

**MYERSTOWN BOROUGH
LEBANON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 870

AN ORDINANCE OF MYERSTOWN BOROUGH, LEBANON COUNTY, PENNSYLVANIA, AMENDING ORDINANCE #841, THE BOROUGH OF MYERSTOWN ZONING ORDINANCE OF 2017, AS AMENDED.

WHEREAS, the Borough of Myerstown adopted Ordinance No. 841 on May 22, 2017, which Ordinance constitutes the Borough of Myerstown Zoning Ordinance of 2017 (the “Zoning Ordinance”); and

WHEREAS, the Zoning Ordinance was thereafter amended by Ordinance 853, Ordinance 858, and Ordinance 865; and

WHEREAS, the Zoning Ordinance presently does not define short-term rentals or regulate short-term rental uses in any zoning district; and

WHEREAS, Borough Council wishes to amend the Zoning Ordinance to provide a definition of short-term rentals and to limit the zoning districts in which short-term rentals are permitted; and

WHEREAS, Borough Council wishes to incorporate into the Zoning Ordinance specific regulations for short-term rentals in order to carry out the objectives of the Zoning Ordinance more effectively.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MYERSTOWN THAT THE FOLLOWING AMENDMENTS SHALL BE MADE TO THE ZONING ORDINANCE:

SECTION 1. Part 3 – Allowed Uses in Primarily Residential Districts, Section 27-301, shall be amended to include the following:

(2) <u>COMMERCIAL USES</u>	<u>ZONING DISTRICTS</u>			
	CN	LDR	OT	CF
Short-term rentals	N	N	N	N

All other provisions of Part 3 – Allowed Uses in Primarily Residential Districts, Section 27-301, shall not be amended and shall remain in effect.

SECTION 2. Part 4 – Allowed Uses in Primarily Non-Residential Districts, Section 27-401, Paragraph b. shall be amended to include the following:

b.	<u>COMMERCIAL USES</u>	<u>ZONING DISTRICTS</u>				
		TMN	GB	TC	LI	GI
	Short-term rentals (See 27-602)	P***	P	P	P	P

*** = Limited to a maximum number of units which shall be set by the Myerstown Borough Council. Such maximum number shall not exceed twelve (12).

All other provisions of Part 4 – Allowed Uses in Primarily Non-Residential Districts, Section 27-401, Paragraph b. shall not be amended and shall remain in effect.

SECTION 3. Part 6 – Additional Requirements for Specific Uses, Section 27-602, shall be amended to include the following provisions:

44. **Short-term Rental.**

- A. Property owner must provide Certificate of Insurance evidencing a minimum of \$500,000 commercial liability insurance coverage for the use.
- B. Property owner must provide evidence of a valid Lebanon County hotel excise tax certificate and PA Sales, Use, and Hotel Occupancy Tax license.
- C. The use requires the specific designation of a person in charge, either the property owner or another person who must reside or have an office within fifteen (15) miles of the short-term rental property and acts as the legal agent for the owner.
- D. The use shall comply with all applicable Borough Ordinances and regulations, including any and all building code requirements for a commercial building.
- E. Inspection and approval by Building Code Official is required before Certificate of Occupancy will be issued.
- F. The use must apply to the entire property with the number of units that exist at the time of approval. The property cannot be divided into multiple units that are separately listed for rental after approval.
- G. A short-term rental unit may not be located in a structure that contains one or more other dwelling units used for non-transient living quarters.
- H. Overnight occupancy is limited to no more than 2 persons per bedroom (e.g., 6 persons for a 3-bedroom residential structure).

Exceptions may be approved by Borough Council in Council's sole discretion.

- I. The maximum number of day guests at any one time shall not exceed ten (10) persons.
- J. No additional bedrooms may be added or created within the dwelling unit after the approval of the use. Existing non-bedroom spaces may not be converted into additional bedrooms. The number of bedrooms shall be limited to that which existed in the residential dwelling unit at the time of approval.
- K. The property must have a minimum of 1 off-street parking space per bedroom, and guests may not park more cars on site than the number of off-street parking spaces available. Off-street parking must comply with all applicable regulations set forth in Part 11 of the Zoning Ordinance, related to off-street parking and loading.
- L. The use must comply with all terms and conditions of any other short-term rental ordinance provisions and/or licensing program established by Myerstown Borough.

SECTION 4. Part 6 – Additional Requirements for Specific Uses, Section 27-602, shall be amended to renumber current paragraphs 44 through 50 as paragraphs 45 through 51 to accommodate the inclusion of new paragraph 44 as set forth in Section 3 of this Ordinance.

SECTION 5. Part 15 – Definitions, Section 27-1502, shall be amended to include the following definition:

Short-term rental. Any dwelling unit within a residential or mixed-use structure which is rented or leased for overnight lodging to transient guests for a period of not less than one (1) day nor more than thirty (30) consecutive calendar days. Short-term rentals shall include vacation homes but shall not include bed and breakfast inns, boarding or rooming houses, or hotels/motels as defined in this Ordinance.

SECTION 6. Upon adoption of this Ordinance, all amendments stated herein shall be fully incorporated into the Borough of Myerstown Zoning Ordinance.

SECTION 7. If any provision, sentence, clause, section, or part of this Ordinance or the application thereof to any person or circumstance is for any reason found to be unconstitutional, illegal, or invalid by a court of competent jurisdiction, such unconstitutionality, illegality, or invalidity shall not affect or impair the validity of any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. All other sections, parts and provisions of the Code of Ordinances of the Borough of Myerstown shall remain in full force and effect as previously enacted and amended.

SECTION 8. This Ordinance shall be effective upon enactment by Borough Council as provided by law.

ENACTED AND ORDAINED this ____ day of _____, 2023.

ATTEST:

MYERSTOWN BOROUGH

By: _____
Michael R. McKenna, Secretary

By: _____
Bryan L. Rittle, President

Examined and Approved this ____ day of _____, 2023.

By: _____
Dane W. Bicher, Mayor