

Borough of Stroudsburg



STROUDSBURG BOROUGH

MONROE COUNTY, PENNSYLVANIA

ORDINANCENO.

AN ORDINANCE AMENDING THE STROUDSBURG BOROUGH ZONING ORDINANCE TO AMEND THE DEFINITIONS OF FAMILY AND DWELLING UNIT, ADD NEW DEFINITIONS FOR SHORT-TERM HOME RENTAL, AMENDING THE ZONING DISTRICT USE REQUIREMENTS AND TABLE OF NON-RESIDENTIAL ZONING DISTRICT USE REQUIREMENTS AND OFF-STREET PARKING REQUIREMENTS

WHEREAS, the Stroudsburg Borough Council (hereafter “Borough”) of Monroe County, Pennsylvania recognizing its duty to make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of Stroudsburg Borough as set forth at §1202 of the Pennsylvania Borough Code (Title 8 Pa. C.S.A. §1202(5));

WHEREAS, the Pennsylvania Municipalities Planning Code (hereafter “MPC”) (Title 53 P.S. §10101-10109) enables Pennsylvania counties and municipalities, including Stroudsburg Borough to enact, amend and where necessary repeal Zoning Ordinances generally at Title 53 P.S. §10602;

WHEREAS, the MPC authorizes Pennsylvania counties and municipalities including Stroudsburg Borough to include provisions in a zoning ordinance intended to regulate density of population and intensity of use (53 P.S. §10603(4), provisions to encourage innovation and to promote flexibility, economy and ingenuity in development... Title 53 Pa. §10603(5), provisions authorizing increases in the permissible density of population or intensity of a particular use based upon expressed standards and criteria set forth in the Zoning Ordinance (Title 53 P.S. §10603(6));

WHEREAS, prior to April 26, 2019 the question of whether Pennsylvania municipalities could regulate the question of web-based rentals of single-family homes to vacationers or other transient users for a few days at t time through a Zoning Ordinance was uncertain;

WHEREAS, the Pennsylvania Supreme Court issued its Opinion in the case of *Slice of Life LLC and Val Kleyman v. Hamilton Township Zoning Hearing Board and Hamilton Township*, No. 7 MAP 2018 April 26, 2019 [INSERT OFFICIAL CITATION], in a decision of first impression before the Court holding that the purely transient use of a house is not a permitted use in a residential zoning district limiting use to single-family homes by a “single housekeeping unit;”

WHEREAS, the goal of this Ordinance is to prohibit any short-term residential rental in Stroudsburg Borough’s R-1, R-2 and R-3 residential districts but permit short-term rentals in the Borough’s non-residential zoning districts subject to the criteria and permitting process set forth in this Ordinance.

BE IT ENACTED AND ORDAINED by the Borough of Stroudsburg, Monroe County, Pennsylvania, under the authority

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granted by The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805 No. 247, as amended Title 53 P.S. §10101-11202.

SECTION 1 – DEFINITIONS

The Definitions set forth at Zoning Ordinance Chapter 27, Part 2 shall be amended as follows:

- a. The prior definition of “FAMILY” at Zoning Ordinance Chapter 27, Part 2 shall be deleted and replaced with the following:

“FAMILY” – any individual, or two (2) or more persons related by blood, marriage, legal adoption, foster placement or a group of not more than four (4) persons who need not be related by blood, marriage, living in a dwelling unit as a single-family housekeeping unit. “FAMILY” shall not be deemed to include the occupants of a boarding house, rooming or lodging house, club, fraternity/sorority or hotel.

- b. A new definition of “SHORT-TERM RENTAL” shall be added to the Ordinance as follows:

“SHORT-TERM RENTAL” – any Dwelling Unit utilized as a single-family residence rented for the purpose of overnight lodging for period of thirty (30) days or less and which meets the definition of “hotel” for purposes of imposing an excise tax by the County of Monroe as defined in County of Monroe Ordinance 2004-03, as amended.

- c. A new definition “SINGLE HOUSEKEEPING UNIT” shall be added to the Ordinance as follows:

“SINGLE HOUSEKEEPING UNIT” – a group of individuals in a single household functioning as a family within that household where the composition of the group is sufficiently stable and permanent so as not to be fairly characterized as purely transient.

SECTION 2 – ZONING USE SCHEDULE AND PARKING SCHEDULE AMENDMENTS

- a. The table of non-residential zoning district use requirements at Zoning Ordinance §405 shall be amended to include “SHORT-TERM RENTAL” as a permitted use in the C-1, C-1A, C-2, MU-A, MU-B, I-1 and O-1 Zoning Districts.
- b. Off-Street Parking Criteria for Short-Term Rental Use Part 7, Parking and Loading Requirements at §27-701. Off Street Parking shall be amended by including the term short-term home rental under the following use, off-street parking requirements and additional notes as follows:

Use	One off-street parking space required for each...	Plus one off-street parking space required for each
A) Residential... (Use Category No. 8) Short-Term Home Rental	One parking space per bedroom.	

- c. Off-Street Parking Criteria for Short-Term Rentals. - The following off-street parking criteria apply to short-term rentals and shall be added to Chapter 27 at §27-703(10).

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10. Design Standards for Short-Term Rental Off-Street Parking.
- a. All parking for overnight guests and day guests shall be designated in the permit and shall be located on the Owner's property and not in any private, community or public right-of-way.
 - b. The required number of parking spaces may include spaces in a garage which can accommodate vehicles.
 - c. All parking spaces shall be improved to a mud-free condition with paving, stone or similar material and shall count as part of the maximum lot coverage established by the Borough Zoning Ordinance.
 - d. Each vehicle parking space shall be a rectangle with a minimum width of nine (9) feet and a minimum length of eighteen (18) feet and adequate aisle width shall be provided to facilitate access and use of the spaces.
 - e. If the short-term home rental is accessed directly by the Borough or State road, all parking spaces shall be accessed from the driveway serving the short-term home rental and not directly from the Borough or State road.

SECTION 3 – APPLICATION FOR SHORT-TERM HOME RENTAL ZONING PERMIT

The following permit criteria and procedure shall be added to the Zoning Ordinance to guide the administration of the new short-term rental zoning criteria:

- a. Permit Required- A short-term home rental zoning permit shall be required when any dwelling unit in a single-family dwelling or a two-family/multi-family dwelling is rented for a period of thirty (30) consecutive calendar days or less. NOTE: A short-term rental license is required IN ADDITION to a short-term rental permit in order to operate a short-term rental.
- b. Separate Permits- A separate zoning permit is required for each dwelling unit proposed for short-term home rental. For Two-Family or Multi-Family Dwellings, a separate permit shall be required for each dwelling unit being rented pursuant to the definition of "Short-Term Home Rental".
- c. Issuance to Owner- The permit shall be issued only to the owner of the short-term home rental.
- d. Forms and Procedures- The Zoning Officer is authorized to prescribe forms and procedures for the processing of permits under this Ordinance.
- e. Family/Multi-Family Short-Term Home Rentals - No building shall be used as a Short-Term Home Rental that has two (2) or more dwelling units unless said building has been approved by the Borough as a Two-Family or Multi-Family Dwelling. If such approval has been granted by the Borough and one (1) or more of the dwelling units, but not necessarily all, are being rented as set forth in the definition of "Short-Term Home Rental," then the requirements of this Ordinance shall apply to such rental unit or unit.

SECTION 4 – SEVERABILITY

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the

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Borough Council having adopted this Ordinance as if such invalid portions had not been included therein.

SECTION 5 - REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 6 - EFFECTIVE DATE

This Ordinance shall become effective upon approval by Borough Council, the Stroudsburg Borough Manager and the Mayor of Stroudsburg as provided for pursuant to the PA Borough Code.

ENACTED AND ORDAINED into or law by the Borough Council of The Borough of Stroudsburg, Monroe County, Pennsylvania, this

ENACTED AND ORDAINED THIS ____ DAY OF _____, 2020.

BOROUGH OF STROUDSBURG

ATTEST:

By: _____
Anthony Lanfrank
President of Council

Brian D. Ace, Jr. Mary Pat Quinn
~~Interim~~ Borough Manager

By: _____
Tarah Probst
Mayor