

ORDINANCE REVIEW COMMITTEE MEETING MINUTES

Pottstown Borough Hall Council Chamber Room and Go-To Meeting
100 E. High St Pottstown, PA 19464
Wednesday, April 19, 2023, 2:00 pm

Councilors Present: Ryan Procsal, Trenita Lindsay, Dan Weand

Additional Present: Matthew Hovey, Assistant Borough Solicitor; Justin Keller, Borough Manager; Michael Narcowich, Montgomery County Community Planning Commission; Keith Place, Director Licensing & Inspections; Winter Stokes, Zoning/Planning Administrator; and Peggy Lee-Clark; PAED

Meeting called to order by Mr. Procsal at 2:05 p.m.

I. Call to Order

II. Public Comment- None offered.

III. July 21, 2022 and January 18, 2023 meeting minutes

- A. Mr. Weand made a motion to approve the July 2022 and January 2023 meeting minutes, seconded by Ms. Lindsay.

IV. Status of Recommended Ordinance Amendments:

- A. Mr. Hovey advised the Committee that on March 13, 2023, Council adopt the ordinance amendments to Chapters 22, Subdivision and Land Development, and Chapter 27, Zoning, related smoke shops, hookah bars, and neighborhood convenient stores, recommended by the Committee.

V. Ordinance Review – Current Projects and Topics

A. Regulation of Airbnbs and Short-term Rentals (Chapters 11 and 27)

Mr. Hovey provided a recap of previous discussions for this new Ordinance. Based on his research, proposed a different title and definition for this use: *“Limited Lodging Rental”*. This is the same terminology utilized by Philadelphia for a similar use.

The Committee expressed general support for these types of rentals on a limited basis for single-family owner-occupied properties only so long as rooms are not being individually rented. Primary residency can be proven by submission of a utility bill, drivers licenses, etc.

Mr. Hovey also advised the Committee of his research and findings related to the hotel tax. It can be collected for transient lodging purposes if Limited Lodging Rentals are required to use of a booking agency which is registered/licensed through the Commonwealth of Pennsylvania. Pennsylvania requires sites like AirBNB, VRBO, and similar sites to register with them and then collect the tax.

The Committee expressed support for the rental period being limited to 180 days or less of the year.

The Committee expressed support for an off-street parking requirement for larger rentals. The Committee recommends that 2 off-street parking spaces be provided for

any party with 9-12 occupants and 3 off-street parking spaces be provided for 13 or more occupants of a Limited Lodging Rental.

Mr. Place discussed L&I's current inspection requirements for short-term rentals. The Committee expressed support for inspections and a lodging permit will be required annually which is consistent therewith.

The Committee then discussed enforcement against non-compliant rentals. Mr. Place and Ms. Stokes will research AirBNB and VRBO sites to see if they offer any municipal search or reporting options to help identify noncompliant properties.

Mr. Weand made a motion to recommend the draft ordinance to Borough Council for their review, seconded by Ms. Lindsey. The vote passed 3-0.

B. Sign Ordinance

Mr. Hovey explained a legal decision known as "The Reed Decision". The outcome of that decision is that signs should not be regulated based on content. The decision was based on First Amendment rights. Generally, we are to govern signs by the sign form and not the sign message. This also allows the business owner to decide what form of signs they would like to have. (There may be a time where basing a sign upon content is permitted. However, there must be a clear reason for doing so. As an example: ADA signage or Dangerous Condition signage.)

Mr. Hovey explained that we are in the process of re-writing the entire sign ordinance. Mr. Hovey explained that this ordinance will likely take until 2024 to complete.

Ms. Stokes asked committee members to consider and then share their vision for each zoning district. This will be important when deciding upon the size and number of signs to be allowed and permit requirements.

The Committee then reviewed the draft list of sign types and discussed whether any should be outright prohibited in the Borough. The Committee supported at this stage prohibiting poster, roof sign, streamers, flashing signs, mechanical movement signs, and neon signs.

At the next meeting suggestions for permitted, exempt, and prohibited signage for each district will be presented.

Future Ordinance Amendments

- C. Corner Lots**
- D. Regulations for Electric Vehicle Charging Stations**

Motion to Adjourn at 3:51 by Mr. Weand, seconded by Ms. Lindsay.

The next meeting is advertised for July 19, 2023, at 2:00pm.

WLS