

UPPER UWCHLAN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE 2024-02

AN ORDINANCE OF THE TOWNSHIP OF UPPER UWCHLAN, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 200 OF THE UPPER UWCHLAN TOWNSHIP CODE TITLED "ZONING" TO DELETE THE DEFINITION OF "HOTEL/MOTEL/ MOTOR INN" AND TO ADD DEFINITIONS OF HOTEL, MOTEL AND SHORT TERM RENTAL IN SECTION 200-7; TO AMEND SECTION 200-13.C TO ALLOW A SHORT TERM RENTAL IN THE R-1 DISTRICT BY CONDITIONAL USE; SECTION 200-17.B TO ALLOW A SHORT TERM RENTAL IN THE R-2 DISTRICT BY CONDITIONAL USE AND TO ADOPT A NEW SECTION 200-72.3 TO ADOPT CRITERIA FOR A SHORT TERM RENTAL.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Uwchlan Township that Chapter 200 of the Upper Uwchlan Township Code, titled "Zoning", shall be amended as follows:

SECTION 1. The definition of "Hotel, Motel and Motor Inn" in Section 200-7, titled, "Definitions and word usage" shall be deleted.

SECTION 2. The following definitions shall be added to Section 200-7, titled, "Definitions and word usage":

HOTEL- A facility offering transient lodging accommodations to the general public, which rooms are entered exclusively from an interior lobby, corridor or hallway from a common entrance, and which may include additional facilities and services, such as restaurants, lounges, meeting rooms and other common areas, or recreation facilities for use only by registered hotel guests.

MOTEL- Building or series of buildings in which transient lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.

SHORT TERM RENTAL – Any single family detached dwelling unit rented for the purpose of overnight transient lodging for a period of less than 30 days. The leasing of one or more bedrooms in a dwelling unit shall not be permitted as a short term rental.

SECTION 3. Section 200-13, titled “Use Regulations” for the R-1 Residential District shall be amended in Section 200-13.C to add a new subparagraph (7) as follows:

(7) Short term rental subject to the criteria in Section 200-72.3.

SECTION 4. Section 200-17, titled “Use Regulations” for the R-2 Residential District shall be amended in Section 200-17.B to add a new subparagraph (4) as follows:

(4) Short term rental subject to the criteria in Section 200-72.3.

SECTION 5. A new Section 200-72.3 titled, “Standards and criteria for short term rentals” shall be added and provide as follows:

“§200-72.3. Standards and criteria for short term rentals.

A. In addition to the requirements in Section 200-116 that apply to all uses permitted by conditional use, short term rentals shall also comply with the standards and criteria in this Section.

B. Standards and criteria.

- (1) Short term rentals shall be permitted in single family detached dwelling units in the R-1 Residential District and the R-2 Residential District by conditional use.
- (2) The leasing of one or more bedrooms in a dwelling unit shall not be permitted as a short term rental.
- (3) The short term rental must provide one off-street parking space per bedroom. The location of the off-street parking spaces shall be approved by the Zoning Officer.
- (4) The owner of a short term rental shall be required to obtain an annual rental permit and pay the applicable annual rental permit fee as established by Resolution of the Board. In order to obtain the rental permit, the short term rental shall be inspected on an annual basis by the Township Code Department. The short term rental shall demonstrate proof of the following:
 - a) working smoke detector in each bedroom;
 - b) working smoke detector outside each bedroom in a common hallway;
 - c) working smoke detector on each floor;
 - d) GFI outlet for all outlets located within 6 feet of a water source;
 - e) aluminum or metal exhaust from the dryer;

- f) carbon monoxide detector if open flame furnace or gas fireplace is used;
 - g) carbon monoxide detector if a garage is attached;
 - h) fire extinguisher located in a conspicuous location in the kitchen; and
 - i) All indoor and outdoor staircases in good condition.
- (5) If the Township determines that the short term rental does not meet any provision in this Chapter, it may perform additional inspections and institute the appropriate enforcement provisions, which may include revoking the short term rental permit until such time as the violation is abated.
- (6) Short term rentals shall comply with all applicable federal, state and local governmental laws, rules, ordinances, resolutions and regulations including the Upper Uwchlan Township Code.
- (7) The maximum number of guests that may stay overnight in the short term rental shall be limited to two per bedroom.
- (8) A short term rental advertising more than three bedrooms shall provide proof to the Zoning Officer that the dwelling is connected to public sewer or in the case where the dwelling is served by a private septic system, the septic system is adequate to handle the additional flows estimated by the additional bedrooms. If the septic system malfunctions, the short term rental use shall be discontinued until such time as the septic system is repaired or replaced.
- (9) The owner of a short term rental shall designate a local responsible agent who is an adult individual designated by the owner of the short term rental who is responsible for providing the Zoning Officer with access to the short term rental for the purpose of making inspections necessary to ensure compliance with this Chapter. A responsible local agent is required to either reside on the premises in which the short term rental is located or reside within a radius of five miles of the Township. An owner may designate himself or herself as a responsible agent if he or she either resides on the premises in which the short term rental is located or resides within a radius of five miles of the Township.

SECTION 6. Severability. 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 of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 7. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 8. Effective Date. This Ordinance shall become effective five (5) days following the enactment as by law provided.

ENACTED AND ORDAINED this 16th day of September, 2024.

ATTEST:

UPPER UWCHLAN TOWNSHIP
BOARD OF SUPERVISORS




Gwen A. Jonik, Secretary



Jennifer F. Baxter, Chair



Andrew P. Durkin, Vice-Chair



Sandra M. D'Amico, Member