



Gettysburg
HISTORIC CROSSROADS

Gettysburg Planning Department
59 East High Street
Gettysburg, PA 17325
www.gettysburgpa.gov

PLANNING COMMISSION MEETING AGENDA
Thursday, February 6 at 7:00pm | Borough Council Chambers

- 1. Convene Meeting**
- 2. Review and Approve Agenda**
- 3. Public comment related to zoning**
- 4. Review of proposed zoning changes regarding short-term lodging**
- 5. Additional Comments from Planning Commissioners**
- 6. Public Comment**
- 7. Adjourn**



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MEMO

To: Gettysburg Borough Planning Commission
From: Carly Marshall, Director of Planning, Zoning and Code Enforcement
Date: January 15, 2020, Updated January 23, 2020
Subject: Short-Term Rentals

Brief Summary of Request:

Staff requests the Planning Commission consider amendments to Chapter 27: Zoning of the Gettysburg Borough Code to regulate short-term rentals.

Background:

The popularity of online short-term rentals (STRs) and home-sharing in Gettysburg has introduced new challenges for the Borough. The primary models for online short-term rentals in Gettysburg include vacation rentals and homestays. Homestays consist of “home sharing”, where the guest and host are co-occupants of the dwelling during the guests’ stay. With homestays, the short-term rental is clearly incidental and subordinate to the residential use of the dwelling. The second model is vacation rentals, where the host uses a dwelling unit that does not serve as a residence and is used for the sole purpose of a short-term rental income property.

The Borough receives frequent inquiries about short-term rentals. Most are from current or potential property owners seeking information on transitioning a house into a vacation rental. Some inquiries have been from local Inns and Bed and Breakfast establishments, or existing regulated STRs on when the Borough will develop regulations for vacation rentals and homestays.

Below is a brief history of action by the Borough regarding short-term rentals.

- In 2016 the Borough made the policy decision to treat vacation rentals as commercial entities and apply commercial building code standards.
- In spring 2019 the Borough announced a May 1, 2019 deadline for voluntary compliance.
- Staff changes stopped the process for compliance and enforcement.

Impacts:

There are several advantages and disadvantages of the increasing popularity of online short-term rentals in the Borough, including:

Advantages:

- Increased stock of accommodations and capacity for hosting visitors and tourists that contribute to the Borough’s economy through dining, shopping, and visiting local attractions.
- Residents hosting homestays receive additional income which can help offset their housing costs.
- STR proprietors may have a direct incentive to perform maintenance and improvements on their properties to compete in the market.
- Under the homestay model, residents can earn extra income to enable them to offset increasing costs of living.

Disadvantages:

- Eroding housing stock as housing units are removed from circulation in favor of whole-house or whole-unit vacation rentals.
- Competition for commercial uses can increase housing prices, and thereby overall housing costs.
- Local businesses report low housing stock, particularly low rental-housing stock, as well as high housing costs as a contributing factor to challenges with securing/retaining employees.
- Traditional B&Bs complain of unfair competition with an industry peer that is not subject to regulation.
- Loss of residential feel or community connection in residential districts as more housing units transition to vacation rentals and sit vacant when not booked, and are occupied by transients with little connection to the community when they are rented.
- Are sometimes being booked as ‘party houses’, creating conflict with neighboring homes.

Comprehensive Plan Consistency:

While not specifically addressing short-term rentals, the Central Adams Joint Comprehensive Plan does provide direction regarding the provision and protection of a variety of housing types to satisfy the needs of current and future residents.

Housing

The intent of the Housing section of the Adams County Joint Comprehensive Plan includes the following statement:

Housing policies should reflect the size, age, lifestyles, and relative income levels of the households that are anticipated to be located in the community. The provision of housing should take into account a variety of factors such as regional demographic and employment trends, availability of developable land and central utilities, and obstacles to affordable housing.

Future Land Use

Much of the residential areas in the Borough are designated as Traditional and Suburban Residential in the Land Use section. Recommendations in this section include:

Suburban Residential

SR5.4 Nonresidential uses should be uses that complement residential neighborhoods. Such uses may include schools, parks, municipal services, and similar uses.

Traditional Neighborhood

TN6.3 The conversion of residential uses to nonresidential uses [in the Traditional Neighborhood Land Use area] should be discouraged.

Recommendations:

Staff recommends the Planning Commission consider the proposed zoning standards to provide the Borough with options for regulating where STRs can occur within the Borough. These standards aim to achieve the following:

- Differentiate between STRs that consist of an entire house or housing unit, and those that consist of rooms for rent within a unit with full-time residential occupancy, consistent with the International Building Code.
- Limit all whole-house or whole-unit vacation rentals to commercial districts, where guests would be closest to the businesses they would patron.
- Restrict whole-house or whole-unit vacation rentals in residential districts to prevent further depletion of the Borough’s housing stock.
- Retain residents ability to supplement their housing costs by participating in home sharing and hosting homestays in their permanent residence, in which they occupy full-time.

- Ensure that those with the most accountability are given the most leverage in conducting short-term rentals with minimal impact.

Attachments:

- Susan Cipperly, January 23, 2020
- Public comments from January 21, 2020 Planning Commission Meeting
- Summarized public comments from January 21, 2020 Planning Commission meeting

Additional Resources Available Upon Request:

- **Short-Term Rentals;** APA Zoning Practice Issue Number 10, October 2015
- **Short-Term Rentals: Regulation and Enforcement Strategies;** APA PAS Memo, January/February 2019
- **Regulating Short-Term Rentals;** APA PAS QuickNotes No. 56
- **Regulating Short-Term Rentals: A Guidebook for Equitable Policy;** Yassi Eskandari-Qajar – Policy Director, Sustainable Economies Law Center, Janelle Orsi – Co-Founder and Executive Director, Sustainable Economies Law Center, et al., March 2016
- **Re-zoning the Sharing Economy: Municipal Authority to Regulate Short-Term Rentals of Real Property;** SMU Law Review Volume 70 Issue 2, 2017
- **Short-Term Rental Regulation;** Lancaster County Planning Commission Community Planning Tool #02, January 2019
- **Short-Term Rental Toolkit;** Pennsylvania Association of Bed & Breakfast Inns, 2016

Ordinance Analysis

Short-term rentals are similar in nature to other lodging uses currently existing and regulated in the Borough. Thus, we have reviewed Chapter 27 and identified several related definitions and standards that should be updated to ensure consistency across uses.

Definitions

Term	Current Definition	Proposed Definition
Bed-and-Breakfast Use	The use of a single-family detached dwelling and/or accessory structure which includes the rental of overnight sleeping 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 break-fast.	<u>Change to: transient lodging accommodations</u>
Boardinghouse or Rooming House	A residential use in which: A. Individual rooms that do not meet the definition 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 boardinghouse 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 boardinghouse may either involve or not involve the providing of meals to residents. This use shall only involve renting living accommodations for minimum periods of five consecutive days.	Change to: minimum period of 30 consecutive days.
Commercial Establishment	The use of any premises as other than a dwelling, and shall include but not limited to hotels, boarding- and lodging houses, tourist cabins, motels and trailers. "Commercial establishment" shall also include any multifamily residences occupied by more than two families normally requiring more than three thirty-two-gallon containers per week.	
Dwelling	Any building or portion thereof designed for and used for residential occupancy	Any building or portion thereof designed for and used for residential occupancy, not including Hotels, Vacation Rentals, Motels, and other accommodations used for transient lodging.
Dwelling Unit	One or more rooms, with separate cooking and bath facilities, used by 1 or more persons maintaining a common household, with access directly from outdoors or through a common entrance.	
Homestay		A dwelling unit wherein a maximum of three (3) rooms are available for use or are used for transient lodging, and where such lodging is provided for compensation, and where the dwelling unit is concurrently occupied 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.
Motel	A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters where each room is provided with a separate exterior entrance, a parking space, and is offered principally for temporary occupancy by motor vehicle travelers (including auto courts, motor courts, motor inns and motor lodges). 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. See also "bed-and-breakfast use." A motel may include a restaurant, nightclub, newsstand or tavern, provided that such uses are clearly accessory to the principal use of overnight accommodations.	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. See also "bed-and-breakfast use." 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/ 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 to individuals unrelated to the residents of the dwelling. <u>Includes Homestay and Vacation Rental.</u>
Tourist Home		Remove references.
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 transient lodging, and where such lodging is provided for compensation, and where the dwelling unit is not concurrently occupied by the operator of the use.

Permitted Districts

Use	GC	HC	I	IND	OT	R1	R1A	R2	RO	ROR	TC	ESO
B&B	P	P			P		P		P	P	P	P
Boarding House/ Rooming House	P				SE							
Homestay*	ACC*	ACC*		<u>ACC*</u>	ACC*	ACC*	ACC*	ACC*	ACC*	ACC*	ACC*	ACC*
Hotel	P				P				P	P	P	
Motel	P										P	
Vacation Rental	P	P			P				P		P	<u>Prohibited</u>

P=Permitted By-Right SE=Permitted by Special Exception ACC= Permitted as Accessory Use

* Permitted as accessory to a residential use only.

Use Standards

Existing Bed-and-Breakfast Use Standards:

1. Within an R-2 Residential District, no more than 10 rooms shall be provided.
2. The off-street parking spaces for the bed-and-breakfast shall be located:
 - (a) To the rear of the principal building;
 - (b) Screened from the street and abutting dwellings by evergreen screening; or
 - (c) On another lot within the requirements of Part 13.
3. At least one full bathroom shall be provided for every four sleeping rooms.
4. The use shall have a residential appearance and character.
5. The use shall be operated by permanent residents of the lot. **Alternatively, the Bed and Breakfast may provide staff presence on-site 24 hours per day, 7 days per week.**
6. 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.
7. The use of any amenities provided by the bed-and-breakfast, such as a swimming pool or tennis court, shall be restricted in use to the clientele and permanent residents of the establishment and their occasional invited guests, unless commercial recreation is also permitted by the district regulations.
8. In a residential district, bed-and-breakfast uses shall be restricted to buildings that existed prior to January 1, 1950.
9. **Any required exterior Improvements to the Building, such as those required to meet applicable fire safety requirements, shall be located, to the maximum extent possible, to the rear of the Building and shall not detract from the residential character of the Building.**
10. **The operator of the Bed and Breakfast 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.**

Proposed Vacation Rental Standards

1. The operator of the Vacation Rental shall, at all times while the property is being used as a Vacation Rental, maintain a contact person/entity within a fifteen (15) minute drive of the property. The contact Person or entity must be available via telephone twenty-four (24) hours a day, seven (7) days a week, to respond to complaints regarding the use of the Vacation Rental.
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 in Section 1401.VV.2. The notice shall also set forth the address of the Vacation Rental, the maximum number of vehicles permitted to park on-site, and the day(s) established for garbage collection.
3. Only one rental 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 the Vacation Rental shall be limited to one 18"x18" sign, and shall be prohibited outside the TC, GC, OT, HC and RO Distircts.
6. Any required exterior Improvements to the Building, such as those required to meet applicable fire safety requirements, shall be located, to the maximum extent possible, to the rear of the Building and shall not detract from the residential character of the Building.
7. The operator of the Vacation Rental 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.

Proposed Homestay Standards

1. Maximum two (2) rental room or suites permitted.
2. Only one rental 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 the Homestay shall maintain permanent residency on the premises.
5. A bedroom shall meet the minimum size requirements as defined in the Pennsylvania Unified Construction Code.
6. On-site advertising of the Homestay is prohibited.
7. Food, drink, or meals shall not be provided for compensation.
8. The operator of the Homestay 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.