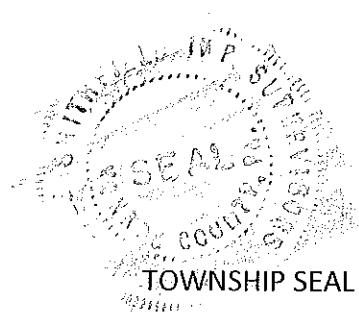


TOWNSHIP OF MIDDLE SMITHFIELD
MONROE COUNTY, PENNSYLVANIA

CERTIFICATION OF ENACTED ORDINANCE

I, MICHELE L. CLEWELL, BEING THE DULY APPOINTED TOWNSHIP SECRETARY OF THE TOWNSHIP OF MIDDLE SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, HEREBY CERTIFY THAT ATTACHED HERETO IS A TRUE AND CORRECT COPY OF THE TOWNSHIP ORDINANCE TITLED AS FOLLOWS:

AN ORDINANCE OF THE TOWNSHIP OF MIDDLE SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, AMENDING PART II, "GENERAL LEGISLATION", CHAPTER 200 "ZONING", OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF MIDDLE SMITHFIELD; ADDING TO ARTICLE IV, DIVISION 44, A SECTION 044-090 PROVIDING SUPPLEMENTARY REGULATIONS FOR SHORT-TERM RENTAL OF DWELLING UNITS; ADDING A DEFINITION FOR "SHORT-TERM RENTAL"; AND PROVIDING FOR OTHER MISCELLANEOUS MATTERS



TOWNSHIP SEAL

Michele L. Clewell
TOWNSHIP SECRETARY,
TOWNSHIP OF MIDDLE
SMITHFIELD

09-14-2017
DATE

PROPOSED ORDINANCE NO. 215

AN ORDINANCE OF THE TOWNSHIP OF MIDDLE SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, AMENDING PART II, "GENERAL LEGISLATION", CHAPTER 200 "ZONING", OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF MIDDLE SMITHFIELD; ADDING TO ARTICLE IV, DIVISION 44, A SECTION 044-090 PROVIDING SUPPLEMENTARY REGULATIONS FOR SHORT-TERM RENTAL OF DWELLING UNITS; ADDING A DEFINITION FOR "SHORT-TERM RENTAL"; AND PROVIDING FOR OTHER MISCELLANEOUS MATTERS

WHEREAS, the Board of Supervisors of the Township of Middle Smithfield has heretofore adopted a comprehensive compilation of ordinances of the Township entitled the "Code of the Township of Middle Smithfield" (the "Code"); and

WHEREAS, any and all additions, amendments, deletions, or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Board of Supervisors to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes; and

WHEREAS, whenever such additions, amendments, deletions, or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto; and

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. 66506, entitled "General Powers", authorizes the Board of Supervisors to make and adopt ordinances necessary for the proper management, care and control of the Township, and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufacturers; and

WHEREAS, Section 1516 of the said Second Class Township Code, found at 53 P.S. 66516, entitled "Land Use Regulations", authorizes the Board of Supervisors to plan for the development of the Township through zoning, subdivision and land development regulations under the Act of July 31, 1968 (P.L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code; and

WHEREAS, pursuant to such authority, the Township has enacted the Middle Smithfield Township Zoning Ordinance of 2010-A, which is codified in the Code of the Township of Middle Smithfield, as heretofore amended, as Part II, "General Legislation", Chapter 200 "Zoning" (the "Zoning Ordinance"); and

WHEREAS, Section 609 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted by the Act of December 21, 1988, P.L. 1329, No. 170, found at 53 P.S. 10609, entitled "Enactment of Zoning Ordinance Amendments", sets forth provisions for the enactment of amendments to zoning ordinances pursuant to certain procedural formalities;

WHEREAS, from time to time the Board of Supervisors reviews the Zoning Ordinance for possible amendments that would be in the best interests of residents, property owners, and businesses, among others, in the Township;

WHEREAS, the Board of Supervisors finds that it is in the best interests of the Township residents' health, safety and welfare to amend the Zoning Ordinance for the purpose of regulating the short term rental of residential uses;

WHEREAS, it has been discovered that single family and multiple family dwelling units normally occupied for stable, permanent and family purposes are being used for short-term rentals and other transient lodging or uses; and,

WHEREAS, short-term rental of dwellings potentially provides a community benefit by expanding the number and type of lodging facilities available, supporting the local tourist economy, and/or assisting owners of dwelling units by providing revenue which may be used for maintenance, upgrades and deferred costs; and

WHEREAS, if not properly regulated, such short-term rentals or transient use of residential property creates adverse impacts on surrounding residential uses including, but not limited to, increased levels of vehicular traffic, parking demands, light and glare and noise detrimental to the surrounding residential uses and the general welfare of the Township; and,

WHEREAS, such uses also increase demand for public services including, but not limited to, police, fire, medical emergency and neighborhood watch programs; and,

WHEREAS, in order to protect and enhance the residential character of the zoning districts described in the Township's zoning ordinance, and to secure the sense of security and safety in residential neighborhoods, the instant ordinance is being adopted.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION 1: Article IV "Use Regulations Within Zoning Districts", Division 44 "Supplementary Regulations Governing Specific Uses", of the Township's Zoning Ordinance is hereby amended by adding the following Section 044-90, "Short Term Rental Of Residential Dwelling Units":

S 044-090 Short-Term Rental of Residential Dwelling Units

The following supplementary regulations shall apply to the short-term rental of residential dwelling units:

- A. When a residential dwelling unit use is permitted in the Conservation, Rural Reserve, R1 Residential, R2 Residential, and R3 Residential Zoning Districts ("Residential Zoning Districts"), short term rental of the dwelling unit for residential purposes shall also be permitted, provided that the short-term rental use of the dwelling unit shall not exceed, in total, a maximum of one hundred seventy nine (179) days in a calendar year. Short term rental in excess of that limitation shall be considered a hotel/motel/inn use, which is limited to the Commercial Zoning District, and prohibited in the Residential Zoning Districts.
- B. Short-term rental of a residential dwelling unit in the Commercial and Industrial Zoning Districts shall be permitted, without a limitation on the number of days of short-term rental use in a calendar year.
- C. Short-term rental use of a dwelling unit shall comply with all applicable federal, state and Middle Smithfield Township laws, rules, ordinances and/or regulations, including without limitation, other provisions of the Zoning Ordinance which would be applicable to the use of the property as a dwelling unit when not subject to short term rental.

D. The commencement of short term rental activity of a dwelling unit shall be considered a change in use of the property, and shall not occur without the property owner first applying for, and receiving, a zoning permit from the Township for such change in use.

E. These supplemental regulations do not apply to a Dwelling, Group Home, use as defined by Section 020-020, or properties located within the Township's Resort Complex/Commercial Resort Overlay District.

SECTION 2: Article II "Definitions", Division 20 "Word Usage; Terms Defined", of the Township's Zoning Ordinance is hereby amended by adding the following definition:

SHORT-TERM RENTAL - Any dwelling unit utilized as a single-family residence rented for the purpose of overnight lodging for a period of thirty (30) days or less, and which meets the definition of "Hotel" for the purpose of imposing an excise tax by the County of Monroe as defined in the County of Monroe Ordinance No. 2004-03, as amended.

SECTION 3: If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that such remainder shall be and shall remain in full force and effect.

SECTION 4: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any ordinance in force prior to adoption of this Ordinance. To the extent the provisions of this Ordinance are the same as any ordinance provisions in force immediately prior to adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of such prior provisions and not as new provisions.

SECTION 5: This ordinance shall take effect five (5) days after the date of its enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania this 14th day of September, 2017.

TOWNSHIP OF MIDDLE SMITHFIELD
BOARD OF SUPERVISORS

Connie O'Keison

Chairperson

Michael J. G.

Vice Chairperson

Mark D. M.

Supervisor



(TOWNSHIP SEAL)

Michele J. Clewell

Township Secretary