

Questions Raised in Zoning Informational Meeting 3/8/17

Why zoning now? Is there an issue that prompted this?

The possibility of zoning has been discussed on and off for the past 30-40 years. Clifford Township now has ACT-13 money based on local gas activity, which can only be spent in certain ways; one of which is long range planning. Local taxpayer money is not being used to hire the zoning consultant hired by the township.

Are the supervisors of a mindset to do this now? What are the politics here?

The supervisors have not made up their minds and are interested in hearing from township residents on both sides of the issue. Our three elected supervisors are all long-time township residents and have the best interests of the township in mind.

How many townships have zoning?

Locally, nearby townships with zoning include Herrick Township, Forest City, Greenfield and Fell. Six of the forty municipalities of Susquehanna County have zoning. In Pennsylvania, 68% of municipalities have zoning (one third with zoning ordinances less than 10 years old). 92% of the population in our state lives where there is zoning (98% in cities, 69% in rural areas).

How will this help us? Give us an example. Why are we doing this when things are so good now? Is this designed to keep our township rural?

Zoning deals with how land is used. It constitutionally protects property rights by safeguarding against a person using their land in a manner that would impose hardships on neighbors. The intended use cannot create a nuisance or otherwise harm others, so that everyone can enjoy benefits of their own property. It can limit some property rights, so that all can benefit.

Zoning would allow those of us who are here **now** to take steps to protect what we think is valuable and important about what we have already. It can help protect against outside interests or entities coming into the township with projects that current residents might find objectionable by setting conditions that address issues connected with such proposed uses.

Example: Let's say someone wishes to build a commercial gardening center. There are four different zoning districts proposed in Clifford Township: (1) Commercial-Industrial, (2) Rural Development, (3) Lake & Mountain and (4) Hamlet Development.

If the property is in either a Commercial-Industrial or Rural Development District, then a zoning permit will be automatically issued. (This is a Principal Permitted Use for this district.)

If the property is in a Lake-Mountain District, it is assumed the permit will be issued, but first the details need to be reviewed by the Planning Commission and approved by the Supervisors. There may be some extra conditions placed on the project, such as signage or parking. (This is called a Conditional Use, which is also a permitted use but subject to conditions of approval.)

If the property is in a Hamlet District, the owner may NOT build such a facility, as these are primarily residential areas with homes on smaller lots.

Summary: Without zoning, a commercial garden center could be built anywhere in the township, subject to the township's current building code and land development ordinances. With zoning, the facility can only be built in three of the four zoning districts. Since the vast majority of the township land is classified as Rural, there are many locations such a business can be built.

Permits are already required. Why do we need another layer of permitting?

Permits are currently required in Clifford Township for buildings, driveways, sewage, demolition and certain outbuildings, porches, additions and decks. SALDO (Subdivision And Land Development Ordinance) is required by Susquehanna County and defines the issues dealt with by the Clifford Township Planning Commission. Other township ordinances impose rules on signage, set-backs, noise, and more. (See the township website for details: www.cliffordtownship.org).

Zoning permits deal with how the land is used. All legal businesses and activities must be allowed for in some parts of the township, but not in all locations. There are four proposed zoning districts, based on their primary characteristics. The Clifford Township Long Range Plan states the goal of preserving the rural nature of the majority of the township. Zoning is one way to regulate growth. The proposed zoning ordinance unifies many of the ordinances already passed by the township.

What is the role of the Planning Commission? If zoning goes in, can they change the rules? Will it get worse and worse as we move forward? Are all decisions judgment calls?

The Planning Commission is an advisory board appointed by the Board of Supervisors. They are volunteers and must be township residents. Their charge is to help residents complete applications for subdivisions, lot line adjustments and land development. This process is described at www.cliffordtownship.org. They follow the rules as outlined in the township's SALDO, a document also available at the township website. To ensure accuracy, the county planning office reviews the paperwork. The Planning Commission then makes a recommendation to the

supervisors on the application. The supervisors can overrule the Planning Commission, although this tends to be rare. More common are modifications to the Planning Commission recommendations if the Supervisors have different concerns or views with respect to the application.

In the zoning process, the role of the Planning Commission is to review Conditional Use applications and make recommendations to the Supervisors. They follow the rules set up by the zoning ordinance. If the applicant feels the zoning rules have been misinterpreted, require a variance or are invalid, he or she can bring the matter to the Zoning Hearing Board. The Zoning Board then acts as quasi-judicial body to rule on the application. Any applicant can also propose an amendment to the zoning ordinance, which application would go to the Board of Supervisors.

What are the fees? What will it cost the township to hire a zoning officer to enforce zoning? What will it cost to challenge a zoning ruling?

The township would hire a part-time zoning officer, who would be paid only when he issues a permit. The zoning permit fees would be set by the supervisors. The fees will be kept as low as possible. For example, in Herrick Township: principal permitted use zoning fees are in the \$20-60 range. For conditional use, the permit is \$100 plus \$10 per 100 sq. ft. over 2000 sq. ft.

If a conditional use permit is required, in Herrick this permit is \$300. The applicant will also have to pay for their own lawyer fees, the stenographer and advertisement of the hearing. The township will have to pay their own lawyer to attend the meeting as well.

If there is a challenge to the interpretation of a zoning regulation or its validity or there is a request for a variance, the Zoning Hearing Board will convene. This should be relatively rare. Volunteer township residents serve on the Zoning Hearing Board. The cost to the applicant for this hearing is approximately the same as for the conditional use permit hearing.

How were the four zoning districts determined? What if we don't like the way our land is classified? Will the classification raise property values? Is it typical to have different tax structures based on zoning?

There are four different zoning districts proposed in Clifford Township: (1) Commercial-Industrial, (2) Rural Development, (3) Lake & Mountain and (4) Hamlet Development. The boundaries are usually roads or property lines, and are based on current uses.

If you object to the classification of your property, bring it to the attention of the Planning Commission, the Board of Supervisors or the township zoning consultant, Tom Shepstone at tom@shepstone.net, so your request can be considered. It is possible to have different tax structures based on commercial zoning. It is possible

that zoning could increase property value, as such protection is important to some owners.

How much did they pay the consultant?

The consultant hired to write the zoning ordinance is being paid \$15,000 from Act 13 money, not local taxes.

Does having zoning increase the ability to get grants for the township?

No.

Why can't the public meetings be better advertised?

Going forward, the meeting will be announced in local newspapers, on the township website: www.cliffordtownship.org and on the township Facebook page, and on posters in businesses around the township.

If a gas line goes through my property, how does zoning effect this?

Gas lines are utilities and are not affected by zoning rules.

If I want to build something on my 200-acre property, who makes the decision? Is it the supervisors or the Planning Commission?

The Zoning Ordinance determines allowed uses for property. Each of the four zoning districts has a list of "Principal Permitted" uses (automatically allowed) and Conditional Uses (assumed to be allowed). In the case of a Conditional Use, a hearing with the Planning Commission and Supervisors is required to review the particulars of the property. The applicant cannot be refused, but there may be additional requirements mandated before approval is granted.