

TOWNSHIP OF MARTIC

Lancaster County, Pennsylvania

ORDINANCE NO. 2-4-19 A

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF MARTIC TOWNSHIP TO REVISE REGULATIONS GOVERNING USES PERMITTED IN VARIOUS DISTRICTS; TO REGULATE SHORT-TERM RENTALS; AND TO REVISE DEFINITIONS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, as follows:

Section 1. The Zoning Ordinance of Martic Township, Article X, Definitions, Section 1002, Terms, shall be amended by revising or adding the following definitions in alphabetical order:

DWELLING UNIT – a building or portion thereof used for residential occupancy by not more than one family and having separate cooking and sanitary facilities.

RESIDENTIAL OCCUPANCY – the non-transient occupancy of a dwelling unit by one family for a continuous period of thirty (30) or more days. In order for the occupancy of a dwelling unit to be considered residential occupancy, such dwelling unit shall be owner-occupied or shall be leased to a family (as defined in this Ordinance) for a period of not less thirty (30) continuous days.

SHORT-TERM RENTAL – the use of a structure which would be considered a dwelling if it were residentially occupied in a manner which does not meet the definition of residential occupancy, i.e. occupancy for a period of less than thirty (30) continuous days by the same occupants. A dwelling unit with an approved bed and breakfast as an accessory use shall not be considered a short-rental.

Section 2. The Zoning Ordinance of Martic Township, Article IV, Section 401, Rural Conservation District (RC), Subsection B, Uses and Structures, Paragraph 2, Special Exceptions, shall be amended by revising Subparagraph h to provide as follows:

h. Short-term rental subject to Section 619.

Section 3. The Zoning Ordinance of Martic Township, Article IV, Section 402 Agricultural (A), Subsection B, Uses and Structures, Paragraph 2, Special Exceptions, shall be amended by revising Subparagraph i to provide as follows:

- i. Short-term rental subject to Section 619.

Section 4. The Zoning Ordinance of Martic Township, Article IV, Section 403 Residential Low Density (RLD), Subsection B, Uses and Structures, Paragraph 2, Special Exceptions, shall be amended by revising Subparagraph h to provide as follows:

- h. Short-term rental subject to Section 619.

Section 5. The Zoning Ordinance of Martic Township, Article IV, Section 404 Shore Line Recreational (SR), Subsection B, Uses and Structures, Paragraph 2, Special Exceptions, shall be amended by revising Subparagraph e to provide as follows:

- e. Short-term rental subject to Section 619.

Section 6. The Zoning Ordinance of Martic Township, Article VI, Special Exception Regulations, shall be amended to add a new Section 619, Short-Term Rentals, which shall provide as follows:

Section 619. Short-Term Rentals. Where authorized by Article IV, a short-term rental may be permitted by special exception subject to the following criteria:

A. No modification to the external appearance of the building (except fire escapes) which would alter its residential character shall be permitted.

B. All floors above-grade shall have direct means of escape to ground level.

C. Any sign shall comply with the requirements for signs for home occupations.

D. A smoke alarm shall be placed in each guest bedroom.

E. A fire extinguisher shall be placed in the kitchen.

F. Minimum lot area – One (1) acre if public sewer and public water are provided. If not serviced by both public sewer and public water, there shall be a minimum lot area of two (2) acres.

G. Maximum number of bedrooms available for overnight guests shall be determined by the building size as follows:

1. Minimum building size less than two thousand two hundred (2,200) square feet – Four (4) bedrooms.

2. Minimum building size two thousand two hundred (2,200) square feet or greater – Five (5) bedrooms. No more than five (5) bedrooms for use by overnight guests shall be permitted regardless of size.

H. The Applicant shall prepare and present to the Zoning Hearing Board a notice which shall be prominently and conspicuously posted at the short-term rental which shall contain, at a minimum, all of the following information:

1. The name of the local contact person or owner of the short-term rental and a telephone number at which that party may be reached on a 24-hour basis.

2. The address of the property which Lancaster County Communications uses for emergency response purposes.

3. The maximum number of occupants permitted to stay in the short-term rental.

4. The maximum number of all vehicles allowed to be parked on the property and a statement that parking is not permitted in any public street right-of-way.

5. A statement notifying the occupants that trash and refuse shall not be left or stored on the exterior of the property except in secure, water-tight metal or plastic cans or similar containers designed for such storage.

I. The Applicant shall designate a local contact person who shall have access and authority to assume management of the short-term rental and take remedial measures. An owner who resides within the Township or within 30 miles of the short-term rental may designate himself/herself as the local contact person. If the special exception is approved, the local contact person shall respond to the Township or to a police officer within one hour after being notified by such official of any disturbance on the property. There shall be a local contact person at all times the short term rental is operated. The owner of a short-term rental may change the local contact person only after written notice to the Zoning Officer, and any new local contact person shall meet all requirements of this subsection.

J. If on-lot sewer sewage disposal is provided, DEP and the Sewage Enforcement Officer shall approve the method of sewage disposal.

K. No accessory buildings shall be used to provide rooms for overnight guests. Only one (1) building per lot shall be used for overnight guests.

L. Lighting shall be arranged and shielded so that no glare or direct illumination shall be cast upon adjacent lots or public streets.

M. The owner of the short-term rental shall submit an application each year for a permit to authorize continued operation of the short-term rental, accompanied by any fee which the Board of Supervisors may establish by resolution. The application shall require that the owner provide sufficient information for the Zoning Officer to confirm that the short-term rental meets all requirements of this Section 619.

Section 7. All other sections, parts and provisions of the Zoning Ordinance of Martic Township shall remain in full force and effect as previously enacted and amended.

Section 8. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such

invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 9. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Martic as provided by law.

DULY ORDAINED AND ENACTED this 4th day of February, 2019, by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MARTIC
Lancaster County, Pennsylvania

Attest: Karen D. Sellers
(Assistant) Secretary

By: [Signature]
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

CERTIFICATE

I, the undersigned, Manager of the Township of Martic (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township, which was duly enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township of Martic at a meeting dully held on the 4th day of February, 2019; such Ordinance has been duly recorded in the Ordinance Book of the Township; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township of Martic met the advanced notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. § 701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 4th day of February, 2019.



Secretary

[TOWNSHIP SEAL]