

TOWNSHIP OF ELDRED  
MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2020-04

AN ORDINANCE AMENDING THE ELDRED TOWNSHIP ZONING ORDINANCE, TOWNSHIP ORDINANCE #2014-01, AS AMENDED; ESTABLISHING A NEW DEFINITION FOR SHORT-TERM RENTAL; AMENDING THE SCHEDULE OF USES REGARDING THE PERMITTED OR PROHIBITED USE STATUS OF A SHORT-TERM RENTAL IN EACH TOWNSHIP ZONING DISTRICT; ADDING A NEW SECTION 846 PROVIDING SUPPLEMENTARY REGULATIONS FOR PERMITTED SHORT-TERM RENTALS AND PROVIDING FOR OTHER MISCELLANEOUS MATTERS.

WHEREAS, Eldred Township, Monroe County, Pennsylvania, (the "Township") is a Pennsylvania second class township, organized and operating under the Pennsylvania Second Class Township Code ("Township Code"), 53 P.S. Sec. 65101, et seq.;

WHEREAS, pursuant to Sec. 1505 of the Township Code, 53 P.S. Sec. 66505, the corporate powers of the Township shall be exercised by the Township Board of Supervisors (the "Board");

WHEREAS, Section 1506 of the Township Code, 53 P.S. Section 66506, authorizes the Board of Supervisors to make and adopt any ordinances, by-laws, rules and regulations not inconsistent with or restrained by the Constitution and the laws of this Commonwealth necessary for the proper management, care and control of the Township, and its finances and maintenance of peace, good government, health, and welfare of the Township and its citizens, trade, commerce and manufactures;

WHEREAS, Section 1516 of the Township Code, 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";

WHEREAS, pursuant to such authority, the Township enacted on May 1, 2014, Township Ordinance #2014-01, commonly known as the Eldred Township Zoning Ordinance, (the "Zoning Ordinance");

WHEREAS, Section 609 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and re-enacted 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, the Board of Supervisors from time to time has reviewed the Zoning Ordinance, and amended the Zoning Ordinance, as the Board finds in the best of interests of the health, safety and welfare of Township residents;

WHEREAS, Short-Term Rental of dwellings has become a significant segment of the tourism economy in the Monroe County and surrounding areas;

WHEREAS, Short-Term Rental of dwellings may provide benefits such as (i) expanding the number and type of lodging facilities in the community, and (ii) providing an income opportunity to the owner of a single-family dwelling which may be used to pay the costs for maintenance, upgrades and deferred costs of the property;

WHEREAS, while some Short-Term Rentals occur without a problem, at other times Short-Term Rentals have resulted in excessive noise, parking, litter, and also triggered concerns regarding septic capabilities, security, public safety, and trespass; and

WHEREAS, the Board desires to adopt zoning regulations to authorize Short-Term Rentals in certain zoning districts, and to prevent such land use from (i) becoming a burden on Township and community services, and (ii) negatively impacting residential neighborhoods in which they are located;

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

Section 1. The Zoning Ordinance is amended as follows:

A. **Section 303, Definitions,** is amended by adding a definition entitled "Short-Term Rental ("STR")", as follows:

Short-Term Rental ("STR") - 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; provided, however, a dwelling unit shall not be considered a Short-Term Rental in a calendar year if during that calendar year: (1) the rental of the property does not occur more than two (2) times, and (2) the combined duration of all short term rental days is not more than fourteen (14) days.

B. **Section 404, District Regulations**, is amended by adding "Short-Term Rental" to the list of **CONDITIONAL USES** in the SCHEDULE OF USES for the following Township zoning districts: RR - Rural Resource District, AR - Agricultural/Residential District, and C - Commercial District. "Short-Term Rental" shall not be a permitted use, and is prohibited, in the R - Residential District and the I - Industrial District.

C. A Section 846, previously reserved, is added as follows:

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In addition to all other applicable standards of this Ordinance, Short-Term Rental uses shall comply with the following:

1. All federal, state and Township statutes, rules, regulations and ordinances regulating the use of property for Short-Term Rentals.
2. Short-Term Rental of a dwelling unit is not permitted on a lot if the lot would be non-conforming for regular long-term residential use.
3. Short-Term Rental of a dwelling unit is not permitted on a lot where there is a non-

conforming use already currently existing on the lot.

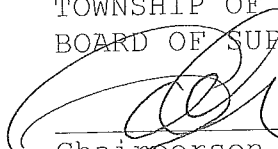
Section 2. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any remaining provisions, sentences, clauses, sections, or parts of this Ordinance. 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 3. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith. To the extent the provisions of this Zoning Ordinance Amendment are the same as any provisions of the Zoning Ordinance, as amended, 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. 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.

Section 4. 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 Eldred Township, Monroe County, Pennsylvania this 15th day of July, 2020.

TOWNSHIP OF ELDRED  
BOARD OF SUPERVISORS

  
Chairperson

  
Vice Chairperson

(TOWNSHIP SEAL)

Donna Mikol

Supervisor

Edan Kozdolceh

Township Secretary