



Borough of Gettysburg

**Monday, August 23, 2021
6:30 PM**

Borough Council Public Hearing Meeting AGENDA

RE: Zoning Text Amendments

**Troxell Council Chambers
Gettysburg Borough Municipal Building
59 East High Street
Gettysburg, PA 17325**

MEMBERS

**Theodore Streeter
Wesley K. Heyser
John Lawver
Patricia Lawson
Christopher Berger
Judith Butterfield
Matthew Moon**

**(Mayor)
(President)
(Vice-President)**

STAFF

**Charles R. Gable, MPA
Sara Stull
Karen Mesher
Carly Marshall
Debra English
Robert Harbaugh
Rebecca Fissel
Robert Glenney, Jr.
Dave Sanders
Chad Clabaugh, PE
Harold Eastman, Jr.**

**(Borough Manager/Treasurer)
(Asst. Borough Manager/Borough Secretary)
(Asst. Borough Secretary/Planning Assistant)
(Director of Planning, Zoning & Code Enforcement)
(Director of Historic & Environmental Preservation)
(Public Works Director)
(Parking Manager)
(Chief of Police)
(EMS Coordinator)
(Borough Engineer)
(Borough Solicitor)**

Borough of Gettysburg
Borough Council Public Hearing Meeting Agenda
Monday, August 23, 2021– 6:30 PM

- | | | |
|-------------|---|------------------|
| I. | Council - Call to Order | President |
| II. | Welcome and Opening Remarks | President |
| III. | Review of Proposed
Zoning Text Amendments RE: Short-Term Rentals | Marshall |

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF GETTYSBURG, ADAMS COUNTY, PENNSYLVANIA, AMENDING THE TEXT OF THE GETTYSBURG BOROUGH ZONING ORDINANCE, CHAPTER 27 OF THE CODE OF ORDINANCES OF THE BOROUGH OF GETTYSBURG, RELATIVE TO THE REGULATION OF SHORT-TERM LODGING AND UPDATING REGULATIONS FOR LODGING USES FOR THE PURPOSE OF PROTECTING THE RESIDENTIAL HOUSING STOCK IN THE BOROUGH OF GETTYSBURG.

IV. Public Comment

V. Adjournment

The Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania, hereby enacts, adopts and ordains this Ordinance, amending the Gettysburg Borough Zoning Ordinance, codified as Chapter 27 of the Code of Ordinances of the Borough of Gettysburg, as follows:

**Part 2.
DEFINITIONS**

SECTION 1: Chapter 27, Part 2, Section 201, subsection 5, Specific Definitions., of the Gettysburg Borough Zoning Ordinance, shall be amended to read as follows:

“§ 27-201.5 Specific Definitions.

BED-AND-BREAKFAST USE: The use of a single-family detached dwelling and/or accessory structure which includes the rental of transient lodging accommodations and bathroom access, with a maximum of 10 rooms, and which does not provide any cooking facilities or provision of meals for guests other than breakfast.

BOARDING HOUSE or ROOMING HOUSE: A residential use in which:

- A. Individual rooms that do not meet the definition herein of a dwelling unit are rented for habitation by a total of two or more persons.
- B. A dwelling unit that includes more than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, fraternity, sorority, motel, life care center, personal-care center, bed-and breakfast use, group-care home or nursing home. A boarding house may either involve or not involve the providing of meals to residents. This use shall only involve renting living accommodations for minimum periods of 30 consecutive days.

Borough of Gettysburg
Borough Council Public Hearing Meeting Agenda
Monday, August 23, 2021– 6:30 PM

DWELLING UNIT: One or more rooms, with separate cooking and bath facilities, used or designed for use by one or more persons maintaining a common household, with access directly from outdoors or through a common entrance.

FAMILY: A household consisting of one or more persons related by genetics, adoption, or marriage, or a group of four or fewer persons who are not related by genetics, adoption, or marriage and none of whom are wards of the court unless such wards are related by genetics, adoption, or marriage to members of such group living in a dwelling unit. Family homes shall include state-licensed adult family homes, state-licensed foster family homes group care facilities, and group care homes for the disabled required to be accommodated as residential uses pursuant to the Fair Housing Act. The term "Family" shall exclude individuals residing in halfway houses, group homes licensed for juvenile offenders, or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

HOMESTAY: A dwelling unit wherein a maximum of two rooms are available for use or are used for short-term lodging, and where such lodging is provided for compensation, and where the dwelling unit is concurrently occupied as a permanent residence by the operator.

HOTEL: A building consisting of individual rooms designed and used primarily for transient lodging, where such lodging is provided for compensation (with or without meals) in which provisions for cooking are generally not made in individual rooms or suites, and where individual rooms or suites are accessed from hallways internal to the building. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use as set forth herein. See also a bed-and-breakfast use as defined herein. A hotel may include a restaurant, nightclub, newsstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.

INN: A public accommodation that may or may not consist of a private dwelling, which contains 20 or fewer bedrooms, used for providing transient lodging accommodations and which does not provide any cooking facilities or provision of meals for guests other than breakfast.

MOTEL: A building or group of buildings, whether detached or in connected units, containing individual rooms designed and used primarily for transient lodging, together with accessory off-street parking facilities, and where such individual rooms are accessed from the sidewalks or walkways on the exterior of the building. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use as set forth herein. See also a bed-and-breakfast use as defined herein. A motel may include a restaurant, nightclub, newsstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.

PERMANENT RESIDENCY or RESIDENTIAL OCCUPANCY: Permanent, full-time habitation in a dwelling unit for a period of 30 consecutive days or more.

SHORT-TERM LODGING: Any dwelling unit or portion thereof that is available for use or is used for transient lodging, and where such lodging is provided for compensation. Includes homestay and vacation rental uses as defined herein.

Borough of Gettysburg
Borough Council Public Hearing Meeting Agenda
Monday, August 23, 2021– 6:30 PM

TRANSIENT LODGING: Lodging provided for compensation for periods of less than 30 consecutive days.

VACATION RENTAL: A dwelling unit that is available for use or is used for short-term lodging, and where such lodging is provided for compensation, and where the dwelling unit is not concurrently occupied by the operator of the use.”

* * *

The following specific definition shall be deleted:

TOURIST HOME: A dwelling in which overnight accommodations are provided to transient guests for compensation.

Part 4.
R-1 LOW DENSITY RESIDENTIAL DISTRICT

SECTION 2: Chapter 27, Part 4, of the Gettysburg Borough Zoning Ordinance, shall be amended to add new section 27-408, to read as follows:

“§ 27-408 Vacation Rental Use Prohibited. Vacation rental use of real property zoned and located within an R-1 Low Density Residential District is expressly prohibited. Accordingly, none of the specific uses permitted by right or by special exception within an R-1 Low Density Residential District shall be construed as including or permitting a vacation rental use within this District.

Part 4A.
R-1A PRESERVATION RESIDENTIAL DISTRICT

SECTION 3: Chapter 27, Part 4A, of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following uses to be permitted as a matter of right:

“§ 27-4A02. Uses Permitted by Right.

H. Homestay, as an accessory use to a permanent residential use or occupancy.

I. Vacation Rental.”

Part 5.
R-2 MODERATE DENSITY RESIDENTIAL DISTRICT

SECTION 4: Chapter 27, Part 5, Section 503. Uses Permitted by Special Exception. of the Gettysburg Borough Zoning Ordinance, shall be amended to delete subsection (A) Bed and Breakfast. Remaining subsections (B) through (I) shall be relettered consecutively as subsections (A) through (H):

Part 5A.
ELM STREET OVERLAY DISTRICT

SECTION 5: Chapter 27, Part 5A, of the Gettysburg Borough Zoning Ordinance, shall be amended to add new section 5A02B., to read as follows:

Borough of Gettysburg
Borough Council Public Hearing Meeting Agenda
Monday, August 23, 2021– 6:30 PM

§ 27-5A02B Uses Permitted by Special Exception.

A. Boarding House

SECTION 5: Chapter 27, Part 5A, of the Gettysburg Borough Zoning Ordinance, shall be amended to add new section 5A09., to read as follows:

§ 27-5A09. Vacation Rental Use Prohibited. Vacation rental use of real property zoned and located within the Elm Street Overlay District is expressly prohibited. Accordingly, none of the specific uses permitted by right within the Elm Street Overlay District shall be construed as including or permitting a vacation rental use within this District.

Part 6.
OT OLD TOWN DISTRICT

SECTION 6: Chapter 27, Part 6, Section 602. of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following uses to be permitted as a matter of right:

“§ 27-602. Uses Permitted by Right.

* * *

NN. Homestay, as an accessory use to a permanent residential use or occupancy.

OO. Inn.

PP. Vacation Rental.

Part 8.
RO RESIDENTIAL OFFICE DISTRICT

SECTION 7: Chapter 27, Part 8, Section 802. of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following uses to be permitted as a matter of right:

“§ 27-802. Uses Permitted by Right.

* * *

V. Homestay, as an accessory use to a permanent residential use or occupancy.

W. Inn.

X. Vacation Rental.

SECTION 7: Chapter 27, Part 8, Section 802. of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following uses to be permitted by special exception:

Borough of Gettysburg
Borough Council Public Hearing Meeting Agenda
Monday, August 23, 2021– 6:30 PM

G. Boarding House.

Part 8A.
ROR RESIDENTIAL OFFICE REDEVELOPMENT DISTRICT

SECTION 8: Chapter 27, Part 8, Section 8A02., Uses Permitted by Right, of the Gettysburg Borough Zoning Ordinance, shall be amended to delete subsection (C). Bed and Breakfast use. Remaining subsections (D) through (Q) shall be relettered consecutively as subsections (C) through (P).

Part 9.
TC TOURIST COMMERCIAL DISTRICT

SECTION 9: Chapter 27, Part 9, Section 902. of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following uses to be permitted as a matter of right:

“§ 27-902. Uses Permitted by Right.

* * *

W. Homestay, as an accessory use to a permanent residential use or occupancy.

X. Inn

V. Vacation Rental.”

Part 10.
GC GENERAL COMMERCIAL DISTRICT

SECTION 10: Chapter 27, Part 10, Section 1002. of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following uses to be permitted as a matter of right:

“§ 27-1002. Uses Permitted by Right.

TT. Homestay, as an accessory use to a permanent residential use or occupancy.

UU. Inn

VV. Vacation Rental.”

Part 11.
IND INDUSTRIAL DISTRICT

SECTION 11: Chapter 27, Part 11, Section 1102. of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following uses to be permitted as a matter of right.:

Borough of Gettysburg
Borough Council Public Hearing Meeting Agenda
Monday, August 23, 2021– 6:30 PM

“§ 27-1102. Uses Permitted by Right.

Q. Homestay, as an accessory use to a permanent residential use or occupancy.

Part 12.

HC HEALTH CARE DISTRICT

12: Chapter 27, Part 12, Section 1202. of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following uses to be permitted as a matter of right:

“§ 27-1202. Uses Permitted by Right.

W. Homestay, as an accessory use to a permanent residential use or occupancy.

X. Inn

Y. Vacation Rental.”

PART 15.

GENERAL AND SUPPLEMENTAL REGULATIONS

SECTION 13: Chapter 27, Part 15, Section 1524, subsection .H. of the Gettysburg Borough Zoning Ordinance, shall be amended to revise subsection 2.H.(1) and to add new subsections H.(9) and (10). New subsections 2.TT. and 2.UU. shall be added to read as follows:

“§ 27-1524. Additional Requirements for Certain Specific Principal Uses.

* * *

H. Bed-and-Breakfast Use.

(1) No more than 10 rooms shall be provided.

* * *

* * *

(9) Any required exterior improvements to the building, such as those required to meet applicable fire safety requirements, shall be located to the rear of the building and shall not detract from the residential character of the building.

(10) The operator of a bed-and-breakfast use must demonstrate registration with the Adams County Treasurer’s Office in compliance with County Ordinance No. 2 of 2018, as amended, for the payment of Hotel Room Rental Tax.

* * *

J. Boardinghouse (Includes Rooming House).

Borough of Gettysburg
Borough Council Public Hearing Meeting Agenda
Monday, August 23, 2021– 6:30 PM

* * *

(11) Rooms shall be rented for a minimum period of thirty consecutive days.

* * *

TT. Inn Use.

(1) The off-street parking spaces for an inn use shall be:

- (a) Located to the rear of the principal building;
- (b) Screened from the street and abutting dwellings by evergreen screening; or
- (c) On another lot consistent with the requirements of Part 13.

(2) At least one full bathroom shall be provided for every four sleeping rooms.

(3) The use shall have a residential appearance and character.

(4) The use shall be operated by permanent residents of the lot, or alternatively, the Inn shall provide staff presence or access on-site 24 hours per day, 7 days per week.

(5) There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted by the district regulations.

(6) The use of any amenities provided by the Inn, such as food service or meeting rooms may be provided to the public if those or similar commercial uses, as determined by the Zoning Officer, are also permitted in the underlying zoning district.

(7) Any required exterior improvements to the building, such as those required to meet applicable fire safety requirements, shall be located to the rear of the building and shall not detract from the residential character of the building.

(8) The operator of an inn must demonstrate registration with the Adams County Treasurer's Office in compliance with County Ordinance No. 2 of 2018, as may be amended, for the payment of Hotel Room Rental Tax.

UU. Vacation Rental Use.

(1) The operator of a vacation rental use shall, at all times while the property is being used as a Vacation Rental, maintain a contact person/entity on record with the Borough within a fifteen (15) minute drive of the property. The contact person or entity must be available via telephone 24 hours per day, 7 days per week, to respond to complaints regarding the vacation rental use.

(2) A written notice shall be conspicuously posted inside each vacation rental unit setting forth the name, address and telephone number of the contact person required herein. The notice shall also set forth the address of the vacation rental use, the maximum

Borough of Gettysburg
Borough Council Public Hearing Meeting Agenda
Monday, August 23, 2021– 6:30 PM

number of vehicles permitted to park onsite, and the day(s) established for garbage collection.

(3) Only one rental booking shall occur per dwelling unit per night. Multiple separate overnight accommodations in a single dwelling shall be prohibited.

(4) Food, drink, or meals shall not be provided for compensation.

(5) On-site advertising of a vacation rental use shall be limited to one sign with a maximum size of four square feet, and shall be prohibited outside the TC, GC, OT, HC and RO Districts.

(6) Any required exterior improvements to the building, such as those required to meet applicable fire safety requirements, shall be located to the rear of the building and shall not detract from the residential character of the building.

(7) The operator of a vacation rental use must demonstrate registration with the Adams County Treasurer's Office in compliance with County Ordinance No. 2 of 2018, as may be amended, for the payment of Hotel Room Rental Tax.

SECTION 14: Chapter 27, Part 15, Section 1525, subsection E. of the Gettysburg Borough Zoning Ordinance, shall be amended to add the following:

"§ 27-1525. Additional Requirements for Certain Specific Accessory Uses.

E. Homestay as an accessory use to a permanent residential use or occupancy in the R1A, OT, RO, GC, HC, and IND Districts, except where the Elm Street Overlay District (ESO) intersects with the OT and RO Districts where a homestay use is not a permitted use.

(1) Maximum two (2) rental room or suites permitted, but may only be made available for lease to one rental party at any given time

(2) Only one rental booking shall occur per night. Multiple separate overnight accommodations in a single dwelling unit shall be prohibited.

(3) One off-street parking space shall be provided for guest use.

(4) The operator of a homestay use shall maintain permanent residency on the premises.

(5) A bedroom shall meet the minimum size requirements set forth in the Pennsylvania Unified Construction Code.

(6) On-site advertising of a homestay use is prohibited.

(7) Food, drink, or meals shall not be provided for compensation.

Borough of Gettysburg
Borough Council Public Hearing Meeting Agenda
Monday, August 23, 2021– 6:30 PM

(8) The operator of a homestay use must demonstrate that they have registered with the Adams County Treasurer's Office in compliance with County Ordinance No. 2 of 2018, as may be amended, for the payment of Hotel Room Rental Tax.

SECTION 11: All remaining provisions of Chapter 27 shall remain in full force and effect unless otherwise repealed by any other ordinance. All ordinances, or parts of ordinances, conflicting with this ordinance shall be and the same are hereby repealed insofar as the same affect this ordinance.

SECTION 12: This ordinance shall take effect upon enactment. THIS ORDINANCE DULY ENACTED AND ORDAINED according to law on this ____ day of _____, 2021, at a duly advertised general monthly business meeting of the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.
