



**Hellam Township Planning Commission
Meeting Agenda
May 25, 2023
6:00 P.M.**

1. Opening Agenda

- A. Call to Order
- B. Pledge of Allegiance

2. Minutes Approval

May 11, 2023

3. New Business

None

4. Ongoing Business

- A. Short-term Rentals and Accessory Dwelling Units Ordinance Amendment
- B. Fee-in-lieu of Curbing and Sidewalks Ordinance
- C. Solar Ordinance Amendment
- D. Riverland Zone Ordinance

5. Correspondence/Reports

None

6. Upcoming Meetings

Next Planning Commission Meeting – 6/8/23 (one variance and one conditional use application for this meeting so far)

7. Adjournment

Zoom Log In

Meeting ID: 634 220 1697

Password: Hellam44

2

**HELLAM TOWNSHIP
PLANNING COMMISSION MEETING
Minutes of May 11, 2023**

The meeting was called to order at 6:00 PM by Chairman Devin Winand. The meeting was held at the Hellam Township Municipal Building. Chairman Winand led the Pledge of Allegiance. Other members present were Fred Owens, Rick Cooper, John Eifert, Jay Kokiko, Steve Fetrow, Michael Shillott and Susan Enrico (alternate). Other attendees included Rachel Vega, Zoning Officer; Corina Mann Township Manager; and Bill Conaway, Supervisor.

Approval of Minutes

The Planning Commission reviewed draft minutes from the April 27, 2023 meeting. Upon a motion by Mr. Shillott, seconded by Mr. Cooper, the Planning Commission approved the minutes as presented. Motion carried unanimously.

Ongoing Business

The Planning Commission began discussing draft four of the short-term rental ordinance. They pointed out some typos and grammatical changes. Ms. Vega provided a stand-alone ordinance for short term rentals. She explained that Ms. Mann pointed out that if short-term rentals are regulated through the Zoning Ordinance the Township cannot make money off of the permitting. If short-term rentals are regulated through a stand-alone ordinance the Township can make money off of the licensing. Going the route of the stand-alone ordinance also means we cannot make the administrative corrections to the Zoning Ordinance. We also cannot increase the permitted size of the accessory dwelling units through the stand-alone ordinance. The Planning Commission decided to proceed with the stand-alone ordinance.

They began reviewing draft one of the stand-alone ordinance. There were several grammatical changes to make the intent clear. While doing this, it was noticed that some of the provision from draft four of the previous ordinance were not carried over into this one such as the 399-size limitation. Ms. Vega is to review the stand-alone ordinance next to the draft four and incorporate anything that was missed. Continuing the discussion, the Planning Commission decided to change the timeframe in which an accessory dwelling unit (ADU) can be converted into a short-term rental (STR). The prior discussion was that no ADU can be converted into an STR within five years of approval as an ADU. It was discussed that if an ADU approval is obtained and the family member dies within a year or two the ADU would have to sit vacant until the five years is up. The Planning Commission decided to change the time limit to three years. They wanted to be clear that the waiting period begins from the date that the ADU receives conditional use approval. Ms. Vega will make the changes and bring this ordinance back to the Planning Commission for review.

Correspondence/Reports

Ms. Vega provided the April 2023 zoning report.

The next meeting is scheduled for May 25, 2023. The Planning Commission will have a final review of the short-term rental ordinance then begin working on fee-in lieu of curbing and sidewalks.

Meeting adjourned at 6:56 PM

Respectfully submitted,

Rachel Vega, Zoning Officer

ORDINANCE NO. 2023-XX

HELLAM TOWNSHIP

YORK COUNTY, PENNSYLVANIA

AN ORDINANCE OF HELLAM TOWNSHIP, YORK COUNTY, PENNSYLVANIA, TO ESTABLISH CHAPTER 382 OF THE TOWNSHIP OF HELLAM CODE PERTAINING TO SHORT-TERM RENTALS

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Hellam, and it is hereby enacted and ordained, as follows:

SECTION 1: Chapter 382 of the Code of the Township of Hellam is created to address short-term rentals as follows:

§382-1. Short Title.

This chapter shall be known and may be cited as the "Hellam Township Short-term Rental Ordinance."

§382-2. Purpose and Intent.

- A. To permit development of short-term rental units in appropriate zoning districts and to require that short-term rental units will be of such character as to promote the objectives and purpose of this Ordinance.
- B. To protect the integrity and character of the township.
- C. To protect other uses and values contiguous to or near short-term rentals.

§382-3. Terms defined.

As used in this chapter, the following terms shall have the following meanings:

APPLICANT – a landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

GUEST – A person who is invited to visit or take part in a function organized by another.

SHORT-TERM RENTAL LICENSE – a license granted by the Township permitting a structure to be utilized for short-term rental use.

SHORT-TERM RENTAL (STR) – the rental of a residential unit or portion thereof for a period of less than 30 nights, for which the guest **tenant** compensates an owner of the unit.

TENANT – the primary individual (transient tenant) who signed an agreement with the owner or owner’s agent for the temporary use of a short-term rental (STR).

RESIDENTIAL CAMPING UNIT – also known as “glamping” or “glamorous camping. These structures shall be constructed with canvas or wood and may contain amenities such as beds, electricity, heat and indoor plumbing usually not used when camping traditionally. These units are designed to be used or occupied for transient and recreational purposes and shall follow the regulations for a short-term rental. **A residential camping unit shall not exceed 399 square feet of habitable floor area.**

§382-4 Location.

- A. A short-term rental is a permitted use in the Rural Agricultural, Residential, Mixed-use 1 and Mixed-use 2 Zones. **Short-term rentals are subject to the applicable provisions of Chapter 490.**
- B. Conversion of an accessory dwelling unit into a short-term rental is a conditional use in the Rural Agricultural, Residential, Mixed-use 1 and Mixed-use 2 Zones.

§382-5. License Required.

No owner of any property in Hellam Township shall operate a short-term rental in Hellam Township without first obtaining a short-term rental license from the Zoning Officer. Operation of a short-term rental without such license is a violation of this chapter.

§382-6. License Requirements.

- A. Short-term rental license application shall contain all of the following information:
 - 1. The name, address, telephone number and email address of the property owner. If the property owner uses a managing agency their name, address, telephone number and email address shall also be provided.
 - 2. Floor plans for the short-term rental unit, including total habitable floor area, total number of bedrooms and total number of occupants permitted. The floor plan shall also contain an emergency evacuation plan and the locations of all smoke detectors, carbon monoxide detectors and fire extinguishers.
 - 3. ~~If the building is a multiunit structure, the total number of dwelling units in the structure and the number of dwelling units being used as a short term rental.~~
 - 4. A site plan showing the location and number of off-street parking spaces.
 - 5. Proof of adequate sewage disposal **as approved by the Sewage Enforcement Officer.**

6. Copy of the current Pennsylvania sales tax license and York County Hotel Excise Tax Certificate.
7. Signatures of both the property owner and the local managing agent or local contact person.
8. Trespass waiver, signed by the owner, allowing access to the property for the Enforcement Officers for the purpose of inspection to verify compliance with this chapter.
9. A copy of the current deed.
10. Declaration page of a paid up, current insurance policy in effect with respect to the property evidencing at least \$500,000 in liability insurance covering short-term rentals for the full duration of their license term.

§382-7. Short-term Rental Standards.

- A. Only one (1) short-term rental is permitted within 700 feet of another short-term rental. This shall be measured from structure to structure. All short-term rentals in existence prior to the date of adoption of this ordinance shall be grandfathered in from this provision. **Written documentation must be provided for proof that the short-term rental existed prior to the adoption of this ordinance.**
- B. Individual rooms in a structure shall not be offered for rent as a short-term rental to different tenants unless it is owner occupied.
- C. No yard parking is permitted at any time. Each short-term rental shall provide **include** one (1) off-street parking space.
- D. The property owner is responsible for any trash or noise disturbance that is created or caused by any tenant or guest. Failure to have adequate trash storage and weekly collection service or to stop a noise disturbance caused by a tenant will result in a notice of violation.
- E. If a complaint is communicated to the property owner, said property owner shall respond on-site within one (1) hour. If the property owner is not within a one (1) hour distance to the short-term rental a local person or management company shall be designated to manage the short-term rental.
- F. Quiet hours are from 10:00 PM to 8:00 AM.

- G. The owner shall limit overnight occupancy of the short-term rental to the specific number of tenants and guests designated in their short-term license.
- a. Overnight occupancy of a short-term rental dwelling unit shall be limited to no more than two persons per bedroom plus four additional persons per dwelling unit.
 - b. The maximum number of day guests allowed at any one time, in addition to the overnight tenants, shall not exceed 75% of the maximum overnight occupancy of the short-term rental.
 - c. The property owner may not advertise an occupancy greater than that designated on their short-term rental license.
- H. No signs advertising the short-term rental are permitted anywhere on the property.
- I. Any modifications to the external appearance of a building (except fire escapes) shall complement its residential character.
- J. The short-term rental license shall be visibly displayed along with an emergency evacuation route at all times.
- K. All occupied rooms offered for rent shall have one (1) working smoke detector and one (1) working carbon monoxide detector.
- L. Each short-term rental, including a residential camping unit, shall have a working and regularly maintained fire extinguisher on each floor. The location of the fire extinguishers shall be shown on the emergency evacuation route.
- M. Each short-term rental shall be inspected when a health and safety complaint **is filed** with the Township. Each inspection resulting in a violation shall be charged an inspection fee as established in the Township's fee schedule. It shall be the responsibility of the property owner to pay the inspection fee.
- N. **Any approved accessory dwelling unit shall not be used as a short-term rental. Conversion of an accessory dwelling unit to a short-term rental will require conditional use approval. Conversion of an accessory dwelling unit to a short-term rental shall not be permitted within three (3) years of the date the conditional use is approved.**

§382-8. Fees, Term and Renewal.

- A. Short-term rental license fees, payable to Hellam Township upon the filing of a short-term rental license application, shall be in such amount as may be established by resolution duly adopted by the Board of Supervisors.
- B. Any short-term rental license is good for a period not to exceed one year from the date of issuance and must be renewed annually. Short-term rental license renewal fees, payable to Hellam Township upon the filing of a short-term rental license renewal application, shall be in such amount as may be established by resolution duly adopted by the Board of Supervisors.
- C. Short-term rental license renewal applications shall contain information regarding any changes from the immediately preceding application with respect to matters governed by this chapter.
- D. Verification that all owed sales and hotel taxes have been paid shall be made before a short-term rental license renewal application is granted.

§382-9 Enforcement Officer.

The Enforcement Officer(s) shall be the Zoning Officer, building Code officer and Sewage Enforcement Officer appointed by the Board of Supervisors from time to time. The Enforcement Officer(s) shall have the responsibility and authority to administer and enforce all provisions of this chapter.

§382-10 Notice of Violation.

If it appears to an Enforcement Officer that a violation of this chapter exists or has occurred, the Enforcement Officer shall send a written notice of violation to the property owner by United States first class mail. The notice of violation shall identify the premises which is the subject of the violation enumerated the conditions which constitute the violation, cite the specific sections of this chapter which are violated, indicate the action required to correct the violation and provide a time established by the Enforcement Officer based upon the nature of the violation, to correct the violation. The Hellam Township Police will also be notified of these violations and locations.

§382-11 Nuisance.

In the interest of promoting the public health, safety and welfare, and minimizing the burden on the Township and community services and impacts on residential neighborhoods posed by short-term rentals, a violation of any of the provisions of this chapter is declared to be a public nuisance.

§382-12 Violations and Penalties.

- A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$1,000.00. No judgement shall commence or be imposed, levied or payable until

the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, **in a timely manner**, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there has been a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

- B. The Township may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

§382-13 Appeals.

Any person affected by any notice or decision which has been issued in connection with the enforcement of any provision of this chapter may request and shall be granted a hearing on the matter before the Hellam Township Board of Supervisors.

- A. Such person shall file, in writing, with the Secretary of the Board of Supervisors, a written petition requesting a hearing and setting forth a brief statement of the grounds for appeal. Such appeal shall be filed with the Board of Supervisors within 30 days of the date of the denial of application, revocation of permit or notice of violation.
- B. The filing of request for a hearing shall operate as a stay of the notice and suspension of further action except in a case where immediate action is necessary to protect the public health.
- C. Upon receipt of a petition, the Board of Supervisors shall set a time and place for a hearing and shall give the petitioner written notice thereof.
- D. After such hearing the Board of Supervisors shall make findings as to compliance with the provisions of this chapter and shall issue an order in writing.

SECTION 2. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 3. This Ordinance shall become effective five (5) days after adoption.

Enacted and Ordained by the Board of Supervisors of Hellam Township, York County, Pennsylvania, in lawful session assembled, this ____ day of ____, 2023.

TOWNSHIP OF HELLAM

Attest:

Secretary

Chairman, Board of Supervisors

DRAFT

April 27, 2023

Suggestions:

1. Our township engineer would need to come up with a specific road frontage cost basis that will determine the fee for applicants Fee in Lieu Of (FILO).
2. Our township engineer would need to develop an annual list of which locations within the township need curbs and/or sidewalks installed.
3. Suggestion would be an annual resolution to review all the FILO applications and the fees acquired. The same annual resolution would identify where the in the township the fees would best be spent.

Questions:

1. Could we consider a discount for the applicant's FILO as opposed to paying the full price of the sidewalks and/or curbs that would have been installed.
2. Should we use a purely length formula for determining the fee? Or should the fee be based on some other method? (Please see as per 2014 Pennsylvania Consolidated Statutes – Section 21A03 Assessment based on front foot basis (handout)). This uses a percentage of assessed value as an example of determining a fee.
3. Would this be applied to state or county roads? Or would this only apply to township roads?
4. Would the formula of length fee have to cover the highest cost of installation/construction of curbs and/or sidewalks along a state, county, or township road?

ORDINANCE NO. 2022-XX
HELLAM TOWNSHIP
YORK COUNTY, PENNSYLVANIA

AN ORDINANCE OF HELLAM TOWNSHIP, YORK COUNTY, PENNSYLVANIA,
AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE
TOWNSHIP OF HELLAM

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Hellam is hereby amended as follows:

SECTION 1: Chapter 430 of the Code of the Township of Hellam, is amended as follows:

A. Section 430-40 shall be amended to add:

L. The Board of Supervisors, after having conferred with the Planning Commission, may find the installation of sidewalks impractical because of the location, access, drainage, or other physical features of the land. In such cases, the Board of Supervisors shall require payment of a fee in lieu of installing sidewalks. Such fee-in-lieu payments shall be payable to the Township upon approval and prior to recording each final section of the overall plan by the Board.

(1) Fee-in-lieu payments shall be arrived at by annual resolutions adopted by the Board of Supervisors that will set the average material and labor cost for the calendar year. Amounts established shall remain in effect until a succeeding resolution establishing other rates is adopted. Sidewalk area required x labor cost x material cost = fee in lieu. This fee shall be established by the Township Engineer.

(2) Fee-in-lieu money authorized by this chapter shall, upon receipt by the Township, be deposited in an interest-bearing account. Interest earned on the account shall become funds of the account. Funds from the account shall be expended only for the purpose of providing sidewalks in the Township at an appropriate location as determined by the Board of Supervisors.

B. Section 430-41 shall be amended to add:

G. The Board of Supervisors, after having conferred with the Planning Commission, may find the installation of curb impractical because of the location, access, drainage, or other physical features of the land. In such cases, the Board of Supervisors shall require payment of a fee in lieu of installing curb. Such fee-in-lieu payments shall be payable to the Township upon approval and prior to recording each final section of the overall plan by the Board.

(1) Fee-in-lieu payments shall be arrived at by annual resolutions adopted by the Board of Supervisors that will set the average material and labor cost for the calendar year. Amounts established shall remain in effect until a succeeding resolution establishing other rates is adopted. Curb area required x labor cost x material cost = fee in lieu. This fee shall be established by the Township Engineer.

(2) Fee-in-lieu money authorized by this chapter shall, upon receipt by the Township, be deposited in an interest-bearing account. Interest earned on the account shall become funds of the account. Funds from the account shall be expended only for

the purpose of providing curb³ in the Township at an appropriate location as determined by the Board of Supervisors.

SECTION 2. This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED, this _____ day of _____, 2022, by the Board of Supervisors of the Township of Hellam, York County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF HELLAM
York County, Pennsylvania

Attest: _____
Secretary

By: _____
Chairman Board of Supervisors

DRAFT

A. Section 430-40 shall be amended to add:

L.

- (3) Each year the Township Engineer will provide to the BOS what roads and what sections of roads in the township require sidewalks that can be funded by collected In-Lieu Of fees. These locations can be determined by urban and or, suburban residential/business densities or by projected suburban residential and or business growth areas. Areas known to be in dire need of sidewalk replacement can also be a candidate. An annual resolution approved by the BOS for those identified locations will be accomplished for the construction.

A. Section 430-41 shall be amended to add:

G.

- (3) Each year the Township Engineer will provide to the BOS what roads and what sections of roads in the township require curbs that can be funded by collected In-Lieu Of fees. These locations can be determined by urban and or, suburban residential/business densities or by projected suburban residential and or business growth areas. Areas known to be in dire need of curb replacement can also be a candidate. An annual resolution approved by the BOS for those identified locations will be accomplished for the construction.