

Carroll Township Zoning Hearing Board

Business Meeting Minutes

Monday June 26th, 2023 @ 6:00pm

Meeting attendees were:

Gary Reihart – Chairman

Rich Gensler – Vice-Chairman

Frank Setlak – Secretary

Mark Heishman – Alternate Board Member

Brandon Slatt – Carroll Township Zoning Officer

John R. Wilson – Solicitor from CGA Law Firm

Following are the meeting minutes from the Zoning Hearing Board (ZHB) business meeting held on Jun 26, 2023. The meeting was held at the Carroll Township offices.

1. A motion was made to accept the May 22nd, 2023 ZHB business meeting minutes into record. The motion was seconded and passed unanimously.
2. The business meeting was recessed to commence with the hearing for dockets 2023-003 and 2023-004.
3. The hearing portion of the meeting was adjourned to continue with the business meeting.
4. The Board, Solicitor and Zoning Officer discussed the documents that Mr. Foor submitted based on the conditions of approval the Board attached to his request for a Special Exception. The board came to an agreement on needing two (2) further clarifying documents from Mr. Foor in order to satisfy the conditions of the Board's approval. John Wilson made it clear that even though the Board is not pleased with other circumstances regarding this docket, it's the responsibility of the Zoning Officer, not the ZHB, to enforce all applicable ordinances on this short term rental. A motion was made to have the ZHB Secretary draft a letter to Brandon Slatt detailing what the board is requesting. The motion was seconded, and unanimously passed.
5. The Board, Solicitor and Zoning Officer discussed the challenges with the Township's short term rental language. Frank Setlak distributed examples of Short Term rental language from the Hanover Borough that he liked and said some of the language should be added to our Township's ordinance. The group agreed. Frank volunteered to prepare a draft update to the Township's Short Term Rental ordinance to be sent to the ZHB for review. If the board approves it, the ZHB would submit it to the Board of Supervisors for review and approval. John Wilson stated that he has a compilation of language and points of requirements from several townships that he can send Frank to aid in drafting a revision. A motion was made to have Frank draft a revision to the Carroll Township's Short Term Rental ordinance to be submitted to the ZHB by the next July 2023 ZHB business meeting for the ZHB to review, comment and/or change. The motion was seconded, and unanimously passed.

6. John Wilson brought up the topic of the ZHB using a sign-in sheet for Hearings. The Board, John and Brandon Slatt discussed the reasons or purposes of using a sign in sheet. The group agreed that there really was no need to use one as it serves no purpose. Any attendee who wants to be heard would present themselves at the podium and they would be recorded via the stenographer. It was agreed that we will no longer use a sign-in sheet for administrative purposes.
7. A motion was made to adjourn the meeting, which was seconded, and unanimously passed.

Prepared by: Frank Setlak
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for the proposed site tower and WCF.

4. The applicant shall supply documentation demonstrating that the proposed WCF complies with all state and federal requirements regarding aviation safety.
5. Where the WCF is located on a property with another principal use, the applicant shall present documentation that the property owner has granted an appropriate lease or easement for the WCF and for access to the WCF.
6. The special exception general procedures and criteria at § 140-501 shall apply and be satisfied by the applicant. In addition, the applicant shall, at its expense, mail written notice of the scheduled public hearing to all owners of record of property within five hundred (500) feet of the proposed WCF. Such notice shall be mailed at least fourteen (14) days prior to the scheduled public hearing and the applicant shall provide a copy of such notice and proof of such mailing to the Borough at or before the time of the hearing.

§ 140-445. Short Term Rental.

Operators of short-term rentals shall conform to the following standards:

- A. A separate short term rental license is required for each dwelling unit for a two family, or multi-family dwelling; a separate license shall be required for each dwelling unit being rented as a short-term rental. Short Term Rental licenses shall be renewed on an annual basis and with any change in ownership of the dwelling. A zoning permit is required for each parcel where a short term rental is proposed.
- B. The maximum number of short-term rental units that can be separately rented in a multi-family dwelling with more than three (3) units, shall be forty percent (40%).
- C. The short-term rental shall not provide meals or retail sales/rental of merchandise, equipment, or services for compensation (either directly or indirectly) in Residential Zoning Districts.
- D. The length of stay per transient occupant shall be limited to a maximum of 30 days.
- E. Short term rentals in any property within a Residential Zoned Property located outside of the Short-Term Rental Overlay (STRO), shall be owner occupied. Short term rentals in any property within a Residential Zoned Property located inside of the Short-Term Rental Overlay (STRO) are not required to be owner occupied. Further, if while the property is operating as a short-term rental, and the owner is not within 30 miles of the property, the applicant shall designate a local contact person who shall have access and authority to assume management of the short-term rental unit and take remedial measures. An owner who resides within the Borough or within 30 miles of the short-term rental unit may designate himself/herself as the local contact person.
The local contact person shall respond to the Borough or to a police officer after being notified by such official of the existence of a violation of this chapter or any disturbance requiring immediate remedy or abatement. If the local contact person is not the owner, the local contact person shall immediately advise the owner of any notification of a violation. There shall be a local contact person available at all times the short-term rental unit is operated. The owner may change the local contact person only after written notice to the Zoning Officer.
- F. Short term rentals shall not exceed the number of transient occupants of two (2) persons per dedicated bedroom plus two (2) additional persons excluding children under the age of three (3).
- G. On-site parking required. Each short-term rental that is all or part of a single-family dwelling unit, up to four (4) bedrooms shall provide at least one (1) vehicle parking space in the garage, driveway, or other on-site parking area for each bedroom plus at least two (2) additional vehicle parking spaces (to account for additional short-term tenants who may drive separately). Short

term rental units with more than four (4) bedrooms shall provide at least three (3) additional onsite vehicle parking spaces.

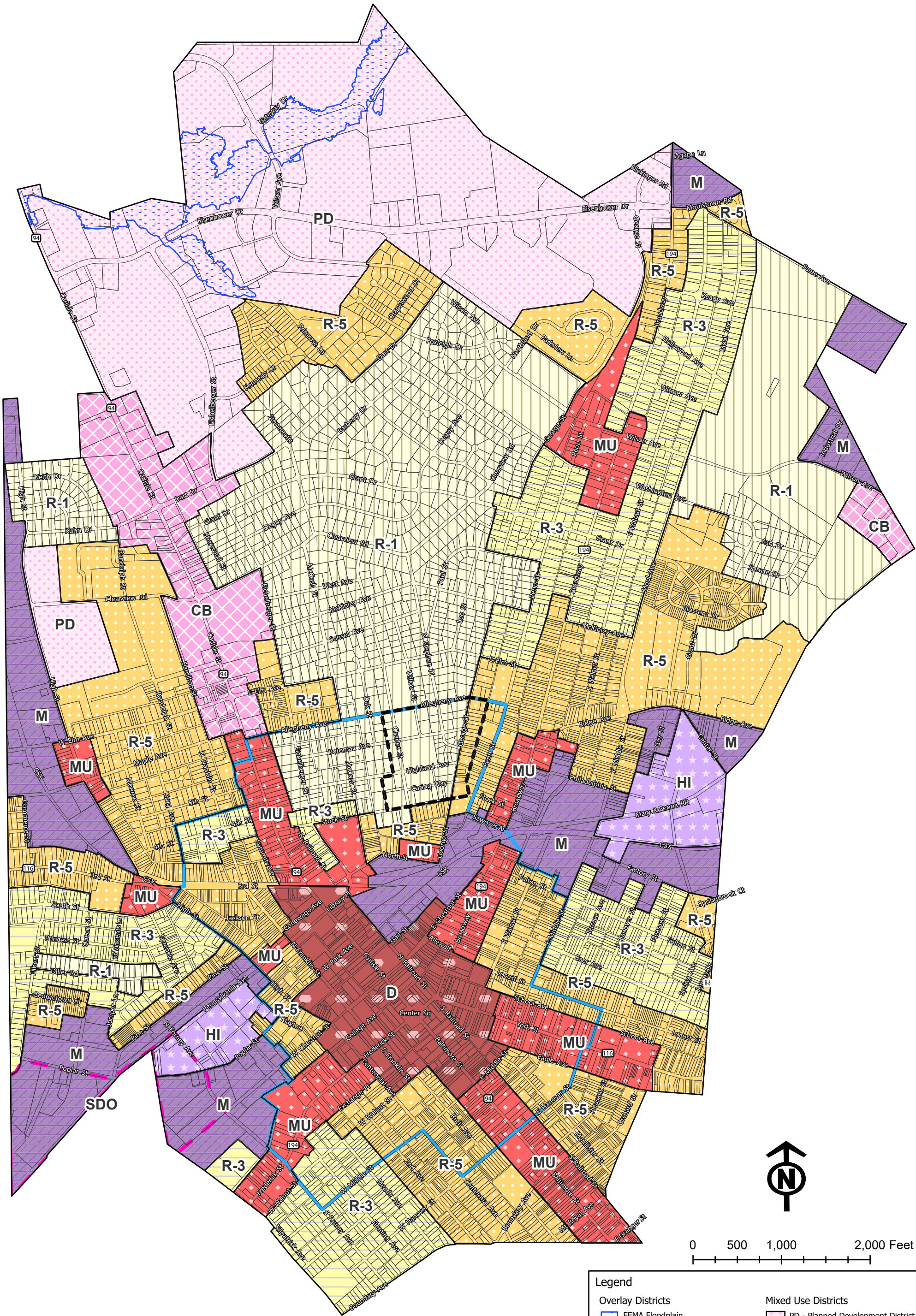
Each short-term rental that is all or part of a unit within a multifamily building shall comply with these requirements. The parking required by this Section shall be available for use by the short-term tenants while the short-term rental is occupied by such tenants. All parking must comply with Section 140-511. "Parking and Loading Requirements".

- H. Occupants must adhere to all the Borough's nuisance ordinances and shall not engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual, or excessive noise, offensive conduct, public indecency, threatening or fighting or creating a physically offensive condition. The renters shall sign a binding document that requires they acknowledge and agree to adhere to those minimum standards. A copy of the signed agreement shall be made available to the Borough's Zoning Officer when requested.
- I. The commencement of short-term rental activity of a dwelling unit (or units) shall be considered a "Change of Use" of the property and shall not occur without the property owner first applying for, and receiving, a zoning permit from the Borough for such change in use, followed by or in conjunction with an application for and approval of a short-term rental license.
- J. Upon receipt of zoning approval for a short-term rental, the applicant shall submit, as part of a short-term rental license application, the following:
 - 1. A complete written application as provided by the Borough.
 - 2. Copy of the current recorded Deed for the Property establishing ownership.
 - 3. Copies of current York County Hotel Room Excise Tax Certificate and current Pennsylvania Sales and Use Tax License.
 - 4. Signatures of both the owner and the local managing agent or local contact person, if applicable.
 - 5. An initial inspection will be conducted by the Borough at the time of short-term rental application, upon receipt of a verified complaint relating short term rental compliance (including life safety), and on an annual basis as part of license renewal.
 - 6. If the building is a multi-unit structure, the total number of dwelling units in the structure, the number of dwelling units being used as short-term rental and the designation of which units are short term rentals.
 - 7. Short-term rental license applications shall be accompanied by administrative and inspection fees to defray the costs of processing and managing the application. The fee shall be as set by Resolution of Borough Council as part of the Borough's overall schedule of fees.
- K. There shall be no occupancy of recreational vehicles, camper trailers, and in tents at the short-term rental. There is to be no overnight sleeping of occupants or guests of the short-term rental outside of the dwelling unit.
- L. The applicant shall prepare and present to the Borough (with the Change of Use or License process) a copy of a notice or notices which shall be prominently and continuously posted at the short-term rental unit which shall contain all of the following information:
 - 1. The owner's name or management agency, agent property manager or local contact and a telephone number reachable on a 24 hour basis;

2. 911 address for the property;
 3. Maximum number of occupants permitted to stay in the short-term rental dwelling and maximum number of days at any one time;
 4. Maximum number of all vehicles allowed to be parked on the property or in front of the dwelling unit within the property boundaries;
 5. Notification of trash pickup day and the location to place trash for pickup. Refuse is not to be left or stored on the exterior of the property unless in water-tight metal or plastic can;
 6. Floor plans for the short-term rental, showing emergency exits and path to exit from sleeping quarters.
- M. Short Term Rental shall be permitted in those Zoning Districts as noted on the appropriate Use Table(s).

§ 140-446. Conversion of Existing Single-Family Dwelling into Two or More Dwellings.

- A. A Single Family Dwelling, attached or detached, in existence at the time of adoption of this Zoning Ordinance, may be converted to a duplex or multi-family use, provided the following conditions are met:
1. The proposed conversion shall require a Special Exception review by the Zoning Hearing Board.
 2. The existing Single Family Dwelling to be converted shall have included at least 3,000 SF of gross floor area at the time of adoption of this Zoning Ordinance.
 3. The proposed duplex or multi-family use must be permitted within the zoning district.
 4. The proposed duplex or multi-family use shall meet applicable district area and bulk requirements.
 5. Required parking for the proposed duplex or multi-family use shall be provided on-site and meet any other parking or loading standards.



HANOVER BOROUGH OFFICIAL ZONING MAP

ADOPTED October 26, 2022

Legend

FEMA Floodplain	PD - Planned Development District
HO - Hospital Overlay	CB - Corridor Business District
SDO - Special District Overlay	MU - Mixed Use District
STRO - Short Term Rental Overlay	D - Downtown District
R-1 - Lower Density Residential	HI - Heavy Industry
R-3 - Medium Density Residential	M - Manufacturing
R-5 - Higher Density Residential	Parcel Boundary