

SUMMIT TOWNSHIP PLANNING COMMISSION

Special Meeting Monday, May 2, 2022

A special meeting of the the Summit Township Planning Commission was called to order by Chairman Timothy Will at 5:00 p.m., followed by a salute to the flag. Present were board members Ron McElderry, Christine Matheis, Christopher Lynch and Christopher Friday. Also present were Director of Land Development, Jack Lee, Zoning Administrator Tamara Cass, Engineer Matthew Jonas, and Administrative Assistant Debra Jageman and seventy-eight (78) interested members of the public.

CALL TO ORDER

Chairman Will welcomed the residents in attendance and explained the purpose of the meeting was to discuss the possibility of amending the Short Term rental section of the Zoning Ordinance. Will stated that the meeting will end before 6pm and if there is time before the meeting ended he would accept public comment. Will then introduced Tim Wachter, the Township Solicitor from Knox Law Firm.

SUMMIT TOWNSHIP
ZONING ORDINANC
2021-02 ARTICLE6
REGARDING SHORT
TERM RENTALS

Attorney Tim Wachter began his presentation with explaining that this meeting was informational, and the Board will not deliberate or make any decisions at this meeting. Wachter stated that the Short Term Rental section of the Zoning Ordinance will be discussed. Wachter explained the trends of Short Term Rentals, and the abilities of police power that the Township has for regulating or not regulating the Short Term Rentals. Wachter pointed out the Summit Township Zoning Ordinance's intention is to promote, preserve, protect, and facilitate the public health, safety, morals, general welfare of the public.

Wachter explained the court rulings on Short Term Rentals, such as the Slice of Life vs. Hamilton Township. The Erie Zoning Hearing Board ruled in favor of a Glenwood property owner who used her home as an Short Term Rental. In 2019 the Hamilton Township Zoning Hearing Board reversed its ruling because the PA Supreme Court ruled in Slice of Life v. Hamilton Township Zoning that Short Term rentals are prohibited unless a municipality residential zoning code specifically permits them. Wachter stated, currently the Summit Township Zoning Ordinance does specifically permit them in all the districts. Wachter mentioned the Leinberger vs. Stellar case and the facts found that the Trial Courts's order allowing the short-term rental of a single-family dwelling located in a preservation zoning district.

Wachter reviewed the current definitions of family, dwelling, short term rental, single-family and dwelling. Wachter said the definition in our current Zoning Ordinance of a dwelling is a building or portion of a building used as a non-transient individual living, kitchen, and bath facilities in each dwelling unit. He stated that definition of a short term rental in the Zoning Ordinance is the "use of a single-family dwelling unit rented for the purpose of overnight lodging by non-related individuals for a period of time and which does not meet the definition of a bed-and-breakfast use." He asked if we could redefine the definitions. Furthermore, Wachter explained the definition in the Zoning Ordinance regarding Hotels reads as follows, "a building or buildings including rooms rented out to persons as clearly transient and temporary living quarters."

Wachter mentioned Summit Township may want to reconsider where we allow the Short Term Rentals to protect the quality and characteristics of the neighborhood. Is this a commercial property, does it meet commercial code, should we implement density and parking limitations? Renters are not as stable as long term residents; therefore, Wachter asked, does Summit

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Township want to regulate the Short Term Rentals, require the owner to obtain a license, regulate parties, signage, and noise? The Planning Commission has the option to present to the Board of Supervisors recommendations based on what is best for Summit Township. The existing Short Term Rentals are grandfathered in if they continued that use but we may want to consider regulating new Short Term Rentals. Discussion ensued.

McElderry asked why have municipalities delayed in regulations. Wachter commented that Short Term Rentals exploded in the last two years. The recent incidents in Erie and Pittsburgh with the shootings triggered taking a look at our current regulations. What is the effective day of the Ordinance? Wachter will get back to him on answer. McElderry asked why is this not a business? Wachter explained that we need to review the definition of Short Term Rentals.

PUBLIC INPUT

Wachter concluded his presentation and Will invited attendees to ask questions. Will explained this is not hearing, just a special meeting.

Clifford Pier, 10200 Tiger Lane Road, expressed concern for the existing Short Term Rental on Tiger Lily and how it impacts the area such as garbage, cars, people, etc.

Anita Lemmon, 8700 Parson Road, explained she is an owner of a Short Term Rental on Route 97. She limits the number of people who stay there, she takes care of the garbage, and she feels it's a regional asset. She has guests travel from all over. She requires a two night minimum, pays a hotel occupancy fee which is automatically taken out. She acquired the property from her family and has put a lot of money into the property. If there are issues in a subdivision she recommends that folks update their HOA regulations. She has great reviews from the folks that stay here.

Robin Yapple, 1571 Ponderosa Drive, expressed concern regarding her Short Term Rentals. She recently bought a blighted property, put lots of money into the property. She has high end clients, she checks references, allows no parties, has outside cameras, and puts money into the landscaping and renovations. She has invested money and would not allow people to trash her properties. She has developed friends from these rentals. She thinks you would have shootings any where. She maintains her lawns, property and welcomes any neighbor to discuss her plans.

Ed Tropper, 1235 Ponderosa, expressed concern about the Short Term Rental in his neighborhood. He explained that his neighborhood is quiet, low traffic, and has young children.

Steven Mioduszewski, 1201 Ponderosa, expressed concern about the Short Term Rentals in the neighborhood. He expressed that his family has lived on Ponderosa Drive since 1963 and cares about the neighborhood, the people and he does not want to allow it to happen.

Brian Kowalczyk, 381 Robison Road West, expressed concerns about his proposed Subdivision which he was going to turn into Cabins or Short Term Rentals. He said he talked with the neighbors and the neighbors were happy to know that a huge subdivision with houses wasn't going in the area.

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Jamie Travis, 8660 Dundee Road, Confirmed that Brian did talk with the neighbors. She believes that this situation is different because the owner does live in the area and she believes that because he lives near the Airbnb then there will be no problems

Gary Ford, 100 Kayla Way, How long are we going to wait to figure out when to handle this?

Will responded that we will start the process of looking at Short Term Rental Section of the Zoning Ordinance.

Lori Polenski, 6891 Ponderosa Drive, expressed concern for the proposed two cabins (possible Short Term Rental) which could decrease the value of her home

Eric Askins, 6851 Ponderosa Drive, asked if he could have meeting minutes sent to attendees of the meeting.

Jonas replied that a recording of the meeting will be uploaded youtube and will be available tomorrow or the next day. Will replied the minutes will be presented at the next Planning Commission Meeting on May 9th for approval.

ADJOURNMENT

Will adjourned the meeting at 6:01p.m.

Respectfully submitted,



Tamara L. Cass
Zoning Administrator

SUMMIT TOWNSHIP PLANNING COMMISSION

**Special Meeting
Monday May 9, 2022
Public Meeting 5:00 P.M.**

AGENDA

1. **CALL TO ORDER**
2. **SUMMIT TOWNSHIP ZONING ORDINANCE 2021-02**
Article 6 Section 616 Regarding Short Term Rentals
3. **PUBLIC INPUT**
4. **ADJOURNMENT**

May 2, 2022

Summit Township Supervisor

We are the Segals,

Andrew and Frances at 1249 Ponderosa

Drive in Summit Township. We have

lived at this address for 58 years. We

were the third house to be constructed

in this whole subdivision in 1963/64. We

chose location for its country like setting and

only 10 minutes away from shopping & church

Things have been pretty quiet and normal

until recently. On Sat. evening as we were

about to retire we notice cars parking

along the street at 10:00 P.M. Rather than

staying up to figure out what was going
on, we went to bed. One of our daughters

had come in from out of town to spend the night. When she went to go out for church at 9:00 AM, one of those cars had their nose half way over our driveway so she had a difficult time getting out.

There were 7 cars parked there in the morning. We were close neighbors with the original owners of 1259, so we know there are only 3 small bedrooms in that house. Has this turned out to be an Air B+B in our quiet neighborhood?

This is something we do not want.

The neighbors on the other side of 1259 complained about loud noise at 7:00 AM to the rest of us.

Why has our quiet little neighborhood become a place for a "Raucous" business?

We are unable to attend this meeting, so we are voicing our concerns in this letter.

Sincerely

Andy and Fran Segal
1249 Pondosa Dr.
Erie, Pa. 16509

814-866-6033

Allison Parr-Plasha
1285 Ponderosa Drive
Erie, Pa. 16509

To Whom It May Concern,

I have been a resident of our current home for almost nineteen years. We specifically chose our home and location due to the incredible nature that surrounds us. It offers us beauty as well as privacy.

Our neighborhood has been able to hold on to its integrity and each home seems to have the perfect amount of land. It has been quiet, respectful and quite honestly the perfect place to raise our family. New homes have been built in the past few years and they continue to hold on to the integrity of the land and privacy.

We love our neighborhood so much that we chose to stay after discovering that the school district of Summit was not the right fit for our children. We have paid for private school for years because of our home and neighborhood.

A few weeks ago, I took advantage of a lovely spring day and was dining solo outside on our deck overlooking amazing trees. I was shocked to see a man right off our deck. He was surveying the land. He disclosed that our new neighbor was planning on building two cabins between our homes. I was sad to learn this news from a stranger and not from our new neighbor. All of our neighbors have always been incredibly respectful and communicative.

There is not a lot of space between our homes. Our home was designed to have all of our bedrooms facing our new neighbors. Sound does carry and I was always surprised by how much we could hear when our past neighbors entertained.

We live right in the middle of Ponderosa drive. Three homes on top of one another does not align with with rest of the neighborhood. I am assuming the plan is to rent the cabins out to Air B and B guests.

Although the current owner says she is building the cabins for her twins, it doesn't quite make sense to me. They are just a year older than our 18 year old son.

I am working hard on withholding negative opinions. We love our home. We love the land. We love our neighbors. And I love knowing our neighbors. We have a twelve year old at home. I had already accepted the fact that our new neighbors will be transient Air B and B guests. But I am having a hard time losing our view, watching beloved trees being cut down and obviously losing our privacy due to the two cabins.

Thank you for taking this in to consideration,

Respectfully,
Allison Parr-Plasha, MSSA, CPCC



5-2-22

Michael Plasha
1285 Ponderosa Dr.
Erie, Pa, 16509
PlashaYoga1@gmail.com
rhadeva@plashayoga.com
814-864-1114

Dear Township supervisors,

Please consider these questions. Your answers will be appreciated.

Regarding the zoning of two cabins next to our property to be used as rentals:

If the owners are saying the cabins will not be rented, is there a signed and notarized document as proof? Can you require one?

What is the Summit Township and Pennsylvania definition of a residential family?

Is our neighborhood zoned only for single family home ownership?

Is short term rental permitted in our underlying zoning district?

If permitted, are there enforceable regulations?

How many old growth trees will be cut?


How will these cabins environmentally impact the tributary creek running along our property lines that drains into Walnut Creek and Lake Erie?

Has an environmental impact statement been issued with the EPA?

Are there any enforceable sound ordinances in Summit Township?

Thank you for considering these questions and I hope your answers will be forthcoming.

Michael Plasha


5/2/22

Hello Tammy,

This envelope contains questions and concerns about Short Term Rentals from these residents of Ponderosa Drive who could not attend this Summit Township Public Meeting meeting tonight, May 2, 2022.

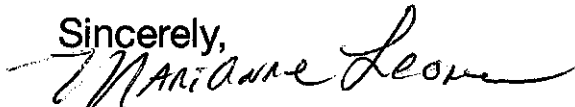
Michael and Allison Plasha - 1285 Ponderosa Drive

Andy and Fran Segal - 1249 Ponderosa Drive

It also contains a letter from me expressing my thoughts, suggestions, researched facts, and general information about our neighborhood on Ponderosa Drive regarding Short Term Rentals. My husband, Ron, and I are both in attendance this evening.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "MariAnne Leone". The signature is written in dark ink and is positioned above the printed name.

MariAnne Leone

1280 Ponderosa Drive

Thoughts, suggestions, researched facts and general
information about our neighborhood
on Ponderosa Drive and Short Term Rentals

MariAnne Leone
1280 Ponderosa Drive

MICHAEL T. AND YVONNE E. LEWIS
1355 PONDEROSA DRIVE
ERIE, PA 16509

STATEMENT FOR THE RECORD

I UNDERSTAND THE SUMMIT TOWNSHIP PLANNING COMMISSION AND SUPERVISORS ARE CONSIDERING TO AMEND THE SHORT-TERM RENTAL SECTION OF THE ZONING ORDINANCE TO ALLOW ADDITIONAL COMMERCIAL RENTALS SUCH AS AIRBNB TO OPERATE IN OUR RESIDENTIAL NEIGHBORHOODS AND I ASK YOU TO NOT AMEND THE ORDINANCE TO ALLOW IT.

FOLLOWING MY HUSBAND'S 21-YEAR MILITARY CAREER, WE RETURNED HOME TO ERIE AND PURCHASED MY PARENTS PROPERTY ON PONDEROSA DRIVE WHERE WE HAVE LIVED SINCE 2010 AND MY MOTHER HAS LIVED SINCE 1965. THIS LONG-TERM RESIDENTIAL NEIGHBORHOOD IS QUIET AND SAFE WITH LOW VEHICULAR TRAFFIC AND KNOWN NEIGHBORS, AND TO ALLOW THE CONSTRUCTION AND OPERATION OF ADDITIONAL COMMERCIAL RENTAL PROPERTIES IN OUR NEIGHBORHOOD WILL FUNDAMENTALLY CHANGE IT BY INTRODUCING INTO IT SIGNIFICANT INCREASED VEHICULAR TRAFFIC, PERHAPS A DAILY LARGE NUMBER OF UNVETTED RENTERS AND GUESTS, AND IT WOULD MOST LIKELY DEPRESS OUR PROPERTY VALUES BY MINIMIZING THE NUMBER OF SINGLE-FAMILY PROPERTIES IN THE NEIGHBORHOOD. IN SUM, SHORT-TERM RENTALS HAVE PROVEN TO CONVERT HOUSES INTO DE FACTO HOTELS AND NEGATIVELY AFFECTED THE QUALITY OF LIFE FOR NEIGHBORS PLAGUED BY TRANSIENT OCCUPANTS.

RESIDENTIAL RENTAL PROPERTY SIGNIFICANTLY DIFFERS FROM COMMERCIAL RENTAL PROPERTY – THE FORMER IS CHARACTERIZED BY LONG-TERM RENTERS WHO ARE TYPICALLY VETTED BY THE PROPERTY OWNER OR MANAGEMENT COMPANY WHILE COMMERCIAL RENTAL PROPERTY LACKS THIS SAFEGUARD TO NEIGHBORS. FURTHER, A RESIDENTIAL RENTAL PROPERTY TYPICALLY MINIMIZES VEHICULAR TRAFFIC WITHIN A RESIDENTIAL NEIGHBORHOOD COMPARED TO A COMMERCIAL RENTAL PROPERTY AND IT ALSO MINIMIZES THE PUBLIC DISRUPTION TO A RESIDENTIAL NEIGHBORHOOD AS EVIDENCED BY A REVIEW OF ONLINE AND PRESS SOURCES THAT HIGHLIGHT THE NEGATIVE CONSEQUENCES OF AIRBNB AND OTHER SHORT-TERM RENTALS TO A MIXED RESIDENTIAL-COMMERCIAL NEIGHBORHOOD.

IT IS FOR THESE REASONS I BELIEVE MANY CITIES AND MUNICIPALITIES SUCH AS JERSEY CITY, NEW JERSEY, WASHINGTON, DC, AND FAIRFAX AND ARLINGTON COUNTIES IN NORTHERN VIRGINIA HAVE DECIDED TO NOT PERMIT OR RESTRICT AIRBNB AND SIMILAR SHORT-TERM RENTALS TO OPERATE IN RESIDENTIAL AREAS. I ASK YOU TO CONSIDER THIS TREND ACROSS THE COUNTRY AS OTHER LOCAL GOVERNMENTS HAVE SIMILARLY CONSIDERED THE ISSUE AND DECIDED TO NO LONGER ALLOW SUCH COMMERCIAL RENTAL PRACTICES TO CONTINUE IN THEIR COMMUNITIES.

THE FINANCIAL INTERESTS OF A SINGLE PERSON OR SINGLE FAMILY SHOULD NOT TRUMP THE COLLECTIVE INTERESTS OF THE OTHER MANY RESIDENTS WHO I BELIEVE UNANIMOUSLY CONCUR TO NOT AMEND THE ZONING ORDINANCE TO ALLOW MORE COMMERCIAL SHORT-TERM RENTAL PROPERTIES IN OUR NEIGHBORHOOD.

THANK YOU

What is a Neighborhood?

Neighborhoods are places we spend our time, raise our children, and build relationships with friends. It should be a place where we feel safe and have peace of mind. Our neighborhood on Ponderosa Drive has become my "neighborhood family." We are hearing lots of talk these days about how short term rentals are ruining the "fabric" of our community. Well, what exactly is the "fabric of our community?" The following are examples of what the "fabric of our community" is.

I have been a witness to and/or been a participant in these times when a neighbor on Ponderosa Drive...

- Mowed another neighbor's lawn or snowplowed their driveway.
- Picked up a prescription at the drugstore or brought food to them.
- Drove their neighbor to a doctor appointment.
- Shared their joys of graduations, anniversaries, weddings, birthdays.
- Shared their sorrows by attending funerals.
- Made lifelong friends.

My husband, Ron, and I have lived on Ponderosa Drive since 1979, for almost 43 years. We know exactly what the "fabric" of Ponderosa Drive means. Our neighbors on Ponderosa Drive have become our "neighbor family". We see them more often than our real family because our real families live out of town.

We have a great deal of care and concern for our neighbors and neighborhood. My husband takes meticulous care of our landscaping. Not only does it improve the appearance of the neighborhood but it also increases the property values.

Last year we purchased land. We didn't buy the land to develop it. We bought it for the preservation of the neighborhood and the wildlife. We wanted to keep the peace of mind that we, as well as our neighbors, have come to appreciate over the years.

Everyone loves living on Ponderosa Drive. We are a close knit "neighborhood family." Everyday, there is always someone to wave to, say hello to, or share a smile with. It is currently a safe street to walk on. Many neighbors walk up and down Ponderosa Drive. Walk with their children, walk with their spouses, or walk their dogs. Or just walk by themselves. Free of any worry. And always ready to stop to talk with a neighbor.

SAFETY ISSUES WITH SHORT TERM RENTALS ON PONDEROSA DRIVE

Currently, there are approximately 21 children and young adults living on Ponderosa Drive ranging in age from infancy to 21 years. Short Term Rentals on Ponderosa Drive decreases the safety of everyone living here, the adults and the 21 children and young adults. Short term rentals are revolving doors for strangers to inhabit our neighborhood.

It has been researched and cited that the crime rate increases as Short Term Rentals increase in a neighborhood. Refer to articles:

[wired.com](https://www.wired.com/story/why-crime-increases-airbnb/) - Why Do Some Crimes Increase When AirBnBs come to town by Sydney Russell July 14, 2021

[news.northeastern.edu](https://news.northeastern.edu/2021/07/16/when-airbnbs-increase-crime/) - When AirBnBs increase in a neighborhood, so does crime. Here's Why. by Molly Callahan July 16, 2021

[goerie.com](https://goerie.com/2022/04/07/weve-got-to-do-something-erie-wrestles-with-managing-airbnbs-and-other-short-term-rentals/) - We've got to do something: Erie Wrestles with Managing AirBnBs and other short term rentals by Kevin Flowers April 7, 2022

[hostaway.com](https://hostaway.com/airbnb-rules-pennsylvania-laws-regulations-taxes/) - AirBnB Rules in Pennsylvania, Laws, Regulations, and Taxes

Short Term Rentals will cause more traffic on Ponderosa as well as increasing the parking of cars on the road as an overflow. This situation could be causes of car accidents especially at night.

Not knowing the people who rent the short term rentals poses a safety and danger risk to all the Ponderosa residents. We have no knowledge of them. They have no allegiance to our neighborhood, no "fabric. It doesn't matter to them what they say or do while they are here. They leave the neighborhood in a matter of days, sometimes the next day. Our safety is at risk each time a short term rental is occupied. The constant turnover population is inheritably destabilizing to our close knit neighborhood.

DISTURBING THE PEACE: NOISE FACTOR

According to AirBNB.com Party and Events Policy:
As of August 20, 2020. AirBNB announced a global ban on all parties and events at AirBnB listings. Report of a violation of their community standards to their Neighborhood Support Team at 1-855-635-7754. I believe Ron McElderry has given you information concerning a noise factor problem we had on our street.

I also have researched some restrictions communities can enforce on Short Term Rentals:

Property owners must obtain a rental license from the city for short term rentals.

Prohibit short term rentals from disturbing the peace and quiet of a neighborhood or engaging in disorderly conduct.

Owners would be required to keep a log of guests and their rental dates that city officials could inspect upon request.

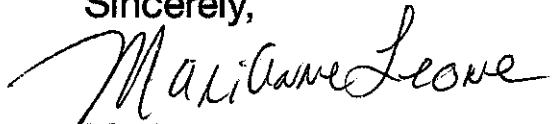
Property owner of the short term rental must use the home as their primary residence for a majority of the year.

In summary, we must regulate short term rentals to promote healthy and safe neighborhoods.

Quote by Theodore Ely: "Short Term Rentals is a quality of Life issue that has the potential to create turmoil in residential neighborhoods."

I hope this letter has been helpful as we all strive to keep our neighborhood a safe place to live.

Sincerely,

A handwritten signature in cursive script that reads "MariAnne Leone". The signature is fluid and elegant, with the first name and last name clearly distinguishable.

MariAnne Leone
1280 Ponderosa Drive

Katherine Sexsmith

1380 Ponderosa Drive
Erie, PA 16509
(814) 572-2400
ktdid1118@hotmail.com

2nd May 2022

Tamara Cass

Zoning Administrator, Summit Township
1230 Townhall Road West, Suite 100
Erie, PA 16509

Dear Ms. Cass,

My name is Katherine Sexsmith and I had the privilege to grow up at 1325 Ponderosa Drive in Summit Township. The neighborhood was such a quiet and idyllic place to play, ride bikes, and run around with friends. We didn't have a lot of safety and security concerns; granted this was the 70's and 80's.

In my adulthood I had the opportunity to build my forever home at 1380 Ponderosa Drive. I jumped at the chance to move back to my childhood neighborhood, as have multiple other "kids" from the neighborhood. I have loved being back in the quiet, family-oriented area where we can walk our dogs without the need of sidewalks and enjoy the wildlife that lives there.

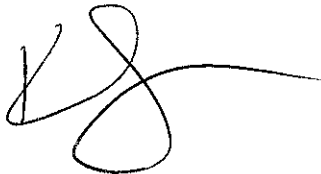
I understand that one of the neighbors has decided to rent out a few of the homes which have recently come on the market as AirBnB properties. This gives me pause given some of the violent incidents that have taken place at large gatherings at various AirBnB properties across the country. There is currently no centralized or mandatory manner by which hosts screen their renters. There is also no requirement for security or noise monitoring at AirBnB properties.

With the advent of coded locks, the convenience of not having to do an in person check in also means that the AirBnB host does not actually know who is using the property for the rental period. This remote management also inhibits the host from monitoring the noise level and size of any gatherings that renters may have at the properties. I understand that this does not limit the liability for damage, etc. that the Host is responsible for legally; but my concern is in preventing the damage and disruption in the first place.

Additionally, there has been mention of more properties being developed with short term rentals rather than family homes. In my opinion, that risks the family oriented feeling of the neighborhood which has attracted so many of the current residents. This also risks the value of the homes in the area; in addition to the increased safety/security risks.

Part of the charm in living in my neighborhood is in knowing my neighbors, keeping an eye out for each other, and being able to enjoy our properties with the expected noise and activity of a family oriented neighborhood. I have great concerns about our neighborhood becoming more transient causing more security and noise disturbances. While I understand that society in general has changed a lot since I was growing up on Ponderosa Drive, one thing has remained constant - the feeling of community and neighborhood. We may not all be "friends" but we recognize each other and wave; we keep an eye on the area and let each other know if there is anything unusual going on; we respect each other's properties. Having a transient population in the neighborhood puts all of that at risk and changes the dynamics of the area.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'K' followed by a large loop and a long horizontal stroke extending to the right.

Katherine Sexsmith

Our neighborhood was established decades ago. The citizens, neighbors, families of this neighborhood established a friendly, secure, quiet and stable community of permanent, long-term residents. The people who live here know each other, care for each other, watch out for each other and are concerned for each other. This is a neighborhood consisting of a variety of people who live day-to-day supporting one another and aiding one another as needed. This is a neighborhood I chose to live in when I first moved here not only due to location and upkeep of the neighborhood, but the permanent, established feel of this quiet, peaceful community.

We have several young families within this neighborhood with many young children of elementary age, pre-teen up to high school age. Our neighborhood consists of a single lane road with NO sidewalks. Several people (children and adults) walk, run, bike and play along this one-mile length road, which comes to a Dead End. The majority of the time we have no or little traffic other than those who live here. The speed limit is 25 mph however we do have others from outside the neighborhood who tend to speed through at times because of little or no traffic.

I have served my country and defended its constitution. I am now here to serve and defend my home and neighborhood which I have long worked for. We are an established neighborhood of working and retired permanent homeowners. To bring in a business that consists of continuous revolving transient people will overtime erode our established, quiet neighborhood.

Can you as our duly elected officials guarantee us, the permanent residents of this neighborhood, the following:

- 1) The safety of our children and residents from the traffic of these transient, temporary people coming and going in and out of our neighborhood?
- 2) The protection of our children from these transient strangers, temporary people coming and going in and out of our neighborhood?
- 3) The surety of clearance for our emergency or utility vehicles from parked cars on the road from these transient, temporary people coming and going in and out of our neighborhood?
- 4) The security of our homes and residents from these transient, temporary people coming and going in and out of our neighborhood?
- 5) The peaceful and quiet setting of our neighborhood from these transient, temporary people coming and going in and out of our neighborhood?
- 6) The protection of our land from these transient, temporary people coming and going in and out of our neighborhood?

These are only a few concerns I have for my neighborhood. Will anyone be doing background checks on these transient, temporary people prior to their stay? This is not against those who have a business in Short-Term Rentals. This is in dispute of the location of their businesses' property. There must be alternatives to locate these rentals other than in an established neighborhood.

As we see the violence and destruction and disrespect of what is happening in our country today it is of great concern of who is entering our long, permanent established community - our neighborhood. We do NOT take our little community for granted! We do NOT take our Township of Summit for granted! Will you?

We need rules and ordinances in the governing of these businesses.

LINDA McJEDERRY
Linda McJederry
2 MAY 2022

I guess I was like most people who really didn't see short-term rentals as much of a problem until recently. The violence in Pittsburgh resulting in fatalities moved me to look deeper into the problem nationally and locally because I didn't want the residents of Summit Township to be subjected to similar outcomes. In the course of researching this topic, I learned that I am far from being the only person with concerns.

I've learned that many residents in my neighborhood are very concerned about short-term rentals that could host loud parties going well into the early morning hours. I am also concerned about the large number of cars that can end up parked on the street at a short-term rental party risking the wellbeing of pedestrians who use the street for walking.

I've realized the trust we place in our permanent neighbors is something we frequently take for granted. Good neighbors spend a considerable amount of time getting to know one another. Having a short-term rental next door sets you up for a new set of neighbors regularly. They are not all bad but without the history and familiarity of a permanent neighbor, how is a person going to trust a transient with their safety and privacy? My concerns are not limited simply to pedestrian safety and peaceful night time sleep. I'm also concerned about the proliferation of multiple short-term units springing up in otherwise stable neighborhoods. Without restrictions, WHAT WILL HALT

the uncontrolled replication of even more short-term rentals in Summit neighborhoods? It's pretty amazing to realize that our own Summit Township ordinances restrict the operation of a business in a residential area with very few exceptions. Excessive street parking and come-and-go traffic are two reasons why this activity is restricted. Yet, with a short-term rental, there are apparently no effective restrictions on activity and street parking. Renting out your own home as a short-term rental is one thing. Placing multiple unattended short-term rental units in a neighborhood is, in my opinion, a business and should be treated as such.

I learned that many municipalities throughout the United States have instituted restrictions on short-term rentals. Some municipalities have all but banned them while others have struck a balance between allowing them and disallowing them by instituting common sense restrictions. I am not an attorney and will always defer to the trusted advice of an attorney on legal matters. I have learned however, that some court challenges have already taken place in Pennsylvania. One of a few such cases making it to the Pennsylvania Supreme Court is Slice of Life v. Hamilton Township Zoning Hearing Board. In this case the Commonwealth court ruled that the property owner's use of the property as a short-term rental was consistent with the single-family dwelling definition. The PA Supreme Court disagreed

and ruled that *short-term rentals are prohibited unless a municipality's residential zoning code specifically permits them*. In my mind, the court is sending a message by ruling in favor of stable neighborhoods. More recent legal developments may have surfaced that I am not aware of but my research shows the high court of Pennsylvania is supportive of municipalities that want to control and restrict short-term rentals.

So what am I asking for?

As defined in the Pennsylvania Municipal Planning Code 2017, at the request of the governing body, the Planning Commission prepares and submits ordinances to the governing body for approval. I am requesting the immediate commencement of the process to draft and formalize an amended ordinance to implement new controls and restrictions on short-term rentals. I am providing a separate list of some recommended restrictions as a separate exhibit.

I realize there may be a tendency on the part of Summit leadership to delay this process to reduce the risk of litigation on what may be considered unsettled law surrounding short-term rentals. I challenge that notion and point out that there are other townships in Pennsylvania that have moved forward with an ordinance that is in effect. Our concerns of risk should

lessen knowing that ALL Pennsylvanians benefit from Pennsylvania Supreme Court rulings. If a delay of unspecified duration is still warranted, I recommend we make a small change to the current township ordinance that will remove short-term rental as a permitted use in residential zoning areas. That way uncontrolled proliferation of short-term rentals will be stopped and legal challenges can proceed while we wait and see. Remember, the Pennsylvania Supreme Court ruled that short-term rentals are not permitted in residential areas unless specifically permitted by ordinance.

In closing, I want to say how surprised I was to learn that the city of Pittsburgh was caught off guard by a tragic fatal shooting at a short-term rental. The headline in the April 19, 2022 Pittsburgh Post-Gazette story reads **"Pittsburgh City Council, in wake of mass shooting, expedites bill to regulate Airbnb, other short-term rentals."** Some say regulations won't prevent violence at short-term rentals. The people in Pittsburgh government apparently disagree. I hope we in Summit can learn from the Pittsburgh example and act quickly to provide for the peace, safety and security of our residents.

Thank you

Ronald J McElderry
May 2, 2022

Some Key Restrictions for Short Term Rentals – This is only a quick and incomplete list of restrictions I put together from online research. Some or all of these restrictions might be used in an updated ordinance. This is not a comprehensive list.

1. Must register as a business if the property owner is renting more than two (or even one) short-term units.
2. Must obtain license/permit
3. Hosts must be permanent residents
4. Without hosts – limit of 90 nights per year is allowed. (or 60 or even 30)
5. Host must be primary resident of the property
6. Limit of two units in Summit Township – if operate two units, one must be primary residence
7. No short-term rental units can be closer than 600 feet to one another.
8. A short-term rental cannot be used for a gathering (visitors other than renters) between 10 PM and 7 AM **AND** a short-term rental cannot be used for an outside gathering of more than six adults between 7 AM and 10 PM.
9. The short-term rental property must provide adequate parking for two vehicles, assuming the maximum gathering size is six people at any given time and that the street can safely handle the additional parking.
10. No bedroom of a short-term rental shall be occupied by more than four people for sleeping purposes at any time of the day.
11. The township shall institute a complaint structure through which neighbors can report problems and issues to the township for action and resolution. Is this a code enforcement issue, or is it a law enforcement issue?
12. Revocation of permit for any rental that **proves** to be a detriment to the neighborhood – assumes that a permit is required to operate a short-term rental.
13. If Summit Township benefits from hotel occupancy taxes, short-term rental operators will be assessed a “hotel” tax to compensate for lost tax revenue.
14. Short-term rental properties shall be inspected to ensure adequate sanitation and basic safety.
15. The use of fires, fire pits, grills, fire rings, etc. shall comply with all ordinances related to burning within the boundaries of Summit Township.
16. Set the maximum occupancy based on the number of bedrooms.
17. Create maximum occupancy based on fire regulations. This seems to be common sense.
18. Consider changing definitions to clarify the differences between a long-term rental, short-term rental (operator on site 24 hours), bed-and-breakfast rental and a vacation rental (short-term but operator not on site 24 hours). This will allow applying restrictions to more effectively prevent unwanted behavior.

Ronald L. McElderry
May 2, 2022

Ronald L. McElderry 1426 Ponderosa Dr Erie, PA 16509

Municipalities With Short-Term Rental Ordinance

1. Jim Thorpe Borough – Carbon County
2. Lehigh Township Northampton County
3. Middle Smithfield Township
4. Monroe County Model STR Ordinance
5. Penn Forest Township

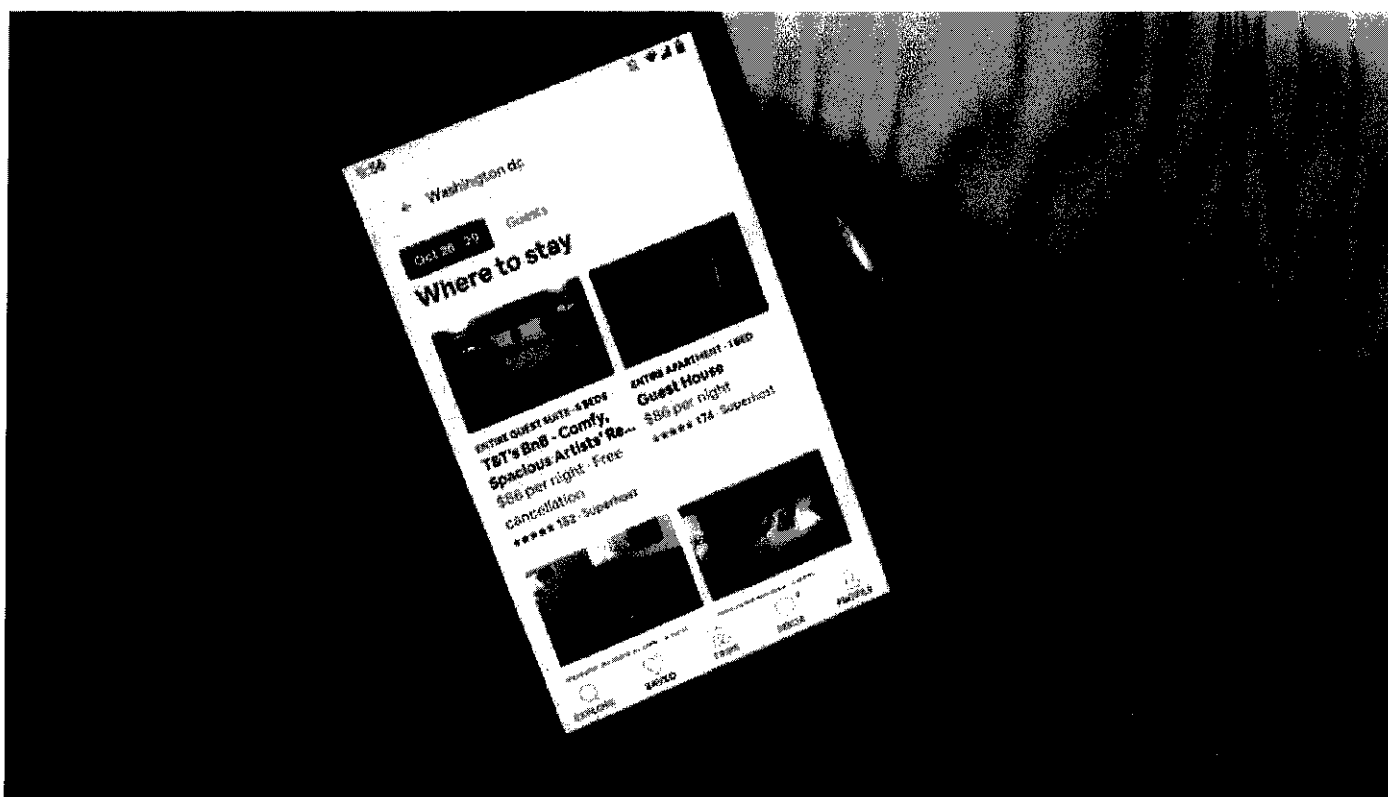
and ~~now~~
now Pittsburgh –

JAN 5, 11:20 AM

D.C. To Start Restricting And Regulating Airbnb And Other Short-Term Rentals



Martin Auster Muhle



As of April, new restrictions on short-term rentals booked on platforms like Airbnb and Vrbo will be enforced in D.C., a popular market for travelers.

Tyrone Turner / DCist/WAMU

D.C. will start implementing a three-year-old law this month that restricts and regulates short-term rentals booked on platforms like Airbnb and Vrbo, requiring hosts to get licenses and limiting how long anyone can rent out an entire apartment or house every year.

The law imposing new restrictions on short-term rentals passed the D.C. Council in late 2018 after more than a year of heated debate, but it wasn't until late Dec. 2021 that the D.C. Department of Consumer and Regulatory Affairs said it was ready to start implementing and enforcing it. The agency will start accepting license applications for short-term rentals on Jan. 10, and start enforcing the law's provisions in April.

The law applies specifically to short-term rentals, those lasting less than 30 days at a time. Under the new law, any D.C. homeowner who wants to rent out a bedroom, basement, or entire home on Airbnb or any other platform has to get a short-term rental license from DCRA. (The two-year license costs \$104.50.)

If the owner is present in the home during the rental (say they post their basement unit for Airbnb), they can host short-term renters as long as they want over the course of each year. But if they are not present (say they are renting their primary home while they are gone during the summer), those rentals are limited to a combined 90 days each year. Short-term rental licenses are not allowed for second homes.

Lawmakers crafted that distinction as part of what they said was a legislative balancing act — it allows people the ability to rent out spare bedrooms and basements to make some additional money, while preventing property owners and companies from using entire apartments and houses for short-term rentals instead of for long-term leases. Some argued this was driving up housing prices across the board, and the new restriction could have a significant impact in D.C.'s market for short-term rentals. According to AirDNA, which collects and analyzes data on short-term rentals in cities, 79% of D.C.'s active short-term rentals are listed as entire homes. (These types of rentals long predate Airbnb, which is now the most popular platform in D.C.)

The council passed its law around the same time that many jurisdictions around the country were considering new limits on short-term rentals, largely over concerns that they favored tourists over long-term tenants and caused disruptions in residential neighborhoods. Boston adopted its own law in 2019, while lawmakers in New York City are currently considering their own regulations on short-term rentals. Nowhere was the fight more contentious than in San Francisco, Airbnb's home, where the company spent aggressively on a 2015 ballot measure that rejected limits on short-term rentals.

In D.C., the company and its users argued that short-term rentals helped homeowners pay their mortgages and offered visitors distinct and neighborhood-based options for lodging, and that opposition to the platforms was fueled by the hotel lobby. Airbnb also said its hosts were contributing to city coffers by collecting the same sales and occupancy taxes that hotels do.

Similar laws restricting and regulating short-term rentals have been adopted throughout the Washington region, including in Alexandria, Arlington County, Montgomery County, and Fairfax County.

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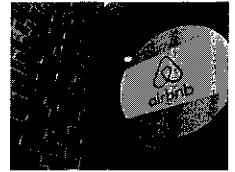
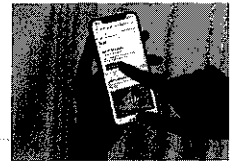
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SEP 28, 2018, 9:52 AM

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WAMU, MAY 13, 2019, 2:14 PM

Mayor Bowser And D.C. Council Spar Over Airbnb Regulations



How Airbnb's Fight to Overturn a New Jersey Law Imploded

The company spent more than \$4 million opposing new rules that crack down on short-term rentals, echoing its tactics in other cities.



New Jersey is a popular destination for guests looking to visit New York City without running afoul of the metropolis' near-ban on short-term rentals. PHOTOGRAPH: CLAIRE GENTILE/GETTY IMAGES

RESIDENTS OF JERSEY City, New Jersey, voted overwhelmingly in favor of strict short-term rental regulations on Tuesday, putting an end to the high-profile feud between Airbnb and local officials that had engulfed the city in recent months. The move comes as a major blow to Airbnb, which spent more than \$4.2 million blanketing Jersey City in television ads, handouts, and pro-Airbnb canvassers in a campaign to quash the restrictions, which will affect a popular destination for guests looking to visit Manhattan (which is just across

the Hudson River and several minutes away on public transit) without running afoul of New York's tight rules on short-term rentals.

The new rules crack down on Jersey City's booming short-term rental industry—which has grown by an order of magnitude since city officials effectively legalized the practice in 2015—by requiring that owners obtain permits and limiting who can rent out their spaces and for how long. Despite an aggressive opposition campaign, voters approved the regulations in a landslide, with current estimates suggesting nearly 70 percent voted in favor of the measure.

Jersey City's rejection of Airbnb suggests that the tide may be changing for the so-called tech unicorn, as the city joins the growing ranks of former Airbnb defenders turned defectors. Local government officials around the nation that had been early advocates of the company, from Arizona and Louisiana to Oregon, are now turning against it. And with Airbnb looking to do an IPO in 2020—a process that involves airing out its dirty laundry for investors—every bit of regulatory backlash counts.

Airbnb has spent much of the last decade fighting for legitimacy in cities around the nation, earning the startup an infamous reputation among many local officials as a deep-pocketed agitator prone to litigation and public influence operations. The company has sued cities such as Boston, Miami Beach, Santa Monica, and even its hometown of San Francisco over ordinances beefing up short-term rental regulations, and it has spent hundreds of thousands of dollars hiring signature gatherers to help overturn local restrictions on both coasts.

However, over the years, the home-sharing giant began leaning more toward the carrot than to the stick. It has found success in many localities by partnering with local officials and agencies where each party ostensibly benefits. Airbnb began striking deals with city and state officials to collect and remit some difficult-to-collect taxes from hosts in 2014, with new rules legalizing home-sharing in the area often announced by local officials either simultaneously or shortly after.

Jersey City was one of the first to announce such a deal. In 2015, Mayor Steve Fulop entered into an agreement with Airbnb that was estimated to potentially earn the city up to \$1 million in occupancy tax revenue a year. In exchange, Airbnb worked to get Jersey City officials to implement rules legalizing short-term rentals. Airbnb touted its work with Jersey City as an exemplary partnership, highlighting it at length in PR materials concerning regulations in the following years. At the time of the agreement, Jersey City officials lauded Airbnb and explicitly encouraged the use of the platform generally in statements issued at the time.

City officials now say that the legalization of short-term rentals was a grave mistake. When the deal was struck in 2015, there were around 300 active Airbnb listings in Jersey City. Within one year, that number had grown to roughly 2,000, according to an Airbnb press release from December 2016. At present, there are upward of 3,000 Airbnb listings in Jersey City, the majority of which are whole-home rentals—where the owner isn't present during the guests' stay—and are operated by hosts that run multiple properties, according to data from Inside Airbnb, an independent site tracking the company. (Airbnb questioned the methods used to collect the data, but did not provide WIRED with any evidence disputing the claims.)

Officials say that the boom converted precious housing stock into de facto hotels, resulting in higher rents, quality of life issues in neighborhoods plagued by transient occupants, and an exacerbated housing crisis. It's a concern echoed by many cities, as local government officials around the nation grapple with how best to

handle the increasing popularity of short-term rental platforms like Airbnb, HomeAway, and VRBO in high-tourism areas.

In June 2019, the Jersey City council introduced a new ordinance aimed at remedying these issues. Starting in January 2020, rentals of a whole home or apartment where the owner isn't present are capped at 60 days a year; renters are largely barred from listing their homes on platforms like Airbnb and HomeAway; and short-term rentals are banned in many multifamily buildings, among many other provisions. The ordinance passed, but Airbnb poured money into the city to gather resident signatures in opposition. Within 20 days of the ordinance's passage, the company gathered more than 20,000 signatures, forcing a referendum.

"This administration is fighting to fix the quality of life issues our residents have had to endure over the years as Airbnb abuses their initial agreement with the city," Mayor Fulop said in a statement. "We're fighting to maintain affordable housing for those who need it most. We're fighting to rid residential buildings of party hotels."

In the lead-up to the vote Tuesday, Airbnb created a political action committee called Keep Our Homes, through which it spent some \$4.2 million trying to convince the city's 265,000 some residents to oppose the measure. Though it failed in this instance, Airbnb has used these tactics successfully before in cities like San Diego—which had to withdraw short-term rental regulations in 2018, following a similarly high-profile signature gathering campaign led by Airbnb and other short-term rental platforms.

"Cities from Buffalo to San Francisco and Boston to Seattle have managed to pass comprehensive short-term rental regulations without punishing tenants or creating red tape and onerous registration systems," said Airbnb spokesperson Christopher Nulty, without mentioning Airbnb's initial opposition to SF and Boston's regulations, which ended only after the company settled the lawsuits it filed against each city. "It's unfortunate to see the hotel-backed special interests run a campaign that moves Jersey City in a different direction."

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STAFF WRITER 

TOPICS AIRBNB

Short Term Rentals in the City of Florence per the Unified Development Ordinance

Definition:

Short Term Rentals means a furnished residential unit that is rented out by the property owner for financial gain for a period of no more than 29 consecutive days and not to exceed 72 days in the aggregate during any calendar year.

Sec. 1-2.7.1 Interpretation of Use Tables

A. Generally. *Section 1-2.7.2, Residential and Commercial Uses of the Home through Section 1-2.7.7, Agriculture Uses*, contain tables that set out which uses are allowed by right (permitted), allowed subject to special standards (conditional) or processes (permitted special exception), and not allowed (prohibited) in each zoning district.

B. Applicability of Standards. The standards of Part 4, *Site Design and Development* apply to the development, redevelopment, or substantial improvement of the uses set out in this Division.

C. Symbols. All the tables use the following symbols:

1. "**P**" means that the use is a **Permitted Use**, subject to the standards that apply to all permitted uses. The use is approved by the Director, or an appointee.
2. "**C**" means that the use is a **Conditional Use**, which is permitted by right and may be administratively approved by the Director, or an appointee, subject to:
 - a. Determination by the Director that the development substantially conforms to the standards of this Unified Development Ordinance.
 - b. The standards for permitted uses that are set out in this Unified Development Ordinance; and
 - c. The applicable conditional use standards for the specified use, as set forth in Division 1-2.8 *Conditional and Permitted Special Exception Use Standards*.
3. "**SE**" means that the use is allowed as a **Permitted Special Exception Use**, which may be approved following a public hearing by the Board of Zoning Appeals and consideration of the City Council, subject to:
 - a. The standards for permitted uses that are set out in this Unified Development Ordinance;
 - b. The applicable conditional and permitted special exception use standards for the specified use as set forth in Division 1-2.8 *Conditional and Permitted Special Exception Use Standards*; and
 - c. The permitted special exception use standards of Division 6-21.5, *Standardized Development Review Procedures*, which apply to all permitted special exception uses.
4. "**-**" means that the use is a **Prohibited Use** in the specified zoning district.
5. "**B**" (subscript) means that the use is subject to **Special Site and Building Development Standards** and shall comply with:
 - a. The standards for permitted uses that are set out in this Unified Development Ordinance; and
 - b. The standards set out in Division 3-8.3, *Special Building Standards*; and
 - c. The standards set out in Division 4-16.1, *Special Site Development Standards*.

**Table 1-2.7.2-a
Residential and Commercial Uses of the Home**

Land Use	Zoning Districts															
	Residential					Business Commercial			Mixed- Use			Industrial		Agricultural & Open Space		
	RE	RS	RG	RU	NC ³	CR	CA	CG	CBD	AC	DS	IL	IH	OSR	AR	
Residential Uses																
Single Family Detached	P	P	P	P	³	P	-	-	-	-	-	-	-	-	-	P
Lot Line Home	-	C	C	C	³	-	-	-	-	-	-	-	-	-	-	-
Patio Home ²	-	C	C	C	³	-	-	-	-	-	-	-	-	-	-	-
Townhome	-	PB	PB	PB	³	-	-	PB	PB	PB	-	-	-	-	-	-
Cottage	-	C	C	-	³	-	-	-	-	-	-	-	-	-	-	-
Duplex	-	-	PB	PB	³	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home ^{1,2}	-	-	-	-	³	-	-	-	-	-	-	-	-	-	-	-
Multiplex (triplex or quadraplex)	-	-	PB	PB	³	PB	-	-	PB	-	PB	-	-	-	-	-
Multifamily ²	-	-	C	C	³	-	-	C	C	C	C	-	-	-	-	-
Live - Work Units	-	-	-	-	³	C	-	-	P	C	P	C	-	-	-	-
Residential Neighborhoods																
Single Family Cluster	P	P	P	-	³	-	-	-	-	-	-	-	-	-	-	P
Mixed Housing Cluster	-	P	P	P	³	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home Park or Subdivision	-	-	-	-	³	-	-	-	-	-	-	-	-	-	-	-
Commercial Use of the Home																
Bed and Breakfast Inn	C	C	-	-	³	C	-	-	C	C	C	-	-	-	-	C
Child Care Services	C	C	C	-	³	C	-	-	-	-	-	-	-	-	-	-
Group Home	C	C	C	-	³	C	-	-	-	-	-	-	-	-	-	-
Home Occupation	C	C	C	C	³	C	-	-	C	C	-	-	-	-	-	-
Short Term Rental Air B+B	SE	SE	SE	SE	³	P	P	P	P	P	P	-	-	-	-	-

TABLE NOTES:

¹Permitted only in a manufactured home park or manufactured home subdivision.

²Refer to Appendix A, Best Building and Site Design Practices. (Preferred but not required).

RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional Use), SE (Permitted Special Exception Use), - (Prohibited Use), B (subscript, Special site and Building Development Standards)

³Refer to Table 1-2.7.2-b for Neighborhood Conservation Residential Uses of the Home

**Table 1-2.7.2-b
Neighborhood Conservation Residential Uses of the Home**

Land Use	Zoning Districts					
	Residential					
	NC-15	NC-10	NC-6.1	NC-6.2	NC-6.3	NC-4
Residential Uses						
Single Family Detached	P	P	P	P	P	P
Lot Line Home	-	-	-	C	C	-
Patio Home ²	-	-	-	C	C	-
Townhome	-	-	-	-	PB	-
Cottage	-	-	-	-	-	-
Duplex	-	-	-	PB	PB	PB
Manufactured Home ^{1,2}	-	-	-	-	-	-
Multiplex (triplex or quadraplex)	-	-	-	-	PB	-
Multifamily ²	-	-	-	-	C	-
Live - Work Units	-	-	-	-	-	-
Residential Neighborhoods						
Single Family Cluster	-	-	-	-	-	-
Mixed Housing Cluster	-	-	-	-	-	-
Manufactured Home Park or Subdivision	-	-	-	-	-	-
Commercial Use of the Home						
Bed and Breakfast Inn	-	-	C	C	C	-
Child Care Services	C	C	C	C	C	C
Group Home	-	-	-	-	C	-
Home Occupation	C	C	C	C	C	C
Short Term Rental AR B+B	SE	SE	SE	SE	SE	SE
TABLE NOTES: ¹ Permitted only in a manufactured home park or manufactured home subdivision. ² Refer to Appendix A, Best Building and Site Design Practices. (Preferred but not required). RE (Estate Residential), RS (Suburban Residential), RG (General Residential), RU (Urban Residential), NC (Neighborhood Conservation), CR (Commercial Re-use), CA (Campus), CG (Commercial General), CBD (Central Business District), AC (Activity Center), DS (Destination / Select Use), IL (Light Industrial), IH (Heavy Industrial), OSR (Open Space & Recreation), AR (Agriculture / Rural), P (Permitted), C (Conditional Use), SE (Permitted Special Exception Use), - (Prohibited Use), B (subscript, Special site and Building Development Standards)						

Section 1-2.8.2 Residential and Commercial Use of the Home Standards

F. Short Term Rentals are permitted if it is demonstrated that:

In zoning districts: RE, RS, RG, RU, NC

1. The short term rental shall be operated by the owner and full-time resident of the property. For the purposes of this ordinance, the "owner and full-time resident" shall mean the record owner of the property who physically resides at the subject property, has designated the subject property as his/her legal voting address and the address of his/her driver's license, and the subject property must be assessed at the four percent homeowner's assessment rate according to the records of the Florence County Assessor's Office. The owner or his/her designee is not required to be present during the entire lease period; however, the owner or his/her designee must be present at check-in to ensure the accuracy of the guest registry.

2. The owner may rent out no more than two (2) bedrooms as short term rentals in the primary residence. Rental bedrooms may not contain a separate kitchen or cooking area from the primary residence.
3. The owner shall maintain a guest registry which includes at minimum the guest's name, address, and contact phone number; the number of people in each guest's party; the make, model, and license plate number of any guest's vehicle parked on the property; as well as the guest's date and time of arrival and scheduled departure date. The guest registry shall be maintained such that the owner, upon request, can supply information regarding the number of rooms rented, the number of individuals occupying the home, and the dates of guest's date and time of arrival and departure.
4. A motor vehicle may not park in the front yard or side yard of a residential property, except in a driveway or on an improved surface such as concrete, asphalt, pavers, brick, or other material as approved by the Planning Director. The total area designated for parking shall not exceed 25% of the front and/or side yard area. There shall be no parking of motor vehicles on grass or the street.
5. No exterior signage is permitted.
6. No activities other than lodging shall be allowed as part of a short term rental (e.g. weddings, parties, conferences).
7. The Short Term Rental will be operated in accordance with all other applicable provisions of this Unified Development Ordinance, the City's Code of Ordinances, as well as applicable Federal and State requirements.

Sec. 6-21.7.11 Permitted Special Exception Use Approval

- A. **Generally.** A permitted special exception use is a use that is allowed within a zoning district, but which is subject to specific standards and a public hearing process in order to reduce the potential for incompatibility with other uses within the district. These uses commonly have the potential for various adverse impacts such as traffic congestion, noise, visual and aesthetic impacts, which if unmitigated, could undermine the integrity of the zoning district. The designation of a use as a permitted special exception use means that it is only allowed in a proposed location if all of the conditions applicable to the use, set out in Division 1-2.8, Conditional and Permitted Special Exception Use Standards, the general standards of Subsection C., below, and all of the other applicable requirements of this Unified Development Ordinance, are met.
- B. **Application Requirements.** Applications for approval of a permitted special exception use permit shall be on a form approved by the Director and include the contents set out in Section 6-21.4.1, Submittal Requirements, Subsection D., Use Permits.
- C. **Criteria for Approval.** In addition to the applicable standards of this Unified Development Ordinance, including those set out in Division 1-2.8, Conditional and Permitted Special Exception Use Standards, all permitted special exception uses shall comply with the all of the following general standards:
 1. The permitted special exception use shall not be of a type that would tend to undermine the implementation of an adopted plan that includes the parcel proposed for development.
 2. The permitted special exception use shall be compatible with surrounding land uses and the natural environment, and will not materially detract from the character of the immediate

area or negatively affect the planned or anticipated development or redevelopment trajectory.

3. There is no practicable alternative location where the use is permitted as-of-right within 1,000 feet of the parcel proposed for development, or, if such a location exists, the proposed location is more favorable in terms of:
 - a. Providing a needed community service;
 - b. Providing a critical mass of jobs that are likely to pay more than the median wages for the region;
 - c. Providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; or
 - d. Making more efficient use of public infrastructure, such as off-peak street capacity.
4. The approval of the permitted special exception use will not create a critical mass of similar permitted special exception uses that is likely to discourage permitted uses by making the vicinity less desirable for them.
5. The permitted special exception use and any conditions of development shall adequately protect public health and safety against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.
6. The permitted special exception use will not use an unfairly disproportionate share of public services that would compromise the delivery of those services to other uses in the vicinity. Applicable public services include, but are not limited to, utilities, police protection, fire protection, schools, parks, and libraries.

D. Procedure. In issuing a permitted special exception use permit, applications are processed according to the sequential steps set out in Section 6-21.5.2, Pre-Application Conference through Section 6-21.5.10, Public Meetings and Hearings. The application is decided by the Board of Zoning Appeals after recommendation of the Director, pursuant to the public meetings provisions of Section 6-21.5.10, Public Meetings and Hearings.

E. Decision; Conditions of Approval. The Director may recommend, and the Board of Zoning Appeals may attach, conditions of approval to the permitted special exception use in order to mitigate its impacts (or reasonably foreseeable impacts) such that it complies with the criteria of Subsection C., above, and/or to assure and monitor continued compliance with this Unified Development Ordinance. Conditions shall be roughly proportional to the impacts to which they are addressed, taking into account the mitigating effects of applicable requirements set out in Division 1-2.8, Conditional and Permitted Special Exception Use Standards. The subject matter of conditions, by way of illustration and not limitation, may include:

1. Additional landscaping or buffering, or landscaping improvements;
2. Building or façade improvements;
3. Specification of hours of operation;
4. Limitations on the use or related activities;
5. Noise abatement measures;
6. Limitations on lighting, such as lighting curfews or restrictions on levels of illumination;
7. Measures to control, mitigate, or direct traffic;
8. Parking, loading, and site circulation adjustments;

9. Restrictions on outdoor displays, sales, or storage;
10. Standards and assurances regarding the maintenance of property;
11. Restrictions on signage that relate only to the sign structure, materials, lighting, placement, size, or type, but not to the content of messages displayed (unless such messages are not protected speech); and
12. An expiration date for the permit, before which the permit must be renewed in order for the permitted special exception use to continue to operate.

F. Annotation of Official Zoning Map. If the application is approved, the Official Zoning Map shall be annotated to reference the approval by case number.

**City of Florence Board of Zoning Appeals Application
Special Exception Use Permit**

Date Filed: _____ Permit Application No. _____ Appeal No. _____

Instructions

This form must be completed to request a hearing to obtain a Special Exception Use Permit as required by the *Unified Development Ordinance*. Entries must be printed or typewritten. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not the owner, the owner(s) must sign the Designation of Agent. A \$100.00 fee must accompany this application.

Are there any **Covenants, Conditions, and Restrictions (CCRs)** that may restrict this use?

No: (____) please initial _____

Yes: (____); please provide a copy of the pertinent Homeowners Association's CCRs.

APPLICANT(S) print:

Name: _____

Address: _____

Telephone: _____ (work) _____ (home)

E-mail: _____

Applicant is (check one): _____ Property Owner(s); _____ Agent for Property Owner

OWNER(S) if other than applicant(s):

Name: _____

Address: _____

Telephone: _____ (work) _____ (home)

PROPERTY ADDRESS: _____

Lot _____, Block _____, Subdivision _____

Tax Map No. _____ Lot Dimensions: _____

Area: _____ Zoning District: _____ Overlay District: _____

DESIGNATION OF AGENT (complete only if owner is not applicant):

I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this application.

Date	Owner signature(s)
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I (we) certify that the information in this application is correct.

Date	Applicant signature(s)
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City of Florence Board of Zoning Appeals – Special Exception Use Permit

Date Filed: _____ Permit Application No. _____ Appeal No. _____

1. Applicant hereby appeals to the Board of Zoning Appeals for a special exception for use of the property described above as: _____

_____ which is a permitted special exception use under the district regulation in Section _____ of the *Unified Development Ordinance*.

2. Applicant will meet the standards in Section _____ of the *Unified Development Ordinance* which are applicable to the proposed special exception in the following manner: _____

3. Applicant suggests that the following conditions be imposed to meet the standards in the *Unified Development Ordinance*: _____

4. The following documents are submitted in support of this application: _____

Date

Applicant Signature