

PROCEDURES

Borough of West Chester Planning Commission

Article I. Name

The name of this organization shall be the Borough of West Chester Planning Commission.

The authorization for the establishment of this Planning Commission is set forth under Section 201 of the Pennsylvania Municipalities Planning Code, Act 247 of July 1st, 1968, reenacted and amended by Act 170 of December 21st, 1988, P.L. 1329.

Powers and duties delegated to the Planning Commission by the Borough of West Chester by Ordinance 16 of August 28th, 1991 are in accordance with the above-mentioned enabling law and are specifically outlined in Section 209.1 of the Municipalities Planning Code.

Article II. Membership

Membership shall consist of seven (7) persons, residents of the Borough of West Chester, appointed by the Borough Council.

Term of office shall be four (4) years and should expire on December 31st.

Members whose terms have expired shall hold office until their successors have been appointed.

No more than two (2) members shall be reappointed during any future calendar year.

In the event of vacancies, the Borough Council shall appoint a member to fill the unexpired term.

Each member shall be entitled to one (1) vote per motion.

Additional members may be added to the existing Commission, if Borough Council deems necessary, and shall be appointed as provided in this article.

Reduction of members of the existing Commission, if Borough Council deems necessary, may be effectuated by allowing the terms to expire and by making no new appointments to fill the vacancy.

Any reduction or increase in number of members shall be by ordinance.

Article III. Officers

The officers of the Planning Commission shall be:

- Chairperson
- Vice-Chairperson
- Secretary

A. Chairperson

1. Shall preside at all meetings and hearings of the Planning Commission and enter into the general discussion.
2. Shall have the duties normally conferred by parliamentary usage on such officers.
3. May appoint sub-committees and serve as an ex-officio member of these committees.
4. Shall submit an agenda to the Department of Building, Housing & Codes Enforcement prior to the work session.
5. Following review of a proposed plan, the Chairperson shall send a written recommendation of the Planning Commission to Borough Council stating the reasons there for and citing the specific section of the code relating to the action taken.

B. Vice Chairperson

1. Shall conduct any regular or special meeting in the absence of the Chairperson.
2. Shall assist the Chairperson in such matters as directed by the Chairperson and carry out the duties of the Office of Chairperson in the event of a vacancy in the Office of the Chairperson.

C. Secretary

1. Shall record the minutes of all regular and special meetings of the Commission.
2. With the assistance of such staff as is available, shall distribute the meeting minutes to the Commission members before or at the following month's work session meeting.
3. Following the organizational meeting shall make a list of the contact information for each member of the Commission, give a copy to each member and update this listing when necessary.
4. Shall maintain, for the Commission's use, records of the Commission and shall perform other duties as are normally carried out by the Secretary.

Article IV. Meetings

A. Procedures:

1. All meetings are open to the general public.
2. No official business shall be transacted at any meeting unless a quorum is present.
3. A quorum will consist of a majority of Commission members.
4. Voting shall be by simple majority.
5. A record of all votes shall be kept as part of the minutes.
6. Anyone unable to attend a meeting shall notify the Chairperson or the Department of Building, Housing and Codes Enforcement in a timely manner.
7. In the event of a conflict with holidays or other events, a majority of members at any meeting may change a meeting date.
8. Any person attending a meeting shall have the right to use recording devices to record all proceedings and shall be subject to rulings from the Chair.
- ~~9. An audio recording of the meeting shall be made by the commission designee.~~

B. Organizational Meeting:

1. An organizational meeting shall be held annually in January at the regular Commission meeting or a special meeting following the organizational meeting of Borough Council.
2. The purpose of the organizational meeting shall be:
 - a. To elect all officers as listed in Article II.
 - (1) Nominations shall be made from the floor and election of officers shall follow immediately.
 - (2) Election shall be by majority vote of members present.
 - (3) Officers shall serve for one (1) year or until a successor takes office.
 - (4) Vacancies in any office shall be filled immediately by the election procedure outlined above.
 - b. To elect the Planning Commission Representative to the West Chester Historical and Architectural Review Board.
 - c. The Chairperson shall appoint all necessary sub-committees.

C. Regular Meeting:

1. Shall be held on the last Tuesday of each month at 6:30 PM at Borough Hall.
2. Written notice of the meeting shall be provided to each member seven (7) days prior to the date of meeting with agenda.
3. Order of business will generally be:
 - a. Roll Call
 - b. Public Comments and Questions – *comments relating to a particular item of the agenda will be accepted during the discussion of that item.*
 - c. Approval of Minutes
 - d. Old business
 - e. New business
 - f. Reports
 - (1) Historical Architectural Review Board
 - g. Comments from Commission Members
 - h. Adjournment
4. The agenda shall be finalized on the Friday prior to the ~~meeting~~ **working session**.
5. Any change in the order of the agenda or addition to the agenda must have the consent of the majority of the Commission and shall be announced at the beginning of the meeting.
6. The Secretary shall record the name and address of those speaking before the Commission.
7. Deliberation of the Planning Commission will be based on the information supplied to it before the deadline of 4:00 PM on the Thursday preceding the work session meeting.
8. Public comment will be taken after a motion and prior to a vote of the Planning Commission.

D. Special Meeting:

1. May be called by the Chairperson or upon request by a majority of members to the Chairperson.
2. Members shall be notified of any special meeting by the Secretary no less than 24 hours in advance of such a meeting.
3. Notice of the meeting shall be provided to the public as required by the Sunshine Act.

E. Work Session Meeting:

1. Shall be held the ~~Monday~~ ^{Tuesday} of the week preceding the Regular Session. If the meeting falls on a holiday, the Work Session shall be moved to the Tuesday following the Monday holiday.
2. The Work Session meeting shall be a non-voting meeting.
3. Any public comments will be received at the discretion of the Chairperson and the Commission members.

F. Public Hearings:

1. The Commission may hold public hearings when it decides that such hearings will be in the public interest.
2. Public Notice of such hearings, stating time and place of hearings, shall be made by the Secretary or such staff as is available, stating time and place of hearings.
3. The matter before the Commission shall be presented in summary by a member of the Commission designated by the Chairperson and parties of interest shall have the privilege of the floor.
4. The Secretary shall record the name and address of those speaking before the Commission.

Article V. Employees

RESERVED.

Article VI. Subdivision & Land Development Applications
(Sketch Plan, Preliminary Plan and Final Plan)

A. Sketch Plan

1. The Commission shall encourage applicants to submit a sketch plan prior to submitting a preliminary plan.
2. No formal time frame shall be required.
3. The Commission shall communicate any thoughts to be considered at that time by the applicant in preparing a preliminary plan.

B. Preliminary Plan

1. The Commission shall receive 2 copies of plans[^] and other required materials from the Department of Building, Housing & Codes Enforcement after the applicant has submitted a complete application, as well as a PDF copy of the plans on disk, and paid the required fees.
2. The applicant shall show to the Commission written proof of notification of submission to all owners of all lands adjacent to the proposed plan.
3. The Commission shall review all plans submitted.
4. The Commission shall review all comments regarding the plan which are submitted by the Borough's staff and consultants. Upon receipt of a completed application, the Department of Building, Housing and Codes Enforcement shall send copies of the plan and all documents and materials that are submitted with the plan to the following people:
a fully executed up-to-date Application Summary

- a. Zoning Officer who shall review the plan for compliance with the Zoning Ordinance;
 - b. Borough Engineer who shall review the plan for compliance with the Subdivision and Land Development Ordinance (“SALDO”) and Stormwater Management Ordinance;
 - c. Borough Planner who shall review the plan for compliance with comprehensive Plan;
 - d. Director of Public Works who shall review the plan and offer comments on issues that relate to extension of public services and/or utility services to the proposed development;
 - e. Chester County Planning Commission who shall review the plan as required by Act 247;
 - f. Borough of West Chester Tree Commission shall review the plan in accordance with Chapter 102 Trees and related sections of Chapter 97 Subdivision and Land Development in the Borough of West Chester Code;
 - g. Borough of West Chester Sustainability Advisory Ad-Hoc Committee shall review plan in accordance with Borough of West Chester Code, Chapter 3-38;P(5); and,
 - h. Any other professional consultants that the Director of Building, Housing and Codes Enforcement determines necessary, including but not limited to a traffic engineer or Borough Solicitor.
5. If any of the Borough’s staff or consultants determine that the plan presents legal issues or requires legal interpretation, the Director of Building, Housing and Codes Enforcement shall refer such issues to the Borough Solicitor who shall provide a legal opinion on the legal issues presented. If the Director of Building, Housing and Codes Enforcement or Planning Commission determine that it is necessary for the Borough Solicitor to attend the Planning Commission meeting for further discussion on legal issues raised by the plan, the Solicitor shall attend the Planning Commission meeting.
 6. All of the Borough’s costs to reimburse its professional consultants for plan reviews shall be reimbursed by the applicant prior to signing of the plan in accordance with Chapter 97 Subdivision and Land Development of the Borough of West Chester Code.
 7. A written recommendation shall be sent by the Chairperson of the Planning Commission to the Borough Council stating the Planning Commission’s recommendation, reasons there for and specific section of the code relating to the action taken.

C. Final Plan

a fully executed up-to-date Application Summary

1. The Commission shall receive 2 copies of plans and other required materials from the Department of Building, Housing & Codes Enforcement after the applicant has submitted a complete application, as well as a PDF copy of the plans on disk, and paid the required fees.
2. The Commission shall confirm that all terms of the preliminary plan conform to the action taken by Borough Council.
3. Review final plans and all comments from other reviewing agencies.

4. Applicant shall submit a pdf copy of all final plans on disk to the Department of Building, Housing & Codes Enforcement
5. A written recommendation shall be sent by the Commission to the Borough Council stating the action taken by the Commission of the final plans, reasons there for and specific sections of the code relating to the action.

D. Time Frames – Preliminary & Final Plans

1. Application and approval time frames will be consistent with Chapter 97 Subdivision and Land Development of the Borough of West Chester Code.

Article VII. Zoning Code & Amendments

- A. The text and map of any proposed zoning ordinance shall be reviewed by the Planning Commission as provided in Chapter of 112 of the Borough of West Chester Code.
- B. Amendments to the Zoning Code shall be prepared and submitted to the Planning Commission as provided in Chapter 112 of the Borough of West Chester Code.

Article VIII. Conditional Use Applications

- A. The role of the Planning Commission in this procedure is described in Chapter 112 Zoning of the Borough of West Chester.
- B. If the Planning Commission requires assistance from the Borough Solicitor on legal issues presented in the application, the Solicitor shall attend the Planning Commission meeting.

Article IX. Interpretation

The provisions of these procedures shall be held to minimum requirements; additional procedures are contained in the Municipalities Planning Code, as well as in Chapter 97 Subdivision and land Development and Chapter 112 Zoning of the Borough of West Chester Code.

Article X. Amendments

These procedures may be amended by a majority vote of the entire membership of the Borough of West Chester Planning Commission.

ADOPTED THIS DATE: _____

ATTESTED:

SECRETARY

CHAIRPERSON