

**PLANNING COMMISSION  
BELLEFONTE BOROUGH  
MEETING MINUTES  
September 9, 2019 – 5 p.m.  
236 West Lamb Street, Bellefonte, PA 16823  
[www.bellefonte.net](http://www.bellefonte.net)**

**CALL TO ORDER:**

The September 9, 2019 meeting of the Bellefonte Borough Planning Commission was called to order by Chair Robert Dannaker, at the Bellefonte Borough Municipal Building at 5:00 p.m.

**PLEDGE OF ALLEGIANCE:**

**MEMBERS PRESENT:** Robert Dannaker, Chair  
James Mills, Secretary  
Mark Edwards  
Dallas Gallo  
Chris Morelli

**STAFF MEMBERS:** Shannon Wright, Zoning Administrator

**GUESTS:** Joanne Tosti-Vasey

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**WELCOME**

Planning Commission members welcomed the new member of Planning Commission, Chris Morelli.

**APPROVAL OF THE MINUTES:**

The August 12, 2019 meeting minutes were presented for approval.

**Mr. Gallo moved to approve the minutes of the August 12, 2019 Planning Commission meeting.**

**Mr. Edwards seconded the motion.**

**Motion carried.**

**LAND DEVELOPMENT ACTIVITY:** Nothing to report.

**PLANNING AND ZONING ISSUES:** Nothing to report.

**OLD BUSINESS:**

**Short Term Rentals (Airbnb's) Workshop**

Ms. Wright provided a listing of definitions, one from the Bellefonte Zoning Ordinance and the other from the Building Safety and Property Maintenance Code which is the code adopted when the Borough contracted with Center Region Code. The definitions should be similar in both documents.

The Building Safety Code has the term tourist home which defers to the municipality's ordinances. She inquired if a tourist home should be referenced in the zoning. They also have definition of transient. Ms. Wright felt that that may be a word that may be used for the short-term rentals. Transient is considered anything under 30-days rentals.

The suggested definition of transient is the use occupancy or possession of a dwelling unit or portion thereof for a period of 30-consecutive calendars days or less, per Mr. Dannaker. Another term that has been used is short term rental, per Mr. Dannaker. He mentioned that College Township's ordinance calls it intermittent rentals. As long as it is defined suitably, he thought either term would be acceptable.

Mr. Gallo offered that residential should be included in the wording. This would signify that they are of residential use. The residential use is being used for commercial purposes, but it is an established residential unit. Ms. Wright stated that residential rental property definition is defined in the Centre Region Code. She offered it would be good to add the definition to the zoning ordinance.

The bed and breakfast establishment, residential unit and residential rental property should be tied to an ordinance. At some point, if you are staying at a place more than 30-days you fall under the residential rental but then the difference between bed and breakfast and short-term residential stay (less than 30 days) needs further broken down. The ordinance has a provision for bed and breakfast. Short term rental and residential needed to be defined, in a residential setting versus a bed and breakfast, per Mr. Gallo.

Mr. Dannaker also stated that bed and breakfasts require owner occupancy and they serve breakfast. Short term rentals do not. Many of them do not have owners that occupy the rentals when they are rented. Football rentals were discussed. This is what is trying to be curbed. Part of the curbing is to protect the renters, and the other is to protect the character of the neighborhood.

The non-regulated renting of football weekend rentals are being done without permits. The PC is trying to incorporate them into the existing rental uses.

Ms. Wright stated that there are no regulations for the football type rentals. Right now, because they did not exist when the zoning ordinance was written, they need to be included somehow. The only requirement for a football rental is a rental permit. Safety features of the rental were discussed as well as creating a nuisance to the neighbors. Mr. Morelli recapped that the PC is not trying to shut the short-term rentals down, but rather define and regulate them.

The regulations of an AIR BNB will be spelled out and it will be up to the homeowner to follow the regulations of the local municipality. Safety should be kept in mind and the effect it will have on the neighborhood.

Ms. Wright had a list of questions for PC to review.

Should there be a difference between a short-term rental that would be owner occupied versus a house that is purchased for the sole use of short-term rental where the owner is never on the premises?

Zoning would establish rental properties. As long as there is a regulation for them, a clause can be included for both occupied and non-owner occupied. The number of days of renting the home out can be limited per Mr. Dannaker. If the homeowner buys the house knowing he can only rent it out for a limited number of days, it may deter him from buying the house.

The more regulations you have, the more monitoring that needs to be done, per Mr. Gallo. He does not think that the Borough will be able to do that type of monitoring. There is no enforcement capabilities to say yes to one and not the other, per consensus.

Ms. Tosti-Vasey asked if there would be a way to monitor the short-term rentals by those who submit taxes. Ms. Wright stated that she understood that the county does not get a listing, just a lump sum of money.

The requirement of a manager or contact for the property was discussed. Centre Region Code takes care of the local contact list. The rental permit application includes this information. The contact needs to be in the County.

Should there be different regulations for different building districts or disallow them in specific zoning districts?

There are multiple residential zoning districts and it may make sense to differentiate between them. The zoning map shows commercial in red. Orange and yellow and part of the pink are residential areas. The orange is higher density R-2, yellow is R-1.

Ms. Wright asked if PC wanted to add an application directly to the Borough in addition to the one for Centre Region Code?

An annual fee and application were discussed as needed for short term rentals and all rentals. It does require administration and the fees would help support the work. There are many rentals in the Borough. The last census estimated that 52% of the properties in the Borough are rentals.

The code rental permit application is geared toward their review and Ms. Wright believes a separate Borough application would provide her better information for zoning review. It was questioned that without a Borough application, the Borough does not have a list of current rentals. It was also questioned how much information the Borough receives from Centre Region Code. Ms. Wright stated that she does have an active list of all the rentals in the Borough and periodic updates are sent to her from the code office. She further stated that the code office has always been good to work with and has always been given any information requested.

The short terms rentals are required to be treated the same as regular rentals via the property maintenance code. Water and sewer fees were discussed. The rental permit takes care of the safety concerns and does not take care of anything beyond that. Ms. Wright questioned if it would be possible to cap complaints on a rental and pull their permit thereafter if in excess. She thinks that would be beneficial and help curb disturbing the rest of the street with behavior. Expectations should be outlined.

Occupancy limits were discussed. The rental applications do not address this. Property maintenance code gives a number based on square footage but there is nothing per zoning.

Per property would work because if the police get called, it can be enforced in the borough otherwise it will defer to Centre Region Code which will be an 8-5 enforcement.

Parking was discussed. It would be police enforcement to disallow the number of cars being parked on the street. Off-street parking works different in different areas. Regulating is difficult and would need to be handled with the police department. It was unclear if this could be added to zoning for enforcement.

Parking is in the ordinance at this time. Ms. Tosti-Vasey stated that in working with changing the ordinance, it would be helpful to know the suggestions to add to specific places when the ordinance is revised.

College Township requires renters to send in a listing of the dates when persons intend to rent their house. Ms. Wright inquired if this would be beneficial to the Borough and for enforcement.

The grandfathering of certain rentals was discussed. Homes that were built for owner occupied residential use, are being used for commercial use, short term rentals, that requires different set of rules. Mr. Gallo stated that they are being used for purposes other than they were not originally intended for.

Public accommodations and ADA upgrades were discussed. If it is being rented it is commercial and would need to be compliant, per Ms. Tosti-Vasey.

Noise, trash, public nuisance should be addressed. The short terms rentals need to be added into the current ordinance, per Mr. Gallo. This language is not in the hotel or B&B ordinance but since they are not owner occupied, they may need this additional regulation. Mr. Gallo did not think that they could be added into zoning because it is an enforcement issue.

Long term rentals were discussed, and Ms. Wright felt that this could maybe added to the long-term rentals as well, if permissible in zoning. Revocation of a rental permit, per a state supreme court case, per Ms. Tosti-Vasey stated that you cannot evict a renter if the issue was a result of domestic violence. The perpetrator can be evicted but not the victims. She just mentioned this for the long-term rentals. Many times, noise calls are domestic violence calls.

Definition of a short-term rental was discussed. A fee for a long-term rental is \$75.00 annually to Centre Region Code and Ms. Wright inquired what an appropriate fee to the Borough could be on top of that. The inspections are not paid for by the owner, it is covered with the annual fee. The inspections are on a three-year rotation.

Football weekend, graduation, arts fest, and parents' weekend were discussed. Some high school playoffs may also draw people into town for short term rentals.

PC concurred to use the term short term rental as opposed to intermittent rental. Occupancy was discussed. Code does look at occupancy with the permits. A lot of code-related questions were brought up. Ms. Wright stated she was not able to answer them, but would be happy to compile a list for code to answer or ask if a representative could come to a future meeting.

Fees were discussed. Ms. Wright reviews the applications and currently there is no revenue going to the Borough for reviewing any applications that go to code. Fees in this area could help the zoning officer position with the Borough.

State College Borough's fees were discussed briefly. Insurance requirements were discussed. When you apply for a permit or renewal in SCB you need to show proof of insurance. That is the same for College Township. Part of having the insurance is insurance that the property owner is liable for any damage or injury that is sustained in

the event of a loss. Ms. Wright will inquire of Centre Region Code if they require proof of insurance.

Mr. Dannaker would like a skeleton document created to discuss at the next meeting. He would like to find some comparable ordinances from other municipalities which could be molded to the Borough and see how they deal with these issues. The zoning is existing, but clarification needs to be added.

The short-term rentals need to be added into the existing ordinances. There is nothing in the ordinance that defines these types of rentals and that needs to be added, per PC members.

Mr. Dannaker also stated that College Township limits the short-term rentals to 30 days a year. The owner cannot exceed those 30 days. Enforcement was discussed once again.

Ms. Wright will craft a draft for the next meeting to review by PC members.

Penn State students were in the audience and were engaged in the discussion.

**NEW BUSINESS:** Nothing presented.

**INFORMATION ITEMS:** Nothing presented.

Nothing presented.

**ADJOURNMENT:**

**Mr. Gallo moved to adjourn the September 9, 2019 Planning Commission Meeting.**

**Mr. Edwards seconded the motion.**

**Motion carried.**

Meeting adjourned at 6:25pm. \_\_\_\_\_