



Planning, Zoning, and Code Enforcement Departments Annual Report

This Annual Report is a summary of Planning, Zoning, and Code Enforcement activity within Harborcreek Township for the year 2019. The Tax Abatement Program is also included in this report to give insight on development and assessed values.



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2019

Prepared by Connie Cruz, Zoning Administrator



PLANNING DEPARTMENT

Planning Commission

The **Planning Commission** serves in an advisory capacity by making recommendations on land development and subdivision applications, re-zoning petitions, conditional use applications, zoning ordinance, land development & subdivision ordinance, and comprehensive plan. The 5 commission members are Harborcreek residents that are appointed by the Harborcreek Township Board of Supervisors as volunteers. These members are essential in developing a comprehensive plan that will guide the future growth of this community by land use and development.



2019 Planning Commission Members

John Schaefer, Chairman
Carol Bucklin, Vice Chairman
Gary Faulhaber, Secretary
Bill Lutz
Rebekah Holmes

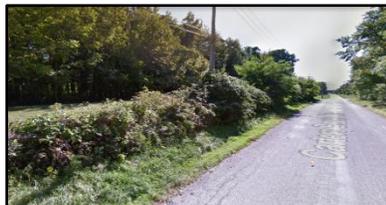
Minor Subdivisions

The Planning Commission made 23 recommendations for **minor subdivision** plans in 2019.

- 15 resulted in new buildable lots (10 were modification requests to width to depth ratio per the ordinance)
- 7 resulted in conveyance of property to another property
- 1 resulted in a consolidation of two parcels



Intersection of Carters Beach & Troupe Roads where 6 new residential lots have been approved



6 families will choose to build their home on Carters Beach Rd

Major Subdivisions

The Commission reviewed 1 **major subdivision** plan in 2019. Maleno Development choose Harborcreek to develop their latest subdivision. The new Harbor Woods Subdivision created 14 lots, which resulted in an extension of Suzanne Drive.



This is the first major subdivision in 20 years.

At Six Mile Creek

Harborcreek's inventory for vacant property has declined, mostly due to already developed land and the lack of subdivisions. Success is driven by the demand...3 lots have been sold before the subdivision development was finished!

Planned Residential Development

A **PRD** (Planned Residential Development) is a unique subdivision that allows the developer creativity in the design and use of land.



Harborcreek has 2 PRD subdivisions, Walten Woods and Harbor Ridge. Walten Woods has been completed since 2003. Harbor Ridge continues to develop final phases. In 2019, Air Golf (Harbor Ridge Golf owners) submitted an Amended Master Tentative Site Plan to include a 6 Unit Condominium Building and an Assembly Hall within the development. Based on meeting the criteria for PRD's, the Planning Commission made a recommendation to approve the amendment.

New residential construction is on the rise while commercial (retail) has declined

Land Developments

Land Development is an improvement of a parcel. Commercial land developments are reviewed by the Planning Commission. In 2019 the Commission reviewed and made recommendations for 4 land development plans. Two of those plans requested a greenspace modification. Due to today's trend with on-line shopping, retail development has decreased.

This is not just a Harborcreek issue but world-wide. The Board of Supervisors have been pro-active with



Grace Baptist Church on Cumberland Road underwent a major expansion

streamlining the review process for developers and implemented LERTA as an incentive to development.

The following properties were developed or improved in 2019:

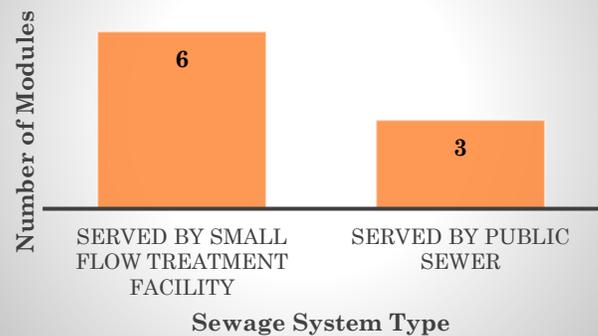
- Grace Baptist Church – building and parking addition
- Wintergreen Gorge – trail improvements and off street parking area
- 2 Unit commercial building – demolished (previous Hi-Fi Hospital) a blighted building and constructed new building
- 6 Unit Condominium Building along Depot Road at Harbor Ridge Subdivision

Today's trends have Amazon, an on-line retailer as the shopping experience for people. Harborcreek has been proactive and innovative in its thinking on land use

Sewage Planning

Part of the applicant's application to DEP for **sewage planning modules** are to be reviewed for consistency with local land use by the municipality. The Planning Commission as well as the Board of Supervisors review the modules. Due to soil types and Erie County Health Department conducting inspections on existing septic systems, Harborcreek has seen an increase in small flow treatment facilities. In some cases, a new development that will be served by public sewer will also require the municipality to review the sewage module.

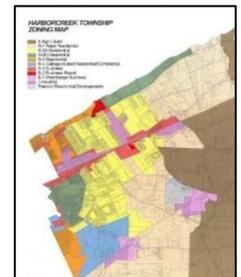
Number of Sewage Planning Module Reviews



Public sewer modules were for 2 minor subdivisions along Carters Beach Road and Troupe Road.

Petition to Re-Zone

A **re-zoning** is a change of a zoning parcel and/or district. A petition can be initiated by land owners or the township. Harborcreek did not receive any re-zoning petitions in 2019. However, in 2018 a petition to rezone a split parcel (residential and business) to increase the residential portion of the property was denied.



Conditional Use

A **Conditional Use** provides a means for development uses in a manner in which the use will be compatible with the neighborhood and desired character and has a minimum impact. Certain uses are permitted, however it must meet the criteria that is regulated for that particular use and a public meeting is held. There were no conditional use applications submitted in 2019.

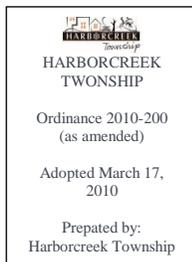
Use Certificates

A **Use Certificate** is for temporary uses in the township. In the last couple of years, food trucks seem to be a trend as we issued 2 certificates. A mobile food truck was one and the other a temporary ice cream stand. In the past, Harborcreek was inundated with firework companies setting up temporary tents until Pennsylvania changed the law on the location of these retail tents near occupied structures.



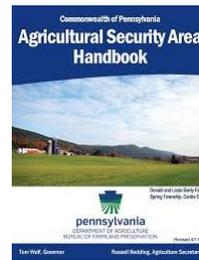
Amendments of Ordinances Zoning / Subdivision & Land Development

There were no **amendments to the Zoning and Subdivision & Land Development Ordinances**. Planning Commission recognizes some provisions need to be amended, however the cost to amend an ordinance is not always feasible vs the importance of the amendment. Therefore, it was recommended to review the overall zoning ordinance and comprehensive plan in the near future, as recommended to review every 10 years. Planning discussed hot topics such as short term rentals, tiny homes, warehousing, and overall commercial development.



Agricultural Secure Area

The **Agricultural Secure Area** provides an opportunity for farm owners to submit an application that will preserve the farmland, protect them from any nuisance ordinances that Harborcreek adopts, and meet the criteria to enroll in the State's Agricultural Conservation Easement, where they sell their developmental rights. Open enrollment for application is January each year. The applicants must comply with certain criteria to be eligible to be enrolled in the secure area. Harborcreek received 3 applications in 2019 that were approved by the township and its planning commission and agricultural committee. The approval resulted in a total of 11 parcels and 440.119 acres. Thus far in January 2020, 1 application has been submitted for consideration.



Flood Plain Management

The zoning administrator also serves as the **Floodplain Administrator** for Harborcreek. The administrator receives training from FEMA and ensures Harborcreek stays eligible for any disaster relief funding.



Blue area indicates a Flood zone. Area of Moorheadville & Leet Roads

Harborcreek adopted a Floodplain Ordinance in 1985 which was amended in 2014 when the maps were revised by FEMA. Harborcreek did not receive any zoning permits for construction in a flood zone for 2019. With the strict FEMA regulations, an unimproved parcel along the business corridor was not renovated or improved.

Lake Bluff

An annual site inspection of the **lake bluff** with Coastal Zone Management and Harborcreek showed more than the customary erosion. Harborcreek received several inquiries regarding their bluff erosion in 2019. The zoning administrator made 6 site visits (more than any other year) to resident's homes to determine a way to assist them and inform them of the Best Management Practices.



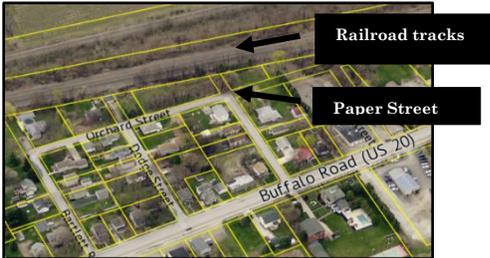
Active erosion has been a big issue in 2019 along Lake Erie Bluffs

An accessory structure had to be removed before falling in the lake and taking a chunk of land with it. Throughout 2019 Erie County has had "active" erosion on the bluff due to high lake levels,

storms, and grey water issues. In partnership with CZM, residents were notified of a "special seed mix" that will be available in 2020 to help stabilize the bluff. In partnership with Coastal Zone Management and Harborcreek Township, the residents have the resource to assist them in stabilize the bluff.

Vacate Paper Streets

"**Paper streets**" are undeveloped roads that were dedicated in the 40's and 50's for future developments. These "paper streets" are throughout the township and can't be seen other than on a map. Harborcreek Township does not own paper streets (they are not right of ways of the township). A property owner that abuts a paper street has a right to access their property from them. In some cases, the paper street serves no purpose, therefore a petition can be submitted to the township for consideration to vacate it. Certain criteria prevents the township from vacating a "paper street," such as a large tract of land that may be developed in the future. Harborcreek received no petitions to vacate a paper street in 2019 but did receive inquiries.



Petition may be considered to vacate



Petition will not be considered to vacate

ZONING HEARING BOARD

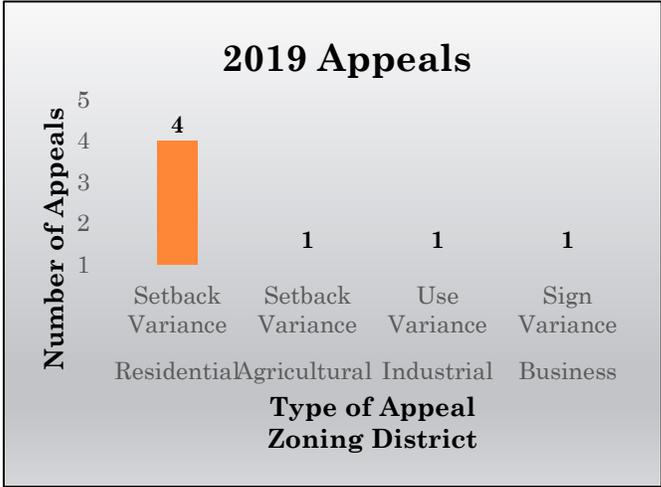
Harborcreek **Zoning Hearing Board** is a quasi-judicial body that renders decisions on variance and exception applications. The 3 members and 1 alternate are Harborcreek volunteers appointed by Harborcreek Board of Supervisors.

2019 Members

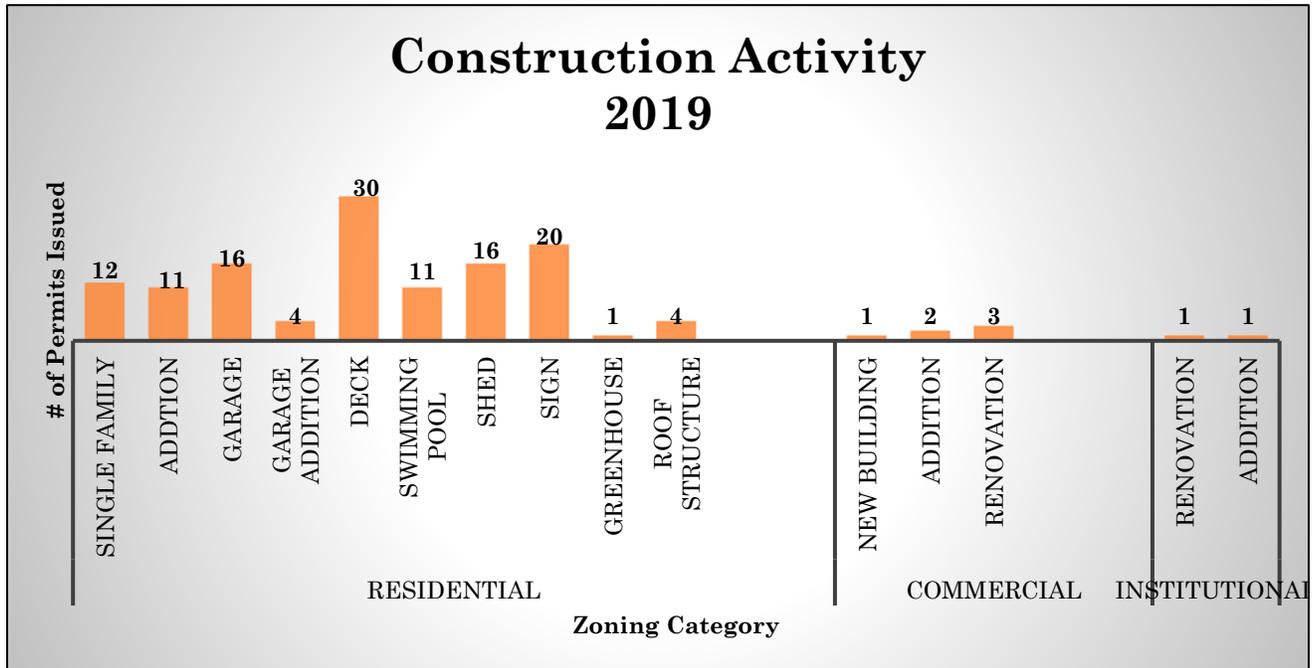
- Brian Marshall, Chairman
- Sheila Sterrett, Vice Chairman
- Mike Kitts
- Rodger Gregorich, Alternate

Appeals

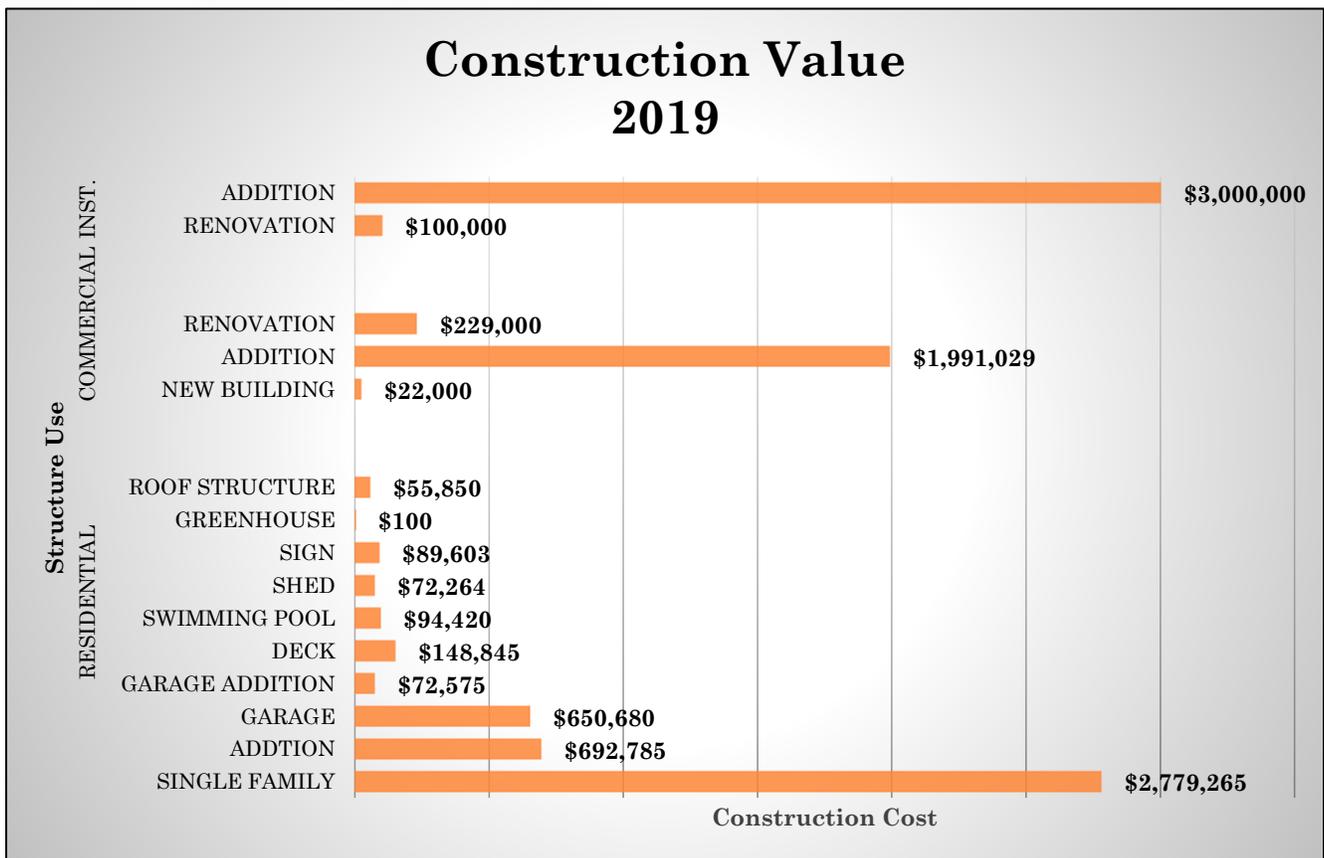
Seven (7) **appeals** were submitted to the Zoning Hearing Board in 2019. This was a decrease from 2018 which 13 residents sought a relief.



CONSTRUCTION ACTIVITY

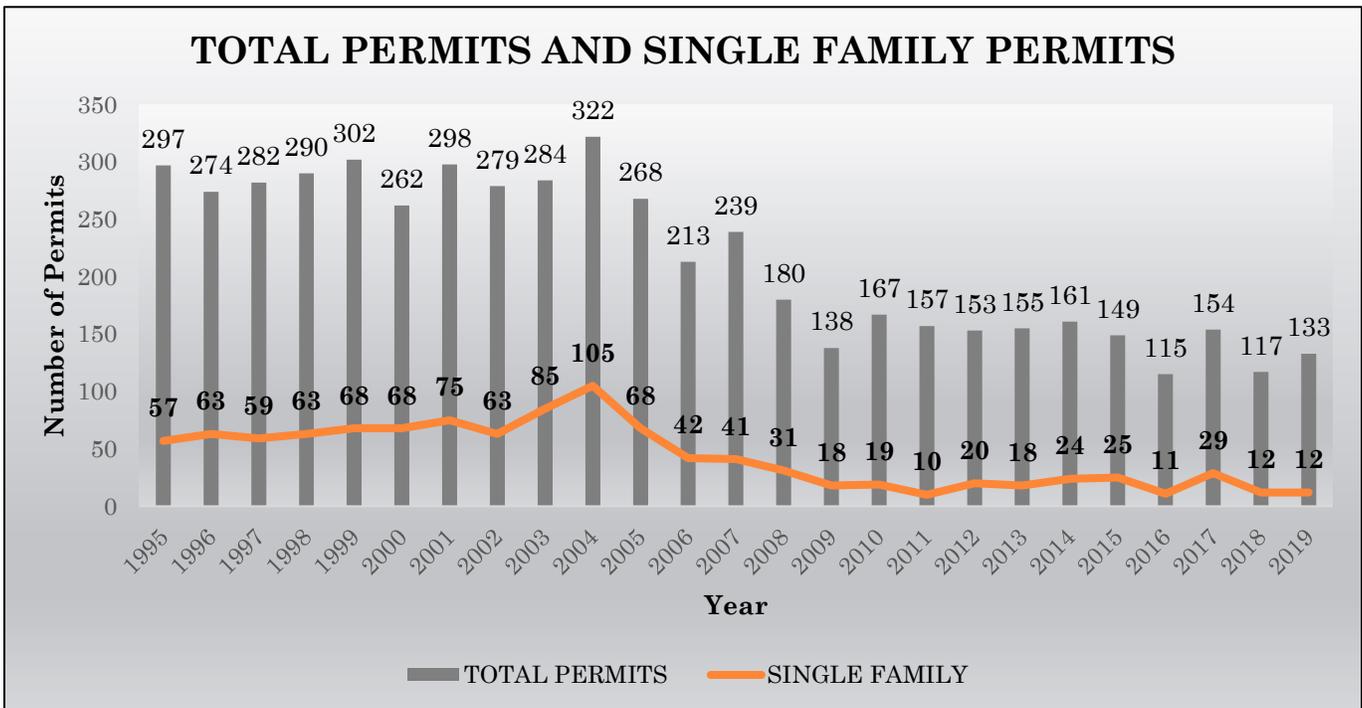


Residential construction continues to grow steady. Commercial construction leveled off in 2019 due to the retail changes of on-line shopping. Overall, Harborcreek saw an increase in the issuance of zoning permits with 133 permits vs. 117 permits in 2018.

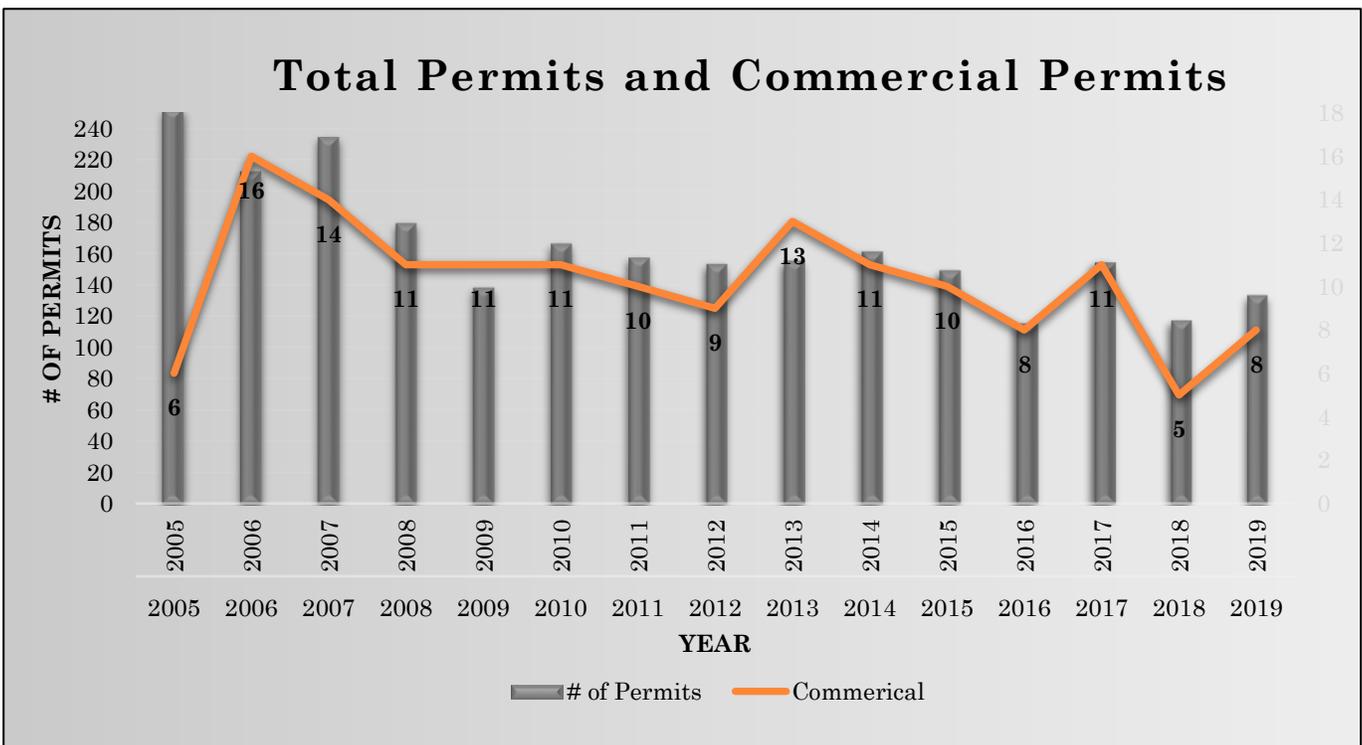


Residential and Commercial values had a small percentage increase and Institutional values increased by 100% from 2018.

CONSTRUCTION TRENDS



Construction of Single Family Dwellings in 2004 was a peak year for Harborcreek. Since 2017, Harborcreek saw a steady growth of single family homes.

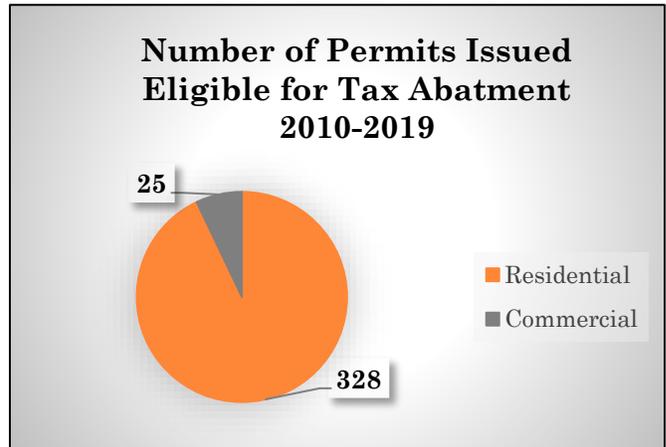


Commercial zoning permits took a decline in 2018 due to the changes in retail business. This is not just a Harborcreek issue, it is happening all over the United States. Developers have stated, “anticipate medical facilities and warehousing facilities in the next few years.”

TAX ABATEMENT PROGRAM

The **Tax Abatement Ordinance** was adopted by the Board of Supervisors in June 2010. Since the inception of the program and with the success of growth for both residential and commercial, the ordinance has been extended 4 times.

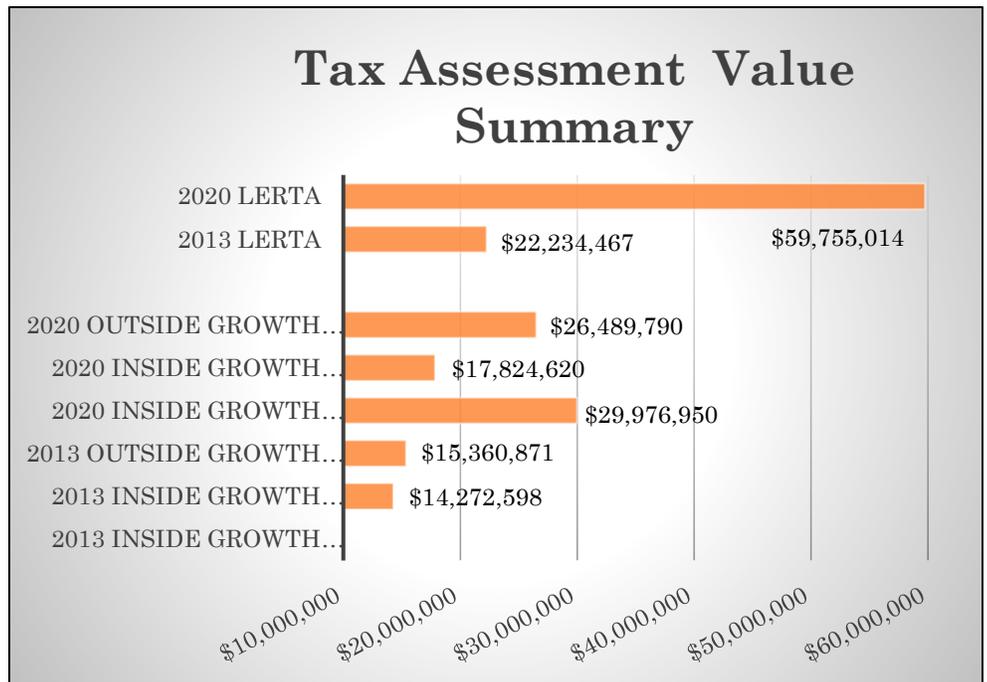
The 2018 Annual Report included a Tax Abatement Summary of residential and commercial construction cost. In this year's report a measurement of success is included. To determine this, data was collected since the inception of the program with the new assessed value prior to any new or improved projects. There are 2 categories, residential and commercial. Under each of these categories are 3 designated areas; Growth Boundary Area for new construction, Growth Boundary Area for improvements, and Outside Boundary Area for new construction and improvements.



Since the adoption of the Tax Abatement Program in 2010, Harborcreek issued 328 residential zoning permits and 25 commercial zoning permits. This program is an incentive for development when the market took a turn for the worse. Connie Cruz, Zoning Administrator, "this incentive has brought development, if this program were not in place, the numbers would be much lower. Developers and residents have both said, the tax incentive program made it possible for them to make the improvements."

Tax Assessment Value Summary

The difference in the **assessed value** has increased immensely due to the incentive of the Tax Assessment Program. There are 3 zones for eligibility in tax incentives; inside growth boundary for new construction, inside growth boundary for improvements, and outside boundary for new construction or improvements. The business district (corridor of Buffalo Road) is eligible for LERTA incentive, which is tax free for 5 year. The other categories are eligible for a 5 year tax breakdown.



Tax Abatement Program was adopted in 2010, however in 2013 Erie County Assessment Office conducted reassessments. The graph shows the new assessed values from 2013. The value of property in itself shows the program to be a success.

Measurement of Success

There has been a decline in zoning permits issued, both in residential and commercial for 2019. Our surrounding area plays a role in the decline for residential with the loss or uncertainty at WABTECH, decline in population in Erie County (Harborcreek has an increase in population), and low inventory of vacant land. Harborcreek continues to have a steady growth residentially and with residential subdivision developments it's predicted to continue to growth steadily.

Commercial trends, especially the retail sector, played a major role in the decline of development. On-line shopping Amazon has taken the shopper from visiting department stores to ordering online. It's anticipated that commercial development such as medical facilities, warehousing distribution centers, and restaurants will be the trend.

Harborcreek is planning accordingly and with the tax incentives will be able to be competitive for development to occur for our community.



AHN East Side Health & Wellness underwent a major expansion that included a renovation to the existing building and a building addition to the west side with additional parking.



Cobblestone Hotel located on Station Road and Bayfront Connector is an asset to our community.

CODE ENFORCEMENT DEPARTMENT

The **code enforcement department** promotes compliance in relation to ordinances of zoning, misconduct, tall grass, and junk vehicles. The code enforcement office works with the zoning administrator, board of supervisors, township solicitor, and State Police. The goal of the code enforcement office is to work with the resident to become compliant prior to any fines or legal proceeding.



Photo of a violation of Harborcreek Township's junk vehicle ordinance (photo is not located in Harborcreek)

The timelines vary depending on the willingness of the violator and if it is a zoning or civil violation. Violations are typically corrected within a week or two. Other complaints may take as long as 3 months due to the law and the appeals process.

Blight Property

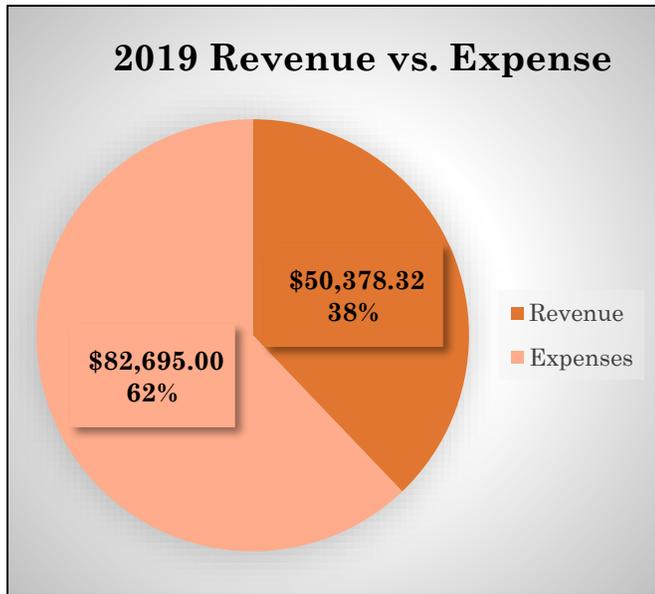
Harborcreek currently has 8 **blight properties** throughout the township. Harborcreek does not have an overwhelming number of blighted properties, however, when Erie County implemented the Erie County Land Bank Program, the township signed an agreement with the County. The township has no plans on actively purchasing any of these properties, but felt if it's needed in the future the option is already in place. In order for this program to work all taxing bodies must approve and sign the agreement. The Harbor Creek School District did not approve the signing of this agreement. The District stated there may be a possibility at a later date. Harborcreek Township will continue to work with the residents to ensure compliance as we have always done.



Photo of a blight property located in the Village District. Previously was a mini plaza that no longer has tenants and not kept up.

REVENUE & EXPENSES

Harborcreek Township Zoning Department receives fees collected from zoning permits, land development, subdivisions & stormwater applications, appeals to Zoning Hearing Board, conditional use applications, re-zone petitions, and a percentage of building permit fees.



The graph shows the expenses are greater than the fees collected. There are laws in place that a municipality cannot collect fees for, such as Agricultural Secure Area applications. The goal is not to have a surplus of money but to ensure most services are sustainable.

2020 ACTION PLAN

The Planning Commission and Zoning will work diligently to achieve the following **action plan** that will be beneficial for the overall betterment of our community.

Action Plan:

- Develop a mission statement
- 2019 zoning trend review
- Comprehensive Plan review
- Zoning Ordinance review
- Subdivision and Land Development review
- Research what demands are for land use
- Implement an annual Open House for developers and residents
- Implement Erie County Planning Commission Members Association

Listen to input from Harborcreek residents and consider their input...

Update Zoning Ordinance...
Subdivision & Land Development Ordinance...

Update Comprehensive Plan...

