

BOROUGH OF EMSWORTH

ORDINANCE NO. 1008

AN ORDINANCE OF THE BOROUGH OF EMSWORTH, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTERS 245 (“ZONING”) AND 180 (“RENTAL OCCUPANCY REPORTS”) OF THE CODE OF THE BOROUGH OF EMSWORTH TO DEFINE THE “SHORT TERM RENTAL” USE OF A DWELLING; PERMIT THE SHORT TERM RENTAL USE OF A DWELLING AS A USE IN THE R-3 (“MIXED USED RESIDENTIAL”) ZONING DISTRICT OF THE BOROUGH; AND REQUIRE THAT OWNERS OF DWELLINGS BEING USED AS SHORT TERM RENTALS REPORT THE USE TO THE BOROUGH

WHEREAS, the Borough Council of the Borough of Emsworth recognizes the emergence of short term rentals of residential dwellings, including those accessed through booking websites such as AirBnB and VRBO, as a new accommodations option for travelers, tourists, and short term transient tenants; and

WHEREAS, the Borough Council of the Borough of Emsworth has determined that the health, safety and welfare of the residents of the Borough will be improved by amending Chapter 245 of the Code of the Borough of Emsworth (“Zoning”) to ensure that residents of the R-1 (“Single Household Residential”) and R-2 (“Multi-Household Residential”) Zoning Districts are protected from the deleterious impact of for-profit commercial uses of residential properties as short term rentals; and

WHEREAS, the Borough Council finds that one of the many benefits of living in the R-1 and R-2 Zoning Districts is the development of a sense of community and a shared commitment to the common good of the Borough among residents; and

WHEREAS, it is undeniable that inherent in the concept of family and the concept of single and two-family dwellings is a certain expectation of relative stability and permanence in the composition of the familial unit; and

WHEREAS, without some level of stability and permanence in the composition of the groups residing in such residential districts, the above-stated goals are necessarily subverted; and

WHEREAS, the for-profit use of property as short term rentals to transient lodgers is not consistent with stable familial living arrangements desired for the Borough’s R-1 and R-2 Zoning Districts; and

WHEREAS, the Borough Council of the Borough of Emsworth has determined that due to the high-density nature of the R-3 (“Mixed Use Residential”) Zoning District, short term rentals of dwellings may be permitted as a use in the R-3 Zoning District; and

WHEREAS, for the safety of the transient tenants and the Borough residents living nearby, any owner of a dwelling in the R-3 Zoning District being used as a short term rental shall be required to meet the occupancy reporting requirements of Chapter 180 (“Rental Occupancy

Reports”) of the Code of the Borough of Emsworth, so that the owner may be contacted in case of an emergency at the premises.

NOW, THEREFORE, the Council of the Borough of Emsworth hereby ordains as follows:

Section 1. Chapter 245 (“Zoning”), Article VIII (“Terminology”), Section 245-66 (“Definitions”), is hereby amended to include the following definition.

SHORT TERM RENTAL – The use of a Dwelling Unit in which the owner rents any area of the Dwelling Unit to one (or more) individuals for compensation or fee, including offer of exchange in kind, of any type (whether or not involving overnight accommodations or separate sleeping quarters) for less than thirty (30) consecutive days. This definition applies to all types of residential dwellings including (but not limited to) single family detached residential, two-family residential, multi-family residential, and residential properties commonly considered as seasonal dwelling units, vacation homes, or tourist homes. A short term rental use shall not cause an increase in vehicular or pedestrian traffic, or the use of water, sewage, garbage, public safety or any other municipal services, beyond that which is normal for a dwelling in the neighborhood. The owner of property being used as a short term rental is subject to the registration and rental occupancy reporting requirements of Chapter 180 (“Rental Occupancy Reports”) of the Code of the Borough of Emsworth as applied to short term rentals.

Section 2. The Land Use, Off-Street Parking and Off-Street Loading Requirements Table at Chapter 245, Section 245-37(D) is hereby amended to specify that the Short Term Rental use of a Dwelling Unit shall be a permitted use in the R-3 Zoning District. The following entry shall be added to the Table:

Land Use	R1	R2	R3	C1	C2	LI	O/C	Minimum Required Off Street Parking Spaces	Minimum Required Off Street Loading Berths
Short Term Rental of residential dwelling			P					2 spaces per dwelling + 1 space per every 2 bedrooms over 2 bedrooms in each dwelling	None.

Section 3. Chapter 180 (“Rental Occupancy Reports”), Section 180.1 (“Reporting Requirements”), shall be amended to include the following underlined text and shall state:

The owners of record, lessors, real estate agents, rental agents and agencies of all real property, either as individual residences, duplexes, multifamily units, apartments, commercial and industrial facilities, businesses, stores and other related and similar structures located, operating and situated in the Borough of Emsworth, leased, subleased, offered for lease or occupied by persons, partnerships, corporations or others than the owners thereof shall, within 30 days after the effective date of this chapter, provide and

supply to the Borough of Emsworth Secretary, and/or an office, department, agent, or agency designated by the Borough of Emsworth, a complete and current list(s) of the name(s) and address(es) of all current lessees, tenants, subtenants, inhabitants, and occupants of all real property either as individual residences, duplexes, multifamily units, apartments, commercial and industrial facilities, businesses, stores and other related and similar structures of which they are the owners of record, lessors, real estate agents, rental agents and agencies and shall thereafter supply to the Borough of Emsworth or an office, department or agency designated therein by the Borough of Emsworth, in writing, the name(s), and address(es) of all new lessees, tenants, subtenants, inhabitants, and occupants of such premises within 30 days after such changes or corrections take place and in accordance with § 180-4. The owners of record, lessors, real estate agents, rental agents and/or agencies of short term rentals shall, within 30 days after the effective date of this section, provide and supply to the Borough of Emsworth Secretary, and/or an office, department, agent, or agency designated by the Borough of Emsworth, the name(s), address(s), phone number(s) and other requested contact information of a contact person to ensure that a representative of the short term rentals can be contacted at all times.

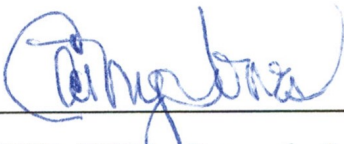
Section 4. Effective Date / Repealer. This Ordinance shall become effective immediately upon enactment and shall repeal all prior inconsistent ordinances and resolutions to the extent of such inconsistency.

Section 5. Severability. If a final decision of a court of competent jurisdiction holds any provision of this Ordinance or the application of any provision of this Ordinance to any circumstance to be illegal or unconstitutional, the other provisions of this Ordinance and the application of such provisions to other circumstances shall remain in full force and effect.

ORDAINED AND ENACTED this 9th day of DECEMBER, 2020.

ATTEST:

BOROUGH OF EMSWORTH




CATHY JONES, Borough Secretary



President of Council
KEVIN YURKOVICH

EXAMINED AND APPROVED this 9th day of December, 2020.



Mayor AMYSUE LILLIE

PUBLIC NOTICE

Notice is hereby given that a Public Hearing will be held before the Council of the Borough of Emsworth on Wednesday, October 14, 2020 at 6:30 p.m. in the Council Chambers of the Borough Building, at 171 Center Avenue, Pittsburgh, PA 15202; or via Zoom to consider the following ordinance:

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The complete text of this Ordinance may be viewed at the Office of the Borough Secretary, Emsworth Municipal Building, 171 Center Avenue, Pittsburgh, PA 15202, Monday-Friday 9 am-3 pm. Public discussion of this proposed ordinance is invited and if no changes are made, the ordinance will be considered for adoption at the business meeting of Emsworth Borough Council to be held Wednesday, November 11, 2020; 6:30 p.m., prevailing time, at 171 Center Avenue, Pittsburgh, PA 15202; or via Zoom.

All persons having an interest in this ordinance should be present at the above time and place and you will have an opportunity to be heard.

CATHY JONES
Borough Secretary

Hi Connie: Please run this Legal Ad in the September 4 and 11 editions of The Citizen.
Thank You☺