

ORDINANCE NO. 2021- 01

**AN ORDINANCE OF THE BOROUGH OF JIM THORPE,
COUNTY OF CARBON, PENNSYLVANIA, AMENDING THE
ZONING ORDINANCE FOR THE BOROUGH OF JIM THORPE.**

WHEREAS, the Borough of Jim Thorpe has adopted a Zoning Ordinance, Ordinance No. 97-12 as amended; and,

WHEREAS, the Borough Council of Jim Thorpe Borough wish to amend the Ordinance.

NOW THEREFORE, the Borough Council of Jim Thorpe Borough hereby enacts and ordains as follows:

1. Section 500-7 regarding definitions shall be amended by adding the following definitions:

AIR B & B: See short-term rental.

DWELLING UNIT- One or more rooms, occupied or intended for occupancy, as separate living quarters by a single family maintaining a household, the members of which have unrestricted access to all other parts thereof, with cooking, sleeping, and sanitary facilities provided therein, for the exclusive use of that single family.

FAMILY -

A. A person living alone or any of the following groups living together as a single, stable, non-transient housekeeping unit and sharing common living, sleeping, cooking, and eating facilities.

(1) Any number of people related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship resulting in one of the following relationships: husband, wife, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, nephew, niece, sister-in-law, father-in-law, mother-in-law or first cousin;

(2) Three unrelated people;

(3) Two unrelated people and any children related to either of them;

(4) Not more than the number of residents of a group home meeting the requirements in the definition of Group Home.

(5) Not more than eight people who are granted a special exception as a single nonprofit housekeeping unit (a "functional family") pursuant to 500-7 definition of Functional Family.

B. The definition of a "family" does not include:

(1) Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;

(2) Any group of individuals whose association is temporary or seasonal in nature;

(3) Any group of individuals who are in a group living arrangement as a result of criminal offenses; and

(4) Any person or group of individuals occupying, in whole or in part, a building or portion thereof as a Short-Term Rental.

FUNCTIONAL FAMILIES

(a) Purpose. This definition is to provide for the regulation of functional families that may request to reside in a dwelling unit and to prohibit larger groups of unrelated persons from residing in dwelling units. Larger groups of unrelated persons have been frequently shown to have a detrimental effect on residential neighborhoods since larger groups of unrelated persons do not live as a family unit and do not have significant economic or emotional ties to the neighborhood.

(b) Special exception; standards. The Zoning Hearing Board shall consider each application for a functional family as a special exception in accord with the applicable standards of this chapter and, among others, the following considerations:

[1] The proposed occupants:

(a) Share a strong bond or commitment to a single purpose (e.g., religious orders);

- (b) Are not legally dependent on others not part of the functional family;
- (c) Can establish legal domicile as defined by Pennsylvania law;
- (d) Prepare food and eat together regularly;
- (f) Share in the work to maintain the premises;
- (g) Legally share in the ownership or possession of the premises; and
- (h) Share the entire dwelling unit or act as separate roomers.

[2] Whether the household has stability akin to a permanent family. The criteria used to make this determination shall include, among others, the following:

- (a) The length of stay together among the occupants in the current dwelling unit or other dwelling units;
- (b) The presence of minor, dependent children regularly residing in the household;
- (c) Whether the household is a temporary living arrangement or a framework for transient living; and
- (d) Whether the composition of the household changes from year to year or within the year.

[3] Any other factor reasonably related to whether or not the group of persons is the functional equivalent of a family.

(c) Conditions. The Zoning Hearing Board may impose such additional conditions as it deems necessary for the general welfare, for the protection of individual property rights, and for ensuring that the intent and objectives of this chapter will be observed.

GROUP HOMES. Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:

- (a) A group home shall not include any use meeting the definition of a treatment center.

except: (b) A group home shall include the housing of a maximum of six unrelated persons,

[1] If a more restrictive requirement is established by another Borough code;

[2] The number of bona fide paid professional staff shall not count towards such maximum; and

[3] As may be approved by the Zoning Hearing Board.

(c) The facility shall have adequate trained staff supervision for the number and type of residents. If the facility involves five or more residents, then twenty-four-hour on-site staffing shall be provided.

(d) The applicant shall provide evidence of any applicable federal, state or county licensing or certification to the Zoning Officer.

(e) The group home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.

(f) Any medical or counseling services shall be limited to a maximum of three nonresidents per day. Any staff meetings shall be limited to a maximum of five persons at one time.

(g) Parking: see § 500-31

(h) If a group home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.

RESIDENCY (or OCCUPANCY), LONG TERM - Occupancy of a dwelling, generally for periods of 30 days or more, as opposed to temporary visits to bed-and-breakfast establishments, short-term rentals, motels, hotels, campgrounds and recreational vehicles, and which serves as the legal address for the occupant. It also includes any dwelling or structure where children who attend school reside.

SHORT-TERM RENTAL- Any dwelling unit within a residential dwelling or mixed use structure rented for overnight lodging for a period of not less than (1) day and not more than thirty (30) days. A Short-Term Rental shall include a tourist home, vacation rental by owner and other definitions set forth as a Short-Term Rental unit under the Zoning Ordinance of the Borough. A Short-Term Rental shall not include a bed and breakfast and/or a hotel as defined by the Borough Zoning Ordinance.

TRANSIENT USE - Occupancy, use or possession of a dwelling unit by persons other than the owner(s) or tenant(s) with a lease for 30 consecutive days or more, of that dwelling unit, and/or the family of such owner(s) or tenants for a period of less than 30 consecutive days; but excluding temporary stays by unrelated individuals who are guests of such owners/tenants or the family of such owners/tenants, without the payment of any type of compensation or other remuneration.

VACATION RENTAL - See short-term rental.

2. A new Section 500-50.2 shall be added as follows:

Short Term Rentals.

I. The following standards and requirements shall be met by the Applicant for a short-term rental activity.

(a) License. Possession of a current valid Short Term Rental License issued by the Borough in accordance with the Jim Thorpe Borough Short Term Rental License Ordinance.

(b) Meals. Meals shall not be provided to overnight guests of the establishment.

(c) Sewage disposal and occupancy. Sewage disposal meeting the requirements of the Borough and PA DEP shall be provided. Occupancy shall be limited by the capacity of the sewage disposal system.

(d) Nonconforming lots. Short-term rentals shall not be permitted on lots which are nonconforming in minimum area.

(e) Parking. Adequate off-street parking shall be provided in accordance with §500-31.

(f) PA Uniform Construction Code. All short-term rentals shall comply with PA Uniform Construction Code requirements, as amended.

(g) Information required. In addition to the other information required by this chapter, the applicant shall include with the application:

[1] The name, address, telephone number and email address of the owner of the short-term rental for which the permit is issued. If the Owner does not have a managing agency, agent or local contact person, then Owner shall provide a 24-hour telephone number.

[2] The name, address, and 24-hour telephone number of the managing agency, agent or local contact person for the owner of the short-term rental.

[3] The number of bedrooms and the maximum number of overnight occupants.

[4] If the building is a two-family or multi family dwelling structure, the number of dwelling units and the number of dwelling units being used as a short-term rental.

[5] A diagram or photograph of the premises showing and indicating the number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.

[6] Copy of current Carbon County Hotel Room Excise Tax Certificate and current Pennsylvania Sales Tax License, and/or such other proof or certification that the appropriate tax is collected.

3. Registration of Nonconformities. Pursuant to Section 613 of the MPC, the Zoning Officer is directed to identify and register Existing Nonconforming Short Term Rentals together with the reasons why the Zoning Officer identified such nonconformity. To that end, within ninety (90) days following the effective date of this Ordinance, the owner of any Short-Term Rental shall come forward and register such nonconforming use as a change of use application with the Zoning Officer of the Borough of Jim Thorpe, who shall maintain records of all such nonconformity by name and address for the use and the administration and enforcement of this Ordinance, and as a matter of public information. The owner of such Short Term rental shall comply with the Zoning Ordinance (other than the zoning location which shall be considered grandfathered for purposes of this Ordinance) The Zoning Officer shall issue a Certificate of Nonconformity to the owner of the premises or proprietor of the Short Term Rental in question. Such registration shall have the effect of permitting the Short Term Rental to continue in the zone in which it is located subject to the requirements set forth in Section 500-50.2 and subject to the independent Short Term Rental Ordinance adopted by the Borough Council as may be amended from time to time.

4. Short Term Rental Uses shall be allowed in the following districts by special exception: C1, C2, C3, R4 and S-Special.


5. Section 500-31 shall be amended by amending and adding Section 500-31A (6)(a)(4)-(6) as follows:

- (4) Short Term Rentals shall provide at least one (1) parking space for each bedroom.
- (5) Townhouses, Garden Apartments and other Apartment structures shall provide a minimum of 1.5 parking spaces per dwelling unit.
- (6) The parking spaces shall be accessed directly by a Borough or State Road, or by a driveway serving the above-mentioned uses. Access shall not be through and/or across a parking space located on a Borough or State Road.

In all other respects, the Zoning Ordinance as amended shall remain the same and in full force and effect.

DULY ENACTED AND ORDAINED this 11th day of March 2021 by the Borough Council of Jim Thorpe Borough in lawful session duly assembled.

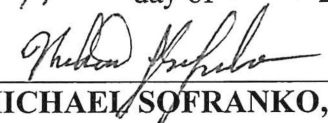
BOROUGH OF JIM THORPE

BY: 
GREGORY STRUBINGER, PRESIDENT

ATTEST:


SECRETARY/ASSISTANT SECRETARY

EXAMINED AND APPROVED this 11th day of March 2021.


MICHAEL SOFRANKO, MAYOR