

## ORDINANCE #2022-839

An Ordinance of the Borough of Clarion, County of Clarion, Commonwealth of Pennsylvania amending certain provisions of the Clarion Borough Zoning Ordinance #2013-795 (as codified by Ordinance #2013-798, Chapter 210) to add Short-term Rentals as a conditional use in all R-1 Single family residential Zoning Districts, and as a permitted use in R-2 Medium Density Residential Zoning Districts, R-3 High Density Residential Zoning Districts, MU Mixed Use Zoning District, C-1 and C-2 Commercial Districts.

Whereas, in 2013, the Borough adopted a revised Zoning Ordinance, known as #2013-795, in order to regulate the use of land within the Borough; and

Whereas, Ordinance #2013-795 was incorporated into the Code of the Borough of Clarion as Chapter 210 of Ordinance #2013-798; and

Whereas, the Council of the Borough of Clarion has determined that it is necessary, from time-to-time to enact amendments to the Zoning Ordinance (#2013-795) in order to further protect, insure, and enhance the health, safety, welfare and comfort of the residents of the Borough of Clarion; and

Whereas, this amendment to the Zoning Ordinance (#2013-795) was the subject of a duly and legally advertised Public Hearing; and

Whereas, amending this Ordinance shall be known as the Zoning Amendment Ordinance of 2022.

Now, therefore, be it ordained and enacted by the Council of the Borough of Clarion, and is hereby ordained and enacted by authority of the same as follows:

### ARTICLE I

Section 111, Article I, Specific Words and Phrases shall be amended, except as provided and limited in Article IV, to include the following words and definitions:

Short-term Rentals shall be defined as: a furnished living space available to rent for short periods of time, from one (1) day to thirty-one (31) days. Short-term rentals include, but not limited to:

- A) A Short-term Rental can be a stand-alone dwelling either as an entire house or a shared space.
- B) Short-term Rentals can be rented through various platforms; such as, Air BnB, VRBO, Home Away, Booking.com, or any other similar platform.
- C) Short-term Rentals are subject to all state and local taxes. Any taxes not collected and paid by a rental platform remain the responsibility of the property owner to collect and pay.
- D) All Short-term Rentals will be required to be licensed throughout Clarion Borough and are subject to all inspections and fees.

### ARTICLE II

Article IV, Specific Criteria shall add Section 429, Short-term Rentals and include the following words:

Short-term rentals are permitted in a R-1 Single-Family Residential Zoning District as a conditional use provided the following objective requirements are met:

- A) Limit up to 31 continuous days per stay.
- B) Limit occupancy to the size of the dwelling per the International Property Maintenance Code requirements.
- C) Required to have sufficient off-street parking and to follow all existing laws governing the Borough of Clarion, including the International Property Maintenance Code.
- D) Must follow the rules and regulations set forth in the Rental Unit Ordinance.
- E) Overnight occupancy of a Short-term Rental shall be limited to no more than one (1) family per dwelling unit.

### ARTICLE III

Attachment 2, Table of Uses – shall be amended to allow Short-term Rentals as a conditional use in all R-1 Single Family Residential Zoning Districts, and as a permitted use in R-2 Medium Density Residential Zoning Districts, R-3 High Density Residential Zoning Districts, MU Mixed Use Zoning Districts, C-1 and C-2 Commercial Districts, except as provided and limited in Article IV.

## ATTACHMENT 2

### TABLE OF USES (Revised 9-20-22)

#### Permitted Uses, Conditional Uses, Special Exceptions by District\*

\*Natural gas-related uses are identified and classified in Section 422 Natural Gas Uses

#### **R-1 Single-Family Residential District**

##### **Permitted Uses**

No-impact home-based business  
Public and private accredited elementary  
or secondary schools  
Public parks and playgrounds  
Single-family dwellings

##### **Conditional Uses**

Bed and Breakfast  
Churches  
Mobile home  
Townhouse dwellings  
Short-term Rentals

##### **Special Exceptions**

Utilities not regulated by the  
Pennsylvania Public Utility  
Commission

#### **R-2 Medium-Density Residential District**

**Permitted Uses**

Family day-care homes  
Group day-care homes  
Home occupations  
No-impact home-based business  
Public and private accredited elementary  
or secondary schools  
Public parks and playgrounds  
Single-family dwellings  
Two-family dwellings  
Short-term Rentals

**Conditional Uses**

Bed and Breakfast  
Churches  
Mobile home  
Single-family - High Density  
Occupancy

**Special Exceptions**

Utilities not regulated by the  
Pennsylvania  
Public Utility Commission

**R-3 High-Density Residential District**

**Permitted Uses**

Family day-care homes  
Group day-care homes  
Home occupations  
Multifamily dwellings  
No-impact home-based business  
Nursing homes  
Professional services and offices  
Public and private accredited elementary or  
secondary schools  
Public parks and playgrounds  
Single-family dwellings  
Two-family dwellings  
Short-term Rentals

**Special Exceptions**

Utilities not regulated by the Pennsylvania  
Public Utility Commission  
Fraternities and Sororities

**Conditional Uses**

Bed and Breakfast  
Churches  
Funeral parlors  
Medical clinics  
Mobile home  
Mobile home clusters  
Rooming houses  
Townhouse dwellings

**MU Mixed Use**

**Permitted Uses**

Churches  
Family day-care homes  
Group day-care homes  
Home occupations  
No-impact home-based business  
Professional services and offices  
Public and private accredited elementary or  
secondary schools  
Public parks and playgrounds  
Retail  
Single-family dwellings  
Two-family dwellings  
Short-term Rentals

**Conditional Uses**

Bed and breakfast  
Medical clinics  
Mobile home  
Townhouse dwellings  
Senior Housing  
Multi-Family dwellings

**Special Exceptions**

Utilities not regulated by the Pennsylvania  
Public Utility Commission

## **C-1 Commercial District**

### **Permitted Uses**

Art Studio  
Corporate offices  
Eating and drinking places  
Government offices  
Personal services  
Professional services and offices  
Retail  
Theaters  
Short-term Rentals

### **Conditional Uses**

Parking lot, commercial  
Upper story dwellings

## **C-2 Commercial District**

### **Permitted Uses**

Art Studio  
Automotive sales and service  
Bed and breakfast  
Civil/Cultural buildings  
Corporate offices  
Day care centers  
Dry cleaning and commercial laundry  
Eating and drinking places  
Government offices  
Hotels and motels  
Light warehousing  
Massage therapist  
Medical clinics  
Personal services  
Professional services and offices  
Public utilities regulated by the  
Pennsylvania Public Utility Commission  
Rental storage buildings  
Retail  
Theaters  
Short-term Rentals

### **Conditional Uses**

Multifamily dwellings  
Parking lot, commercial  
Single-family dwellings  
Two-family dwellings  
Upper story dwellings

### **Special Exceptions**

Convenience stores  
Funeral parlors  
Gasoline service station

## **CI Commercial and Industrial District**

### **Permitted Uses**

Automotive Sales and Services  
Bed & Breakfast  
Commercial bakeries  
Contractor's yards  
Corporate offices

### **Conditional Uses**

Adult uses  
Billboard  
Colleges and universities  
Convenience stores  
Heavy manufacturing

Day care centers  
Dry cleaning and commercial laundry  
Gasoline service station  
Hospitals  
Hotels and Motels  
Laboratory and research facilities  
Light manufacturing  
Light warehousing  
Medical clinics  
Mini-storage facilities  
Motor vehicle repair facilities  
Professional services and offices  
Public utilities regulated by the  
*[CI Commercial and Industrial District  
Cont'd]*

Kennels  
Parking lot, commercial  
Supply yards  
Wireless support structure  
Wireless telecommunications facilities,  
subject to preemption

Pennsylvania Public Utility Commission  
Recycling facilities  
Rental service and equipment  
Rental storage buildings  
Retail  
Truck terminals  
Utilities not regulated by the  
Pennsylvania Public Utility Commission  
Warehousing  
Wholesale sales and storage

## **E Educational District**

### **Permitted Uses**

Civic/cultural buildings  
Colleges and universities  
Day care centers  
Fraternities and sororities  
Gymnasiums  
Indoor recreational facilities associated  
with educational use  
No-impact home-based business  
Public and private accredited elementary  
or secondary schools  
Public parks and playgrounds  
Single-family dwellings

### **Conditional Uses**

Stadiums and outdoor fields allied  
with educational use

Section 1.00 Any Ordinance conflicting with the provisions of this Ordinance is hereby repealed insofar as the same effects of this Ordinance.

Section 2.00 The provisions of this amending Ordinance, insofar as they are the same as those Ordinances and regulations in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactment.

Section 3.00 The provisions of this Ordinance shall not affect any act done, or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any of the Ordinances, or sections of Ordinances, repealed or amended by this Ordinance.

Section 4.00 The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provisions not been included herein.

ORDAINED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

BOROUGH OF CLARION

\_\_\_\_\_  
Linda LaVan-Preston, Borough Secretary

\_\_\_\_\_  
Carol Lapinto, President

EXAMINED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

BOROUGH OF CLARION

\_\_\_\_\_  
Linda LaVan-Preston, Borough Secretary

\_\_\_\_\_  
Jennifer Fulmer Vinson, Mayor