by the Board of Supervisors.
- (3) The parties to the hearing shall be the applicant, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the Board of Supervisors. The board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the board for that purpose.
- (4) The chairman or acting chairman of the board 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.
- (5) 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.
- (6) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- (7) The board shall keep a stenographic record of the proceedings. (The appearance fee for a stenographer shall be shared equally by the applicant and the Board.) The cost of the original

transcript shall be paid by the board if the transcript is ordered by the board or shall be paid by the person appealing from the decision of the board 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.

- (8) The board 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.
- (9) The board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the board. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Municipalities Planning Code or of any ordinance, rule or regulation of the Board of Supervisors shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. Where the board fails to render the decision within the period required by this subsection, or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, 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 to the board to meet or render a decision as hereinabove provided, the board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this section. If the board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the

decision to court of competent jurisdiction.

- (10) 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 board not later than the last day of the hearing, the board 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.

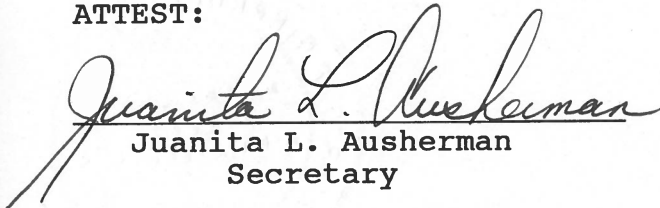
**SECTION 2.** In all other respects the provisions of Ordinance No. 105, as amended, shall remain in full force and effect.

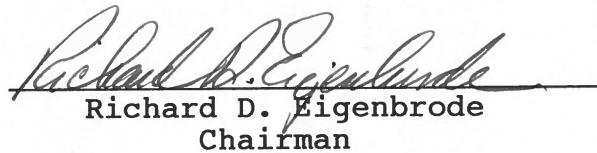
**SECTION 3.** This Ordinance shall take effect five (5) days after its enactment.

**DULY ENACTED AND ORDAINED** this 17th day of June, 1996 by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, in lawful session duly assembled.

WASHINGTON TOWNSHIP  
BOARD OF SUPERVISORS

ATTEST:

  
\_\_\_\_\_  
Juanita L. Ausherman  
Secretary

  
\_\_\_\_\_  
Richard D. Eigenbrode  
Chairman

