

**TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 271

**ORDINANCE ABOLISHING THE PLANNING
COMMISSION OF WASHINGTON TOWNSHIP,
ESTABLISHING A PLANNING COMMITTEE TO
REPLACE THE PLANNING COMMISSION AS THE
TOWNSHIP'S PLANNING AGENCY, AND AMENDING
THE CODE OF WASHINGTON TOWNSHIP TO REFLECT
THESE CHANGES AND TO REDUCE UNNECESSARY
DUPLICATION OF HEARINGS AND REVIEW BY THE
TOWNSHIP PLANNING AGENCY**

WHEREAS, pursuant to Article II of the Municipalities Planning Code (53 P.S. § 10201 *et seq.*), Washington Township (the "Township"), Franklin County, created a municipal planning agency known as the Washington Township Planning Commission; and

WHEREAS, the only mandatory duties required to be performed by a township planning agency under § 209.1 of the Municipalities Planning Code and § 360-130 of the Code of Washington Township are the preparation of the comprehensive plan of development and the maintenance of records of its actions, with all other duties of the planning agency occurring solely at the request of the governing body; and

WHEREAS, the Code of Washington Township, in contrast to the Municipalities Planning Code, also assigns additional mandatory duties to the Washington Township Planning Commission, such as the review of requested waivers of the Washington Township Land and Subdivision Ordinance under § 310-54 and the holding of a public hearing on a conditional use application under § 360-129; and

WHEREAS, the practical effect of these additional mandatory duties of the planning agency assigned by the Code of Washington Township has been to duplicate matters before the Board of Supervisors and the Planning Commission while depriving the Board of Supervisors of the ability to request the planning agency's involvement only in the matters where their recommendation is requested; and

WHEREAS, the requirement that waivers under § 310-55 be submitted to the Planning Commission to review and recommend to the Board of Supervisors generally delays the resolution of waivers in a swift manner and has specifically frustrated a recent attempt to expedite a non-contentious matter, interfering with the planned purchase of a home; and

WHEREAS, the requirement that the Planning Commission hold public hearings on conditional use applications duplicates the subsequent public hearing on the conditional use application by the Board of Supervisors; and

WHEREAS, multiple public hearings on a conditional use requires applicants, opponents of the intended use, and other witnesses to attend multiple public hearings in order to be heard and increases the costs to the taxpayers of Washington Township by requiring multiple notices and stenographers; and

WHEREAS, the Township has determined that it is in the best interest of all property owners and other residents to have the efficient running of local government by reducing redundant practices; and

WHEREAS, pursuant to § 201 of the Municipalities Planning Code, the Township has the authority to abolish its Planning Commission and to assign its powers and duties to a planning committee comprised of members appointed from the governing body; and

WHEREAS, the establishment of a Planning Committee composed of members of the Board of Supervisors would significantly reduce the need for and benefit of recommendations from the Township’s planning agency to the Board of Supervisors; and

WHEREAS, the Township has determined that it would be in the public interest to abolish the Washington Township Planning Commission, to replace it with a Planning Committee, and to remove the mandatory obligations of the Township’s planning agency imposed solely by the Township’s Code and not required under the Municipalities Planning Code:

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania as follows:

I. Effective December 31, 2019, the Planning Committee of Washington Township is abolished and replaced with a new planning agency in the form of a Planning Committee pursuant to the provisions of Article II, Section 201, of the Pennsylvania Municipalities Planning Code, as established by the Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted.

II. Chapter 62 of the Washington Township Code is repealed in its entirety and replaced with the following:

“Chapter 62 Planning Committee

§ 62-1 Establishment

A Planning Committee consisting of five members is hereby created and established for the Township of Washington, Franklin County, Pennsylvania, pursuant to the provisions of Article II, Section 201, of the Pennsylvania Municipalities Planning Code, as established by the Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted. The Township Engineer shall serve the Planning Committee as an engineering advisor, and the Township Solicitor shall serve the Committee as a legal advisor.

§ 62-2 Composition; Terms of Office

The Planning Committee shall be comprised of all five members of the Board of Supervisors. Membership on the Planning Committee shall automatically commence when an individual becomes a Township Supervisor and shall automatically terminate when an individual ceases to be a Township Supervisor.

The Planning Committee shall elect its own chairman and vice-chairman at its first meeting of each year and shall create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves.

§ 62-3 Powers and Duties

A. The Planning Committee shall:

- (1) Prepare the Comprehensive Plan for the development of the Township as set forth in the Pennsylvania Municipalities Planning Code (Act 247 of 1968 as amended) and present it to the Board of Supervisors for its consideration.
- (2) Maintain and keep on file records of its actions, which shall be in the possession of the Washington Township Secretary or designated representative employee.

B. The Planning Committee may:

- (1) Make recommendations to the Board of Supervisors concerning the adoption or amendment of an official map.
- (2) Prepare and present to the Board of Supervisors a zoning ordinance and make recommendations to the Board of Supervisors on proposed amendments to it.
- (3) Prepare, recommend, and administer subdivision and land development and planned residential development regulations.

(4) Prepare and present to the governing body of the municipality a building code and a housing code and make recommendations concerning proposed amendments thereto.

(5) Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Washington Township Code and the Pennsylvania Municipalities Planning Code.

(6) Prepare and present to the Board of Supervisors an environmental study.

(7) Submit to the Board of Supervisors a recommended capital improvements program.

(7.1) Prepare and present to the Board of Supervisors a water survey, which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any public water supplier in the area to be surveyed.

(8) Promote public interest in, and understanding of, the comprehensive plan and planning.

(9) Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.

(10) Hold public hearings and meetings.

(10.1) Present testimony before any board.

(11) Require from other departments and agencies of the municipality such available information as relates to the work of the Planning Committee.

(12) In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.

(13) Prepare and present to the Board of Supervisors a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the municipality.

(14) Review the zoning ordinance, subdivision and land development ordinance, official map, provisions for planned residential development, and such other ordinances and regulations governing the development of land no less frequently than the Committee reviews the comprehensive plan.

C. In the performance of its powers and duties, any action or recommendation of the Planning Committee which involves engineering consideration, shall be subject to review and comments of the Township Engineer, which shall be incorporated and separately set forth in any report, correspondence or recommendation of the Planning Committee.

§ 62-4 Reimbursement of Expenses

The members of the Planning Committee may be reimbursed for necessary and reasonable expenses.

III. Sections 310-5, 310-7, 310-9, 310-10(A), 310-10(D), 310-10(E), 310-11, 310-12(A), 310-12(D), 310-12(E), 310-12(G), 310-21(F), 310-25, and 310-40 of the Washington Township Code are amended to replace all occurrences of the word “Commission” with “Committee” (except for references to the “Franklin County Planning Commission,” which remain unchanged).

IV. Sections 310-9(A), (B), (C), and (D) are amended to replace all occurrences of the words “Sixteen copies” with “Twelve copies.” Sections 310-9(G) and 310-10(A) are amended to replace the words “16 copies” with “twelve copies”. Sections 310-11(A), (B), and (C) are amended to replace all occurrences of the words “Sixteen copies” with “Twelve copies.” Section 310-12(A) is amended to replace the words “16 copies” with “twelve copies”.

V. Section 310-9(I) of the Washington Township Code is amended to read: “Whenever a subdivision or development will create a change in the traffic pattern of a roadway or significantly increase the traffic on an existing street, the Committee may require a traffic study to be completed as per § 310-21.”

VI. Section 310-44(A)(4)(b) of the Washington Township Code is amended to read: “The Board of Supervisors or the Planning Committee may determine dedication or private reservation to be impractical because of the size, shape, location, access, topography, drainage or other physical features of the land, or that such dedication or private reservation would adversely affect the subdivision or land development and its future residents or occupants, or that there is no other land area within the proposed subdivision or land development which is practical for dedication to the public or for a private reservation of land for park purposes because of size, access, topography, or other physical characteristics. In such event, the applicant or developer, upon agreement with the Township, shall pay a fee in lieu of dedication, in accordance with the requirements of this section.”

VII. Section 310-55(B) of the Washington Township Code is amended to read: “An application letter, along with all supporting data, for any waiver shall be submitted to the Zoning Officer in writing by the applicant with the preliminary plan submittal. The applicant may also submit a request prior to submitting plans. The application letter shall state fully the grounds and all the relevant facts regarding the situation. The Zoning Officer, Planning Committee, or Board of Supervisors may require additional details as part of their review.”

Section 310-55(C) of the Washington Township Code is amended in its entirety to read: “The Planning Committee may review the application and provide a recommendation to the Board of Supervisors..”

VIII. Section 360-5(B) of the Washington Township Code is amended to replace all occurrences of the word Commission with Committee. The definition of “Conditional Use” at 360-5(B) is amended to read: “A use permitted within a particular zoning district which is subject to express standards and criteria set forth in this chapter and is allowed or denied by the Board of Supervisors following public notice and public hearing.”

IX. Section 360-9 of the Washington Township Code is amended to read: “In case of any uncertainty, the Board of Supervisors or the Planning Committee shall interpret the intent of the map as to location of district boundaries.”

X. Sections 360-11(B), 360-11(C)(6), 360-11(G)(8), 360-25, 360-49(B), 360-50, 360-54(D)(1), 360-62(Q)(1), 360-63(C), 360-96, 360-97, 360-100(W), 360-110(F)(1), 360-113(D), 360-116(D), and 360-118(F) of the Washington Township Code are amended to replace all occurrences of the word “Commission” with “Committee.”

XI. Section 360-72(D)(5) of the Washington Township Code is amended to read: “Where any townhouse project is proposed to be developed in conjunction with multifamily dwellings, the active play area requirements for the multifamily dwellings shall be designed for and made accessible to all residents. The Board of Supervisors reserves the right to increase the active play area requirements upon recommendation of the Planning Committee when, in its opinion, additional area is necessary to accommodate the needs of the mixed-use development in accordance with the spirit and objectives of this chapter.”

Section 360-72(E)(6) of the Washington Township Code is amended to read: “Where any multifamily dwelling project is proposed to be developed in conjunction with townhouses, the active play area requirements for the townhouses shall be designed for and made accessible to all the residents.. The Board of Supervisors reserves the right to increase the active play area requirements upon recommendation of the Planning Committee when, in its opinion, additional area is necessary to accommodate the needs of the mixed-use development in accordance with the spirit and objectives of this chapter.”

XII. Section 360-76(D)(5) of the Washington Township Code is amended to read: “Where any townhouse project is proposed to be developed in conjunction with multifamily dwellings, the active play area requirements for the multifamily dwellings shall be designed for and made

accessible to all residents. The Board of Supervisors reserves the right to increase the active play area requirements upon recommendation of the Planning Committee when, in its opinion, additional area is necessary to accommodate the needs of the mixed-use development in accordance with the spirit and objectives of this chapter.”

Section 360-76(E)(6) of the Washington Township Code is amended to read: “Where any multifamily dwelling project is proposed to be developed in conjunction with townhouses, the active play area requirements for the townhouses shall be designed for and made accessible to all the residents.. The Board of Supervisors reserves the right to increase the active play area requirements upon recommendation of the Planning Committee when, in its opinion, additional area is necessary to accommodate the needs of the mixed-use development in accordance with the spirit and objectives of this chapter.”

XIII. Section 360-119 is amended to read: “The duties of administering and enforcing the provisions of this chapter is hereby conferred upon the Zoning Officer, who shall have such powers as are conferred on him by this chapter and by state law in accordance with literal terms. The Zoning Officer shall not have the power to permit any construction or any use or change of use which does not conform to this chapter. Permits for construction or development and uses which are a special exception or a variance to requirements of this chapter shall be issued only upon written order of the Zoning Hearing Board. Only the Board of Supervisors may allow or deny conditional uses pursuant to all applicable provisions, standards and criteria set forth in this chapter.

XIV. Subsections (A), (C), and (D) of § 360-129 of the Washington Township Code are replaced in their entirety with the following:

§ 360-129 Conditional uses.

A. Objectives. On application, the Board of Supervisors may authorize the issuance of land use permits for any of the conditional uses for which this chapter required, in the district in which such use is proposed to be located. In approving any such use, the Supervisors shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of this chapter and the accomplishment of the following objectives in particular.

- (1) That all proposed structures, equipment, or material shall be readily accessible for fire, rescue and police protection.
- (2) 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.

(3) That, in addition to the above, in the case of any use located in, or directly adjacent to, a Residential District:

(a) 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

(b) 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.

C. Public Hearing Before the Board of Supervisors. The Board of Supervisors shall not approve any application for a conditional use without first holding a public hearing, public notice which must be given in accordance with this chapter, and notice of said hearing may be posted by first class mail, at least five days before the hearing, to the following: all owners of property which lies adjacent to that owned by the applicant in the immediate area; all other owners as the Zoning Officer may deem advisable.

(1) The names of said owners shall be taken as they appear on the last completed tax roll of the Township.

(2) Provided that due notice shall have been published as above and that there shall have been substantial compliance with the remaining provisions of the subsection, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Board in connection with the approval of any conditional use.

D. Board action. The Board shall, within 45 days of the date of the last public hearing on the application for conditional use, render a written decision, or when no decision is called for, make written findings on the conditional use application. Where the is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Legal conclusions based on any statute, ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found.

Subsections (B), (E), and (F) of § 360-129 remain unchanged.

XV. Section 360-130 is removed in its entirety.

XVI. EFFECTIVENESS

This ordinance shall become effective on December 31, 2019. The Planning Committee shall be formed at the Township Reorganization Meeting on January 6, 2020.

XVII. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by any Court or competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such portion shall not affect the validity of the remaining portions hereof.

XVIII. REPEAL

The express purposes of this ordinance is to abolish the Washington Township Planning Commission, create a new Washington Township Planning Committee, and change all references in the Washington Township Code from the old Planning Commission to the new Planning Committee. Any references in the Washington Township Code to the Planning Commission that are not expressly amended to refer to the Planning Committee should be deemed to be so expressly amended. This ordinance also repeals the portions of any and all other resolutions and ordinances which are inconsistent with the terms of this ordinance. Any and all such provisions not inconsistent with this ordinance are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Supervisors of the Township. It is the intention of said Board of Supervisors that only such provisions as this ordinance expressly amends shall be deemed repealed, and only changed provisions in this ordinance shall be deemed to be enacted from the effective date of this ordinance.

DULY ENACTED AND ORDAINED this _____ day of _____, by the Board of Supervisors of the Township of Washington, Franklin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

WASHINGTON TOWNSHIP

BY:

BOARD OF SUPERVISORS

Karen Hargrave, Township Secretary

Chad Reichard, Chairman