

Submittal #1

1. With respect to the stated “Community Development Objectives” in Section 105.3.b., the document says no additional infrastructure needs to be built to accommodate the higher density of residential uses of water, sewer, and/or electrical. If not, describe how those who live “down the line” on the opposite side of the utility sources will not experience lower water pressure etc. when the utilities are turned on for new residents? Has the system been so overbuilt already (header size, pumps, and storage tanks) that no difference in pressure/flow is anticipated at all?

Answer: With respect to the first part of the question, this section is not directly stating that no additional infrastructure is needed. Instead, it is simply stating that new development that is characterized by higher residential densities would be built where this is adequate infrastructure. It does not say whether that adequate infrastructure is existing or new. Thus, it implies that it could be existing or it could be new or upgraded infrastructure. Language can be added to make this clearer.

The specific language reads as follows in 105.3.b., “Providing for Planned Residential Developments (PRDs) and flexible residential development standards that encourage more compact development options in areas of the Borough that have adequate infrastructure.”

If Borough Council desires, HRG can add in clarification that the infrastructure could be new or existing.

2. Please explain the logic behind the restriction on the percentage of a lot to be occupied by buildings. How does it help the Borough meet its stated zoning goals?

Answer: Lot coverage ratios are used in zoning ordinances to help address aesthetic concerns, to limit development on a lot, to encourage open space and promote greenery, and to manage storm water runoff from impervious areas. Lot coverage ratios are used in most ordinances. If there are certain lot coverage percentages in a proposed district that you are questioning, please let us know. Typically, lot coverage ratios for residential are lower than for commercial or industrial zones. In addition, lot coverage ratios are typically lower for lower density zones and higher where higher densities are allowed.

3. Who is the Council expecting to appoint as the Zoning Officer and Zoning Hearing Board? What is the process by which the Zoning Officer and board members will be appointed and how much will they be paid?

Answer: The PA Municipalities Planning Code (MPC) has certain language regarding the appointments and roles of the Zoning Officer and Zoning Hearing Board.

Article IX of the MPC discusses the membership, roles, term limits, and duties of the ZHB. The ZHB can be made up of 3 or 5 members, all of whom must be residents of the Borough. The Borough Council appoints the members and can also appoint up to 3 alternate members. Members of the ZHB shall hold no other appointed or elected office in the Borough. Three member boards have three year terms. Five member boards have five year terms. Alternates are appointed yearly. The ZHB presides over hearings for variances, special exception approvals, challenges to validity of the ordinance or map, and challenges from determinations of the Zoning Officer, to name a few. They are not typically paid.

Section 614 within Article XI of the MPC discusses the appointment and powers of the Zoning Officer. A zoning officer cannot hold any elective office within the Borough and shall be appointed by Borough Council. Zoning Officers shall administer the Zoning Ordinance and may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of their employment. There is no specific language in the MPC on whom should be appointed the Zoning Officer. It could be the Borough secretary, a third party agency, a part-time employee, etc. Zoning Officers are paid, whether part-time, full-time, or on a contract basis.

5. Is there a contract waiting to be signed to construct any sewer and/or sewer treatment facilities in any part of Ohioville? If so, when and where? Is it contingent upon passage of this zoning ordinance or any part of it?

Answer: No, there is no signed contract for sewer or sewer treatment facilities in Ohioville. And, the extension, upgrade, etc. of sewers has nothing to do with whether the Borough as a zoning ordinance or not.

7. Has the Borough Council considered keeping the “halfway house” complaining residents happy by proposing limited additional ordinances or even very limited corridor zoning or even by some kind of a quasi-HOA’s consent of the residents in those areas via vote/petition etc. What are the legal options?

Answer: Having a separate ordinance just for the regulation of halfway houses could open the Borough up to legal challenges and validity challenges should a halfway house choose to locate or build within the Ohioville community. With no zoning but then having a separate ordinance just on that, would be unethical and potentially illegal. When a community decides to adopt zoning, they must zone all parcels. You cannot just zone certain areas or pass ordinances on topics that are traditionally covered in a zoning ordinance because it could open the Borough up to potential legal issues.

HOAs typically cover things like property maintenance within their communities, storm water management, retention or detention pond maintenance, approval of improvements to homes, etc. They don’t have any business legally to prevent halfway houses. That should really come from the Borough in the zoning ordinance.

8. Is the borough council being sued for lack of sewer in Meadow Brook? Is there a pending lawsuit regarding the same which is contingent upon passage of zoning or some part thereof? Are there any other pending lawsuits contingent upon the passage of this zoning ordinance or any part thereof?

Answer: No, the Borough is not being sued for lack of sewer in Meadow Brook. And, there are no pending lawsuits of any kind that are contingent upon the passage of the proposed zoning ordinance.

9. By way of comparison, how many possible “conditional use” or equivalent categories does our “Engineer” see in the other municipalities in which he has consulted?

Answer: Allowing a use as a conditional use has become increasingly more common, as uses have changed and expanded over time, become more intense, etc. A conditional use is like a permitted use, just with an asterisk. And, that asterisk is the specific conditions for which that particular use has to meet, which are outlined in the zoning ordinance. Permitting a use as a conditional use allows a governing body, in this case Borough Council, to limit things like hours of operation, put restrictions on lighting, require certain buffers between the proposed use and a neighboring use,

etc. as part of the approval. It gives flexibility to the municipality to allow certain uses, but with the express standards and criteria outlined in the ordinance. Uses by Special Exception, which require approval by the ZHB and not Council, historically were more common but many local governments have been using conditional uses over the past 10 years or so as means for which to allow a certain use but to place conditions on it.

10. Which of the two section 503's was added in second and why? Please explain why Borough residents should have confidence that due diligence was put into this document with such a significant error.

Answer: The fact that there are two section 503s is simply a typo/error in the numbering system within the word document. The table of contents, list of tables, figures, etc. are all linked within the document. HRG will renumber and correct the typo and the preceding numbers after the first section 503 will be renumbered to 504, 505, 506, etc.

11. Why by comparison does Ohioville have very limited language about goals and even cites the "preservation of an Agricultural District" and nothing stated about tax base while neighboring South Beaver, a similar municipality, has copious details and specifically cites increasing tax base as justification for their 2017 zoning plan even though both are influenced by the same regional market forces? While current Council members may agree with the state goals, currently a newly elected council could easily wipe out the Ohioville character preservation rules with one vote down the road as well as any other provision within the zoning ordinance. With that in mind, is not the net effect that Council is largely stealing future choices away from farmers and landowners? Farming is not profitable so doesn't his lack of ability to sell his farm for use other than farming when things get really bad rob him of his livelihood? Similar questions could be posed of any business or homeowner who would be grandfathered in as exceptions under the new rules.

Answer: South Beaver's 2017 plan is actually a Comprehensive Land Use Plan. Comprehensive Plans typically go into much more detail on community development related goals and objective and have several focus areas including housing, community facilities, transportation, economic development, etc. The goals and objectives from a municipality's Comprehensive Plan are typically included in the Community Development Objectives outlined in its Zoning Ordinance. South Beaver's Zoning Ordinance was approved in 2019 and was completed after the Comp Plan was adopted.

As the planning consultant, it is HRG's understanding that Ohioville wants to continue to preserve its agricultural lands and heritage while at the same time allowing for certain growth and development where appropriate and also to limit certain uses to certain areas.

A statement regarding increasing the tax base can certainly be added to the stated community development objectives in the draft zoning ordinance. And, any existing draft community development objectives can be modified where appropriate.

Submittal #2

1. I have no idea where my property falls on the Zoning Map.

Answer: Your property is located in the R-1 Low Density Residential Zoning District on the proposed draft zoning map.

2. I have XXX horses and donkeys and XXX goats. I have XXX acres. How does the proposed ordinance affect my animals?

Answer: Accessory agricultural buildings and accessory agricultural operations are permitted in both the A-R and R-1 districts as proposed. Accessory agricultural operations are subject to the supplemental regulations listed in Section 503. Thus, you can continue to have your animals as stated at your property with no further restrictions.

Section 503 of the proposed ordinance states that you may have horses, cows, llamas, mules, goats, sheep, and similarly sized animals as well as chickens, fowl, and honeybees as an accessory use to a dwelling. So, an occupied residence on the lot must be the primary and principal use. There is no acreage restriction for the animals listed. However, there is an acreage limitation for a Private Stable though – a property owner must have 5 acres to have a private stable.

Submittal #3:

Concern with property at XXXXXXXXXXXX being zoned as R-1 due to family's history of owning farm animals for over XX years and would like to have the right to continue to have farm animals.

1. Will I be able to keep the farm animals I have now?

Answer: Yes. You are allowed to have accessory agricultural uses and farm animals in both the A-R and R-1 Zoning Districts with little restrictions, as outlined in Section 503 of the draft ordinance. So long as there are houses on both properties and residential is the primary use, then you can continue as is without any restrictions.

2. Will I be able to purchase additional farm animals?

Answer: Yes, you are able to purchase additional farm animals. Non-commercial livestock that are permitted in the A-R and R-1 Districts include:

- Horses, Cows, Llamas, Mules, and similar size animals;
- Goats, Sheep, and similar size animals; and
- Chickens / Fowl and Honeybees.

The only restriction proposed is placed on private stables (so if you were giving lessons to the public or keeping someone else's horses for profit) then there is a requirement of 5 acres for this type of use.

3. Will I be permitted to obtain different types of animals than what I have now? Currently the farm animals we have consist of poultry, goats, and rabbits.

Answer: Yes, so long as they are considered farm animals and are of similar size to the animals mentioned above.

4. If I don't have a specific type of farm animal for over a year, can I go back to having it on the property?

Answer: Yes. Since animals are permitted by right as an accessory use in your zoning district, you would not be considered "grandfathered" so the number and type of animals you have can change from year to year.

5. Is there going to be an acreage requirement imposed on me that will further restrict my rights to own farm animals?

Answer: No. The only restriction proposed is placed on private stables (so if you were giving lessons to the public or keeping someone else's horses for profit) then there is a requirement of 5 acres for this type of use.

Submittal #4:

1. My wife and I live at XXXXXXXXXXX. We have a XXXX acre working farm, which we have owned for XX years. We own X parcels and this address is also the location of XXXXXXXXXXX. XXXXXXXXXXX has been incorporated since December of 2000 and we currently have a full service shop on our property. Additionally, our farm is registered with and licensed by the PA Dept. of Agriculture for operations of both XXXXXX establishments and XXXXX. A map we were shown currently lists our property as R-1 and we feel as a working farm with a business or shop we should be listed as Agricultural and not Residential. Also, 2 of our lots are less than 2 acres and would fall under residential, but we feel the driveway and farm should be agricultural.

Answer: The large parcel looks like it borders the Agricultural Residential A-R District so it should not be a problem to switch the zoning of the three parcels from R-1 to A-R while leaving the two homes as R-1. HRG can just extend the A-R over onto the three subject parcels.

Submittal #5:

1. We are residents of Ohioville and reside at XXXXXXXXXXX. After reviewing the "proposed" zoning map for Ohioville and locating our property on your map we believe that we are not zoned correctly. We are requesting that you review our parcel of XXX acres and the supporting documents provided (Clean and Green application, picture of the Map showing our property as I-1 Industrial and Manufacturing, our current survey, copy of our deed, previous property survey, and property description). Our request is that you zone our property to follow suit with that of our neighbors on XXXXXXXXXXX to A-R Agricultural Residential. We have been enrolled in the Clean and Green Program and have been since 2008 under the category of XXXXX XXXXXX.

Answer: We can switch the proposed zoning of your property from I-1 to A-R. Please verify the Beaver County Parcel ID Number for your property so HRG can update the mapping files appropriately. Is it XXXXXXXXXXXXXXX?

Submittal #6 (Previous Zoning Map Change Request from XXXXXXXXXXX):

1. Change the following parcels from R-1 to I-1:
 - XXXXXXXXXXX
 - XXXXXXXXXXX
 - XXXXXXXXXXX
 - XXXXXXXXXXX

Answer: The rezoning of these parcels should not be a problem and can be changed from R-1 to I-1 given the existing mix of uses proposed along this corridor and in this area. HRG will update the

map accordingly upon confirmation by Borough Council. HRG recommends possibly changing the zoning of the following two additional parcels from R-1 to I-1 as well, just for continuity.

- XXXXXXXXXXXX
- XXXXXXXXXXXX

Submittal #7:

1. Would like property XXXXXXXXXXXX to be in the Agriculture District, not residential.

Answer: The other side of XXXXXXXXXXXX is zoned A-R. So, extending the A-R over to the XXXXXXXXXXXX properties on the opposite side of the road should not be a problem. But, it would involve more than just XXXXXXXX property. It would also involve XXXXXXXXXXXX, XXXXXXXXXXXX, and XXXXXXXXXXXX.

Submittal #8:

1. Would like the property XXXXXXXXXXXX to be zoned as Agricultural instead of the current designation as residential.

Answer: Given that A-R is on the other side of XXXXXXXX, this could be extended to this parcel as well as the three others that front XXXXXXXXXXXX.

Submittal #9:

1. The Borough received a phone call regarding fencing installation in all zoning districts. The question was if there would be setback requirements for a fence, or if the fence could still be installed on the property line.

Answer: Fences are a permitted accessory use in all zoning district per Table 8 of the proposed ordinance. There are currently no restrictions on height or distance from the property line for residential or agricultural zones. There are some requirements for fences specific to certain conditional uses or uses by special exception that are outlined in Article IX. But, it would be assumed that fences for residential or agricultural properties could go up to the property line.