

BOROUGH OF SEWICKLEY
ORDINANCE NO. 1381

AN ORDINANCE OF THE BOROUGH OF SEWICKLEY, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING THE SEWICKLEY BOROUGH ZONING ORDINANCE AS SET FORTH IN PART II, CHAPTER 330, OF THE SEWICKLEY BOROUGH CODE OF ORDINANCES, TO ALLOW FOR SHORT-TERM RESIDENTIAL RENTAL PROPERTIES AS AN ACCESSORY USE IN THE GENERAL COMMERCIAL AND VILLAGE OVERLAY ZONING DISTRICTS, PROVIDING FOR DEFINITIONS APPLICABLE TO SHORT-TERM RENTALS, AND SETTING FORTH SPECIFIC STANDARDS FOR THE ESTABLISHMENT AND USE OF THE SAME.

WHEREAS, the Borough of Sewickley has adopted a comprehensive Zoning Ordinance to regulate the location and use of land and buildings, as authorized by the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, et seq.; and

WHEREAS, the rental of residential property for short-term rental to overnight guests is not addressed in the Sewickley Borough Zoning Ordinance; and

WHEREAS, the Council of the Borough of Sewickley finds that allowing short-term rentals in some areas of the Borough provides alternatives to hotel accommodations for visitors and provides economic benefits to the community; and

WHEREAS, the Council of the Borough of Sewickley finds that certain areas of the Borough are less compatible for short-term rental uses and the presence of short-term rentals in primarily residential areas is reasonably likely to interfere with the quiet enjoyment of surrounding residences, negatively impact property values, deteriorate the communal nature of residential neighborhoods, pose an increased risk of harm as a result of the influx of transient persons, and be overall detrimental to the general welfare of the community; and

WHEREAS, the Council of the Borough of Sewickley finds that short-term rentals should be subject to reasonable regulations and permitting requirements to safeguard the health and safety of guests and to prevent and abate nuisance conditions; and

WHEREAS, the Borough has met all requirements for publication of notice prior to passage of the regulations contained herein; and

WHEREAS, a public hearing on these regulations was held on November 8, 2022 to solicit public input prior to adoption; and

WHEREAS, adoption of these regulations is found to be consistent with the Aleppo Sewickley Osborne Joint Comprehensive Plan; and

WHEREAS, the Council of the Borough of Sewickley hereby intends to act on its findings that it is necessary to allow for short-term residential rental properties as an accessory use in the General Commercial (C-1) and Village Overlay (VO) zoning districts, provide for definitions applicable to short-term rentals, set forth specific standards for the establishment and use of short-term rentals, and restrict short-term rentals from all other zoning districts in the Borough in order to adequately protect the health, safety, and welfare of the community and its guests.

NOW THEREFORE, be it ordained by the Council of the Borough of Sewickley, as set forth below.

**ARTICLE I
PRELIMINARY PROVISIONS**

Section 1.01 Integration and Incorporation of Provisions.

It is the intent of the Council of the Borough of Sewickley by adoption and enactment of this ordinance, that:

(a) The foregoing recitals and findings are deemed to be incorporated herein as the basis for this amendment.

(b) The paragraph headings, explanatory comments, section numbers, internal references, and format of the provisions of this ordinance may be altered or omitted as necessary to be fully integrated with and incorporated into the Sewickley Borough Code of Ordinances.

(c) The Sewickley Borough Zoning Ordinance and corresponding sections of the Sewickley Borough Code of Ordinances shall be revised and amended to reflect and give effect to the provisions set forth hereunder.

Section 1.02 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 of this ordinance. It is hereby declared as the intent of the Sewickley Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 1.03 Effective date.

This ordinance shall take effect immediately upon enactment or as soon thereafter as allowed by law.

**ARTICLE II
AMENDMENTS**

Section 2.01 Definitions.

The following terms and definitions shall be added to Chapter 330, Article III, Section 303, of the Sewickley Borough Code of Ordinances:

(a) *Short-term rental.* The rental or offer for rental of a dwelling unit or any portion of a dwelling unit for a period of less than thirty (30) days. *Short-term rental* does not include:

- (1) Extension of a lease for periods of less than thirty (30) days when the original lease was for a period of thirty (30) days or more.
- (2) A leaseback arrangement under which the seller of a home leases the home back from the purchaser for periods of less than thirty (30) days.

(b) *Short-term rental permit.* A permit authorizing the occupation of a dwelling unit for short-term rental pursuant to the short-term rental regulations and permitting requirements established via Sewickley Borough Ordinance No. 1380 of 2022.

(c) *Short-term rental unit.* A dwelling unit, or a portion of a dwelling unit, that has been lawfully established as a permitted residential use and is offered to guests for short-term rental purposes, as defined herein. "Short-term rental unit" does not include:

- (1) A structure or any part of a structure not intended for human occupancy, including space in utility sheds, garages, attics, or basements that is not designed, inspected, and licensed to ensure proper certification for human occupancy.
- (2) A camper, tent, or vehicle, including a recreational vehicle.
- (3) Rooms or suites at hotels.
- (4) Accommodations at bed and breakfast establishments properly approved by the Borough.
- (5) Healthcare facilities licensed by the State.

Section 2.02 Zoning district designations for Short-term rental unit.

The following zoning district designations for *Short-term rental unit* as an accessory use shall be added to “Table 2: Accessory Uses” as set forth in Chapter 330, Article IV, Section 405, of the Sewickley Borough Code of Ordinances:

Land Use	R-1	R-1A	R-2	C-1	C-2	INST.	I	OS	VO	OMU
Short-Term Rental Unit				A					A	

Section 3.01 Supplemental Regulations.

The following supplemental regulations for *short-term rental unit* as an accessory use shall be added to Chapter 330, Article VI, Section 601, of the Sewickley Borough Code of Ordinances:

(a) *Short-term rental unit.*

- (1) A *short-term rental unit* is allowed as an accessory use in the General Commercial (C-1) and Village Overlay (VO) zoning districts, provided the property meets the requirements hereunder and satisfies all applicable zoning requirements for a principal residential use that is permitted in the respective zoning district or that already exists as a valid nonconforming principal residential use. Short-term rentals are prohibited in all other zoning districts.
- (2) In addition to obtaining accessory use approval, the operator of a *short-term rental unit* must obtain a *short-term rental permit* pursuant to the short-term rental regulations and permitting requirements established via Ordinance No. 1380 of 2022 prior to engaging in short-term rental. A valid short term rental permit shall be maintained at all times of operation of *short-term rental unit*.
- (3) Parking requirements shall be determined by the principal residential use.

ORDAINED AND ENACTED into law this _____ day of _____, 2022.

ATTEST:

THE BOROUGH OF SEWICKLEY

Donna Kaib, Borough Manager

By: _____
Cynthia Mullins, President of Council

By: _____
George Shannon, Mayor