

MINUTES  
New Holland Borough Planning Commission  
October 17, 2017

The New Holland Borough Planning Commission met on Tuesday, October 17, 2017 at 6 p.m. in Borough Hall. Members present were: Chairman William H. Kassinger, Vice-Chairman Charles F. Kidhardt, members Carl H. Hess and William H. Seiple. Member Donald W. Reed was absent. Also present was Planning Secretary J. Richard Fulcher.

Chairman Kassinger opened the meeting asking for action on the Minutes of the Commission's last meeting, noting that he asked Secretary Fulcher to double check the timing of the first letters he sent to Brimmer Avenue residents related to the information letters he sent to the impacted residents of Brimmer Avenue and Garden Spot Village's Phase 2 plans for Sycamore Springs (page 2 second paragraph).

Carl Hess then made the motion that based on the confirmation or possible correction of the first mailing date, the Minutes be approved. This was seconded by Charles Kidhardt and passed.

The members next reviewed the proposed amendments to the Zoning Ordinance as prepared by the Manger, planning consultant and consulting attorneys. These were reviewed as to the need to further clarify that short-term rentals such as Airbnb and VROB and so on, are not permitted uses in the Borough's Residential or C-1 Zoning districts. Such rentals are only allowed in the C-2 district. The reason these changes have been recommended is that even though the Zoning Ordinance clearly identifies permitted uses in each district and then uses the wording "...and no other", the Zoning Board's attorney reported that there was a recent appeals court decision that overturned a Zoning Board's decision because the concept of short-term rentals was not clearly defined as a non-permitted use. It was recognized the exact wording of that ordinance may not be as clear as New Holland's but he still suggested the recommended changes. These changes do not impact the regular Bed and Breakfasts in the Borough; nor does it change their normal zoning process.

Bill Seiple then made the motion that the proposed amendments to the Borough's Zoning Ordinance be approved and so recommended to Council. This was seconded by Charles Kidhardt and passed. The proposed amendments were:

Part 3, 301 (RA District)

1. ADD New 301.2: “Prohibited Uses—The following uses are prohibited in the R-A Residence District: Short Term Rentals.”

Note: The existing subsection number identifications following the added section should be adjusted by adding 1 to the existing number.

2. Part 4, 401 (R-1 District)

ADD NEW: 401.2: “Prohibited Uses—The following uses are prohibited in the R-1 Residence District: Short Term Rentals.”

Note: The existing subsection number identifications following the added section should be adjusted by adding 1 to the existing number.

3. Part 5, 501 (R-2 District)

ADD NEW: 501.2: “Prohibited Uses—The following uses are prohibited in the R-2 Residence District: Short Term Rentals.”

Note: The existing subsection number identifications following the added section should be adjusted by adding 1 to the existing number.

4. Part 6, 601 (C-1 District)

ADD NEW: 601.2: “Prohibited Uses—The following uses are prohibited in the C-1 Commercial District: Short Term Rentals.”

Note: The existing subsection number identifications following the added section should be adjusted by adding 1 to the existing number.

5. 1701 (Definitions) ADD: “SHORT TERM RENTALS—Rental periods of less than thirty (30) consecutive days.”

Secretary Fulcher reported that he hopes to move forward with the Commission with the potential other updates, clarifications and other possible improvements to the entire Ordinance in 2018; beginning through the winter.

There being no further business or public comment, the meeting was adjourned at 6:18 p.m.

February 20, 2018

Date Approved