



Planning Commission Meeting Minutes  
Wednesday, June 5, 2019, 7:30 P.M.

Commissioners in attendance: John Hess, Rob Miller, Paul Cardell, Sean Rafferty  
Commissioners absent: Gary Summers, Matt Murphy, Mickey Bailey  
Consultants in attendance: Kristin Camp, Solicitor; Craig Kologie, AICP, Zoning Official.

1. **Call to Order:** Rafferty called the meeting to order at 7:35 p.m.
2. **Public Comment Non-Agenda Items:** none.
3. **Ordinance discussion:**
  - a. **Regulating short term rentals** - Camp circulated the Supreme Court decision in the "Slice of Life" matter. The decision is instructive for the PC in addressing transient uses by definition; also points to the need for the Pocopson Code to be amended to address definitions for "hotel", "motel", and to identify the districts the uses will be allowed. Commissioners recognized that the Court appears to have "come down on the side of municipalities" but they also discussed that some landowners rely on income or may want to rely on a portion of income from rentals. Establishing criteria for permitting such use is key to properties located in the Residential/Agricultural District (RA). The current code provides for accessory use of properties in the RA District (Section 250-93), but it does not address short-term rentals outside of a family unit. Commissioners agreed that adding a definition for transient lodging will be guiding for individuals who purchase property in the Township for the sole purpose of renting it and to address current interest in the Township to promote rental of a single-family home as an AirBNB. Commissioners discussed scenarios in the Township where the home is not occupied by a family but may be promoted for short-term rental. The question on the table is how to amend the Code so as to provide for a principal use a rental that may or may not be within the RA District. Kologie asked if there should be a separate definition if the short-term rental use is ancillary to the principal use, i.e., the home is the principal use in as much as the family-landowner lives in the home. Commissioners recognized the importance of moving forward with an amendment in some fashion so that the Code/Township is not found to be exclusionary. Camp noted that in part, the decisions regarding accessory use are policy decisions. The Township does not have to allow short-term rental in the RA District. Commissioners agreed that there is no immediate concern with allowing short-term rentals in the Limited Industrial (LI) or Neighborhood Commercial (C1) Districts. Kologie pointed out that the current area and bulk regulations of the Code would likely prohibit any number of hotel franchises from developing a parcel in those Districts. Camp noted that the Code provides for a conditional use process for a decision by the elected-officials as to accessory use. Hess pointed out that the current Code specifically references permitted "Tourist Houses" under the Home Occupation Section of the Zoning Chapter. Commissioners agreed that Camp should proceed with another draft of the current draft iteration of the short-term rental code amendment.

- b. Section 250-11 Township Exemption/Section 250-15.A.A1; -C.10 - Camp recommended no changes to this Section as it is not inconsistent and the exemption language is common when applied to property owned by a municipality.
- c. Home Occupation Section 250-89.A.10 - Secretary provided a "cut and paste" text from the Code (ellipsis marks indicating omitted text) of Major and Minor and Home Occupation references in the current Code. Commissioners discussed at length factors that might define what constitutes a home occupation as follows:
- Number of hours spent working in the home (2 or 2.5 for minor)
  - Number of acres, i.e., would be of concern if the minor or major occupation was a profession that required parking provisions in order to do business (doctor, dentist, accountant, etc.)
  - Impact of traffic, specifically the number of vehicles that enter/exit the property in order to do business
  - Demonstration of adequate water and septic (this factor is governed in part by the County; there are locations in the Township with access to public water and connections to a wastewater treatment plant)

Commissioners agreed that the language of this Section is in need of modernizing. A number of the definitional standards (like "Tourist House") should be reviewed for consistency.

4. **Approval of Meeting Minutes:** Cardell moved, Hess seconded, to approve the Meeting Minutes dated April 3, 2019; motion carried.
5. **Other Business:**
- a. Act 537 Update - Kologie reported that the Act 537 Update is not pressing but needs to be addressed as the sewage areas should be updated.
- b. Zoning Hearing Board Hearings Update - the 1090 Parkersville Road Application will go to the Board of Supervisors for their June 24<sup>th</sup> meeting if the landscape plan is ready. The hearing is scheduled for July 9<sup>th</sup>. Nothing further to report on 604 West Creek Road Application.
- c. Public meeting dates: Board of Supervisors Work Session is June 18<sup>th</sup> at 6:30 p.m. Secretary noted that there will be a hearing to amend the Special Events Ordinance during the June 24<sup>th</sup> public meeting. Commissioners discussed and agreed to cancel the July 3<sup>rd</sup> meeting. The Commission does not meet in August. The next meeting will be September 4<sup>th</sup>.
6. **Adjournment:** At 8:12 p.m., Hess moved, Miller seconded, to adjourn the meeting; motion carried.

  
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Susan Simone, Administrative Secretary

  
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Sean Rafferty, Vice Chairman