

**PLANNING COMMISSION
BELLEFONTE BOROUGH
MEETING MINUTES
February 10, 2020 – 5 p.m.
236 West Lamb Street, Bellefonte, PA 16823
www.bellefonte.net**

CALL TO ORDER:

The February 10, 2020 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
Mark Edwards
Dallas Gallo
Chris Morelli

STAFF MEMBERS: Mr. Ralph Stewart, Borough Manager
Mr. Don Holderman, Assistant Borough Manager

GUESTS: Joanne Tosti-Vasey
Ted Conklin

APPROVAL OF THE MINUTES:

The minutes were presented for approval.

**Mr. Gallo moved to approve the minutes of the January 13, 2020 Planning Commission meeting, as amended.
Mr. Edwards seconded the motion.
Motion carried.**

LAND DEVELOPMENT ACTIVITIES:

Mr. Stewart briefly discussed the waterfront development. They will go before HARB at a future meeting to discuss the project. The developer had preliminary discussions with the code office.

NEW BUSINESS:

Amendments to the Waterfront District

Mr. Stewart put this on the agenda to bring it back before PC to discuss the possible amendments to the zoning ordinance in the waterfront district regarding inns and bed and breakfasts.

If a building was originally constructed and arranged as a residential use, it could continue to be used that way even on street level floors in the waterfront district. This was a concern presented to PC months ago. There currently exists a residence constructed as a duplex. The current central business district is meant to mirror the waterfront business district and lists as a permitted use, bed and breakfasts. The waterfront district does not contain this verbiage.

Mr. Stewart stated the following changes needed to be made:

In the central business district currently, there is a note at the bottom of the permitted uses page that says, “multifamily residential developments shall not be permitted on the ground floor of any structure except for those units developed within residential condominiums by conditional use.” He suggested that after the period the following is added: “for existing structures originally constructed as residential units, please see Article 13, Supplemental Regulations, entitled Section 575-65. Structures originally constructed as residential units.”

The waterfront business district Article 8, it also follows the same format. Section 575-39 has district regulations as permitted uses. This district does not list bed and breakfasts and it was suggested to add this verbiage to that Article. “For existing structure originally constructed as residential units, please see Article 8, supplemental regulations, Section 575-65, Structures originally constructed as residential units.

The following would be added: “In all districts where the structure was originally constructed and arranged as residential, including street level floors, a residential use is permitted to continue or to be reinstated. This includes structures originally constructed and arranged as single family or duplex units.”

It is the Borough’s anticipation to have all zoning ordinance amendments done at one time to be advertised at one time.

The ordinance will state that pertinent zoning permits, reviews and building permits as necessary will be required to revert back to a residence that way they would have to go through the zoning administrator.

Mr. Gallo moved to approve the changes to the zoning ordinance.

Mr. Morelli seconded the motion.

Motion carried.

Short Term Rentals

The prior changes were discussed. The last discussion with the Planning Commission was about adding insurance, etc. The draft had the changes in red. Mr. Stewart provided other samples of ordinances to the Planning Commission. College Township was referred to on more than one occasion. That ordinance was provided to PC as well. Mr. Stewart asked for input from the PC. Everything would go back to Council for final approval.

If the intent is to have a very basic ordinance, that just asks for a permit, then the draft as written is acceptable, per Mr. Stewart. If the Borough's intent is that these intermittent rentals it not desirable in the Borough, taking away from long term rentals and B&Bs., then more work needs to be done on the draft.

Mr. Stewart inquired about specifying districts within the Borough that the short-term rentals could be established. Instead of the entire Borough being open, only some districts would be open, i.e. commercial, R-2. Some ordinances required that the owner or lessee was on the premises or at least in the same town as the rental in order to rent the home out. This would be more comparable to a B&B. This prevents absentee landlords. The College Township ordinance restricts how many nights you can rent your house out, while living in it. The draft ordinance for the Borough stated no more than 30 nights per year for short term rentals.

Enforcement may be taken care of through third party agencies, that would go through the data and find the short-term rentals in the Borough. The Borough is not currently signed up for any of these services. Discussion was held on grandfathering permit requirements. Creating a fair playing field for B&B owners and other rentals is the motivation for the ordinance changes. Safety is also a strong consideration.

Small business in the Borough was discussed and residents seemingly support any small business that wants to start up in the Borough. The short-term rentals seem to be a double standard per Mr. Morelli.

Another issue is short term rentals not obtaining permits and not going through Code for the inspections that are required of other long-term rentals and bed and breakfasts. Additional fees for enforcement were discussed. Hotel tax is required to be paid to the County. All permits would go through the Borough or Centre Region Code.

Protection of the residents of the Borough is of the utmost importance when considering short term rentals. Centre Region Code aired a program available for viewing for persons wishing to rent their home out for a short-term rental. Controlling nuisance renters for the short-term rentals may have caused a more stringent look at the ordinances in other municipalities.

The Borough requires rental permits at present, no matter what kind of rental it is. The Borough signs off on zoning issues but Code issues the rental permit. Code does fire inspection for commercial spaces. There is additional work that is done by Borough staff that is not rewarded with any type of fee or permit funds. A fee may be incorporated on the Borough related side of the services, per Ms. Tosti-Vasey. PC agreed that the Borough should either be paid or reimbursed by Centre Region Code if everything is done via one permit.

Permit requirements were discussed i.e. smoke detectors, and other safety issues. Nothing regarding safety is different between a long-term rental and a short-term rental. It is a permit. Additional supplemental regulations were considered. Communication was discussed to get the word out to short term rentals in the Borough. The owners need to know that they do need a permit for their home if they intend to partake in short term renting.

The owners not occupying the house or structure was a concern for some PC members in short term rentals. The hotel tax was discussed briefly, relating to the short-term rentals. Ms. Tosti-Vasey opined that clarification may be needed in the ordinance regarding that aspect of the rentals. She also offered that the difference may need to be defined in writing.

The current draft ordinance reads as follows: “The following conditions are intended to provide for the citing and operating of short-term rental properties while providing reasonable protection to the municipality and neighborhood in which the rental will be located against possible detrimental effects.”

The requirement for insurance was discussed. The potential that the persons staying at a short-term rental are never returning. The long-term renters stay longer and are likely coming back. With the short-term renters, an evaluation is given by and about the owner and by and about the renters. With football weekends, there may not be a local manager in town to keep an eye on the house or manage the house.

Parking congestion, and having transient people coming in all of the time was an issue with some PC members. When there is nothing on the books, per Mr. Stewart, anything can occur but once it is on the books, there are regulations in place to prevent certain things from happening.

The residential zoning districts in the Borough were discussed. Much of the Borough limits how many rentals can be on a property. It is controlled a different way. Limiting the short-term rentals to certain districts would be difficult to do, per PC members. Mandating an owner occupied or owner at least lived in the Borough was discussed and this is more of a requirement for a bed and breakfast. Mr. Stewart inquired if PC felt that short term rentals were on the same playing field.

Mr. Gallo stated that this would limit someone living across the country and having a rental in Bellefonte. One sample ordinance stated that you had to live there at least 6 months per year. Mr. Morelli stated that he did not wish to require that the owner occupy the rental at the time of the lease but that the owner at least reside in the home for a period of time. Enforcement and monitoring this was discussed. Mr. Stewart stated that much of the monitoring would be done via resident complaints i.e. parking issues. Violations may result in fines or permit revocation.

With the potential for adverse effect on the neighborhood or municipalities extra regulations have been adopted by some municipalities. Long term rentals have a permit. If someone is caught without a permit, the same penalties would apply to both long- and short-term rentals.

Mr. Stewart confirmed that PC would like the owner to live at the home at least 6 months out of the year. Adding the requirement for a property owner, at the least, was suggested to be added.

The draft ordinance limits the short-term rentals to 30 days per year. Enforcement was again discussed. The long-term rentals ordinance limit the occupancy to square footage per person.

Parking is addressed in the long-term rentals, i.e. standard parking. Some additional parking may be considered. Street parking was discussed.

Mr. Stewart stated that the draft ordinance was in good shape but if more stringent restrictions were desired, they would be added. Mr. Stewart was not aware of many nuisance complaints in the years prior. He will survey other municipalities regarding nuisance issues and permitting details prior to the next PC meeting.

Property maintenance code was discussed briefly. The front porch issue on Curtin Street is being addressed, per Mr. Stewart.

Crematoriums

Incinerators and crematoriums were discussed. The ordinance will be reviewed for minor changes.

ADJOURNMENT:

Mr. Gallo moved to adjourn the February 10, 2020 Planning Commission Meeting.

Mr. Morelli seconded the motion.

Motion carried.

Meeting adjourned at 6:33 p.m.