

**BOROUGH OF EAST PETERSBURG
LANCASTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 324

AN ORDINANCE OF EAST PETERSBURG BOROUGH, LANCASTER COUNTY, PENNSYLVANIA, AMENDING ORDINANCE #254, THE EAST PETERSBURG BOROUGH ZONING ORDINANCE, AS AMENDED.

WHEREAS, the Borough of East Petersburg adopted Ordinance No. 254 on August 4, 2009, which Ordinance constitutes the East Petersburg Borough Zoning Ordinance (the “Zoning Ordinance”); and

WHEREAS, the Zoning Ordinance was thereafter amended by Ordinance 273, and codified as Chapter 124 of the Codified Ordinances of the Borough of East Petersburg; and

WHEREAS, the Zoning Ordinance presently does not define short-term rentals or regulate short-term rental uses in any zoning district; and

WHEREAS, Borough Council wishes to amend the Zoning Ordinance to provide a definition of short-term rentals and to limit the zoning districts in which short-term rentals are permitted; and

WHEREAS, Borough Council wishes to incorporate into the Zoning Ordinance specific regulations for short-term rentals in order to carry out the objectives of the Zoning Ordinance more effectively; and

WHEREAS, Borough Council has acknowledged a need to include specific guidelines for evergreen trees used to screen recreational vehicles, boats, and trailers stored in side or rear yards.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF EAST PETERSBURG THAT THE FOLLOWING AMENDMENTS SHALL BE MADE TO THE ZONING ORDINANCE:

SECTION 1. Article 3 – Districts, Section 306.B.1. Allowed Uses in Primarily Residential Zoning Districts, shall be amended to include the following:

b. COMMERCIAL USES

ZONING DISTRICTS

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>REC</u>
Short-Term Rentals (S. 402)	N	N	N	N

All other provisions of Article 3, Section 306.B.1. shall not be amended and shall remain in effect.

SECTION 2. Article 3 – Districts, Section 306.B.2. Allowed Uses in Primarily Business Zoning Districts, shall be amended to include the following:

b. COMMERCIAL USES

ZONING DISTRICTS

	<u>NC</u>	<u>HC</u>	<u>LI</u>
Short-Term Rentals (S. 402)	P	P	P

All other provisions of Article 3, Section 306.B.2. shall not be amended and shall remain in effect.

SECTION 3. Article 2 – Definitions, Section 202. Terms Defined, shall be amended to include the following definition:

Short-Term Rental. Any dwelling unit which is rented or leased for overnight lodging to transient guests for a period of not less than one (1) day nor more than thirty (30) consecutive calendar days. Short-term rentals shall include vacation homes but shall not include bed and breakfasts/inns, boarding houses, hotels, motels, hospitals, nursing homes, or dormitories as defined in this Ordinance.

SECTION 4. Article 4 – Additional Requirements for Specific Uses, Section 402. Additional Requirements for Specific Principal Uses, shall be amended to include the following provisions:

43. **Short-Term Rental.**

- a. The property owner must provide a Certificate of Insurance to the Borough evidencing a minimum of \$1,000,000 commercial liability insurance coverage for the use.
- b. The property owner must provide evidence of a valid Lancaster County hotel excise tax certificate and a Pennsylvania Sales, Use, and Hotel Occupancy Tax license.
- c. The use requires the specific designation of a person in charge, either the property

owner or another person who must reside or have an office within fifteen (15) miles of the short-term rental property and acts as the legal agent for the owner.

- d. The use shall comply with all applicable Borough Ordinances and regulations, including any and all building code requirements for a commercial building.
- e. Inspection and approval by the Zoning Officer or other designated Borough agent is required before Certificate of Occupancy will be issued.
- f. The use must apply to the entire property with the number of units that exist at the time of approval. No additional units can be created after approval.
- g. A short-term rental unit may not be located in a structure that contains one or more other dwelling units used for non-transient living quarters.
- h. Short-term rental units shall be permitted only in structures/buildings that are located at least twenty (20) feet from any residential dwelling not located on the same property as the short-term rental unit.
- i. Overnight occupancy is limited to no more than two (2) persons per bedroom.
- j. The maximum number of day guests at any one time shall not exceed ten (10) persons, inclusive of overnight guests.
- k. No additional bedrooms may be added or created within the dwelling unit after the approval of the use. Existing non-bedroom spaces may not be converted into additional bedrooms. The number of bedrooms shall be limited to that which existed in the dwelling unit at the time of approval.
- l. The property must have a minimum of one (1) off-street parking space per bedroom, and guests may not park more cars on site than the number of off-street parking spaces available.
- m. The use must comply with all terms and conditions of any other short-term rental ordinance provisions and/or licensing program established by East Petersburg Borough.

SECTION 5. Article 4 – Additional Requirements for Specific Uses, Section 402, shall be amended to renumber current paragraphs 43 through 51 as 44 through 52 to accommodate the inclusion of new paragraph 43 as set forth in Section 3 of this Ordinance.

SECTION 6. Article 4 – Additional Requirements for Specific Uses, Section 403. Additional Requirements for Accessory Uses, Subparagraph 11(h) shall be amended to state:

Recreational vehicles, boats and trailers. A recreational vehicle, boat or trailer for a boat or vehicle with a length of 30 feet or greater shall not be parked in the front yard of a dwelling in a residential or NC district on more than three days in any

seven-day period. The length of the recreational vehicle, boat, or trailer shall be measured from the tongue of the trailer to the rear of the vehicle, boat, or trailer. Outside of a front yard of a dwelling, such vehicle, boat or trailer shall be parked a minimum of five feet from a lot line of another dwelling, and include a row of evergreen trees between such vehicle, boat or trailer and a dwelling on another lot. The evergreen trees must be a minimum of 5 feet high and must be spaced no further than 5 feet apart. Where there is insufficient room for evergreen trees, a mostly solid well-maintained fence may be used with a minimum height of six feet.

All other provisions of Article 4, Section 403, including Section 403(h)(1), shall not be amended and shall remain in effect.

SECTION 7. Upon adoption of this Ordinance, all amendments stated herein shall be fully incorporated into the East Petersburg Borough Zoning Ordinance.

SECTION 8. If any provision, sentence, clause, section, or part of this Ordinance or the application thereof to any person or circumstance is for any reason found to be unconstitutional, illegal, or invalid by a court of competent jurisdiction, such unconstitutionality, illegality, or invalidity shall not affect or impair the validity of any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. All other sections, parts and provisions of the Code of Ordinances of the Borough of East Petersburg shall remain in full force and effect as previously enacted and amended.

SECTION 9. This Ordinance shall be effective upon enactment by Borough Council as provided by law.

ENACTED AND ORDAINED this 6th day of February, 2024.

ATTEST:

EAST PETERSBURG BOROUGH

By: Karen St. Clair
Karen St. Clair, Secretary

By: Debra Miller
Debra Miller, President

Examined and Approved this 6th day of February, 2024.

By: James Malone
James Malone, Mayor