

**ORDINANCE NO. 2020- 4/**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF  
TOWAMENSING TOWNSHIP, CARBON COUNTY,  
PENNSYLVANIA, ENTITLED "THE TOWAMENSING TOWNSHIP  
ZONING ORDINANCE" (ZONING ORDINANCE").**

**BE IT ENACTED** and **ORDAINED** by Towamensing Township, Carbon County, Pennsylvania, and **IT IS HEREBY ENACTED AND ORDAINED** by the authority of the same, that the following additions, deletions, and amendments be made a part of the Zoning Ordinance ("Ordinance"):

1. The definition of "Family" in Section 202 (Terms Defined) shall be amended by adding the following:

(a) The definition of a family does not include:

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

2. In Section 202 (Terms Defined), the following definitions shall be added:

SHORT-TERM RENTAL - Granting or allowing the occupancy or possession, in whole or in part, of a dwelling unit for a transient use, for compensation or remuneration of any kind. This definition applies to all types of dwelling units, including (but not limited to) single family, two family and multi-family dwelling units, whether or not otherwise primarily used as permanent residences or seasonal or vacation homes.

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

3. Section 505 (Table of Use Regulations) shall be amended to include C (26) Short-Term Rental as a special exception permitted in the LC-Light Commercial and HC-Heavy Commercial zoning districts, and not permitted in any other zoning districts.

4. Section 705 (Criteria for Specific Land Uses) shall be amended by adding:

(C26) SHORT-TERM RENTAL

In addition to the general conditions stated in Sections 703 and 704 and Article 12 of this Ordinance, Short-Term Rental shall be permitted as a special exception subject to the following specific conditions:

- (a) License. Possession of a current valid Short-Term Rental License issued by the Township in accordance with the Towamensing Township Short-Term Rentals Ordinance ("Short-Term Rentals 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 Township and PA Department of Environmental Protection shall be provided. Occupancy shall be limited by the capacity of the sewage disposal system.
- (d) Nonconforming lots. Short-Term Rental shall not be permitted on lots which are nonconforming in minimum area.
- (e) Parking. There shall be at least one off street parking space (located on the same premises as the short-term rental use) for each bedroom.
- (f) PA Uniform Construction Code and Short-Term Rentals Ordinance. All short-term rentals shall comply with PA Uniform Construction Code, as amended, and, the Short-Term Rentals Ordinance, as amended. To the extent there is any conflict between the requirements of the PA Uniform Construction Code and the Short-Term Rentals Ordinance, whichever provides for stricter or greater requirements shall control.
- (g) Information required. In addition to the other information required by this Ordinance, this 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, if any.
- [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 a current Carbon County Hotel Room Excise Tax Certificate and current Pennsylvania Sales Tax License.

5. The term "tourist home" shall be deleted wherever it appears in the Ordinance including in section 705(E10) (Bed and Breakfast Establishment).

6. The definition of "Seasonal Residence" contained in section 202 of the Ordinance shall be amended by adding, "A Seasonal Residence is different from a "Short-Term Rental", which is a separate and distinct use. A Seasonal Residence may not be used as a Short-Term Rental unless it is a legal non-conforming Seasonal Residence in either the LC-Light Commercial or HC-Heavy Commercial zoning districts and complies with the requirements of Section 705 (C26) (Short-Term Rental)." As amended the definition of "Seasonal Residence" shall be:

A permanent dwelling, cabin, lodge or summer house which is intended for occupancy less than one hundred eighty two (182) days of the year. A Seasonal Residence is different from a "Short-Term Rental", which is a separate and distinct use. A Seasonal Residence may not be used as a Short-Term Rental unless it is a legal non-conforming Seasonal Residence in either the LC-Light Commercial or HC-Heavy Commercial zoning districts and complies with the requirements of Section 705 (C26) (Short-Term Rental).

7. Section 705 (B12) (Seasonal Residence) shall be amended by adding, "A Seasonal Residence is different from a "Short-Term Rental", which is a separate and distinct



use. A Seasonal Residence may not be used as a Short-Term Rental unless it is a legal non-conforming Seasonal Residence in either the LC-Light Commercial or HC-Heavy Commercial zoning districts and complies with the requirements of Section 705 (C26) (Short-Term Rental)."

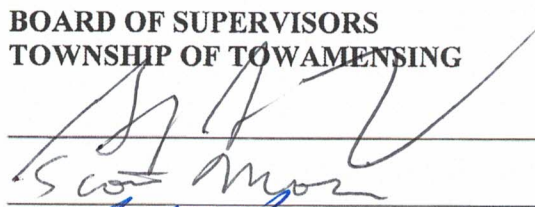
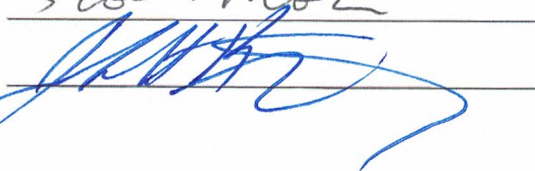
8. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby appealed.

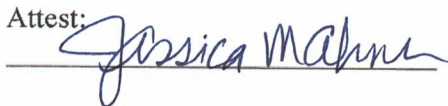
9. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionally, illegality or invalidity shall not affect nor impair any of the remaining provisions, sentences, clauses, section or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section of part thereof not been included herein.

10. This Ordinance shall become effective five (5) days after the date of the date of the date of the adoption hereof.

ENACTED this 30th day of December, 2020.

**BOARD OF SUPERVISORS  
TOWNSHIP OF TOWAMENSING**

  
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Attest:   
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