

# EXETER TOWNSHIP

WYOMING COUNTY, PENNSYLVANIA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE EXETER ZONING ORDINANCE OF **AUGUST 22, 2016**, AS AMENDED, TO:

☞ ITEM 1 - DELETE, ADD AND AMEND DEFINITIONS .....	1
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BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Exeter Township, Wyoming County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

The Exeter Township Zoning Ordinance of August 22, 2016, as amended, is hereby amended as follows:

**☞ ITEM 1 – Delete and add the following definitions in §303:**

**Delete:**

Agricultural Use: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes agricultural products processing operations; riding academies, livery or boarding stables and dog or other animal kennels.

**Add:**

Agriculture, Agricultural Use, or Agricultural Operation: As defined by the Pennsylvania Right to Farm Act, the activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is: (1) not less than 10 contiguous acres in area; or (2) less than 10 contiguous acres in area but has an anticipated yearly gross income of at least \$10,000, or as may be updated by amendment of the Pennsylvania Right to Farm Act. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes agricultural products processing operations, riding academies, livery or boarding stables and dog or other animal kennels.

Agritourism Enterprise: Any activity carried out on a working agricultural operation that allows members of the public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities directly related to or part of the agricultural operation, including farming operations, wineries, historical or cultural features,

harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

Banquet Hall: See *meeting, assembly, or banquet hall*.

Farm: See *agriculture, agricultural use or agricultural operation*.

Short-Term Rental: Any dwelling unit within a dwelling structure rented for overnight lodging for a period of thirty (30) consecutive calendar days or less.

Wedding Barn or Venue: See *meeting, assembly, or banquet hall*.

**Amend to read:**

Meeting, Assembly or Banquet Hall: An establishment which is rented for private functions including, but not limited to, banquets, weddings, anniversaries, parties, gatherings, meetings, and similar activities. It may or may not include kitchen facilities for the preparation or catering of food.

**ITEM 2 – Make the following changes to the Schedule of Uses established by §404.1:**

- A. Add *agritourism enterprises* as a principal permitted use in the RA - Rural Agricultural District.
- B. Add *short-term rentals* as a principal permitted use in the C - Commercial District.

**ITEM 3 – Add the following §802:**

**802 Agritourism Enterprises**

In addition to all other applicable requirements, the following requirements shall apply to an agritourism enterprise activity incidental to and directly supportive of the agricultural use of the property.

**802.1 Location; Parcel Size.**

Agritourism enterprises shall be on the same parcel or lot with an existing and operating agricultural use having a minimum lot area of ten (10) acres.

**802.2 Permitted Activities**

The following activities, and activities that the applicant demonstrates are closely similar in use and operation, shall be permitted as an agritourism enterprise.

- A. U-pick operations (i.e., berry or fruit picking).
- B. Wineries, distilleries, breweries, and tours and tasting rooms associated with these facilities.
- C. Production of products from items grown/raised on the farm (including, but not limited to, wine, cider, dairy products, ice cream, baked goods, and clothing products), provided that at least twenty-five (25) percent of all the raw materials used in the production of the items are grown/raised on the farm or from a facility in same ownership for sale of products. This shall not apply for a start-up period of five years.
- D. Local agricultural products retail operations provided that at least twenty-five (25) percent of all of the items for display or sale are grown, raised, or produced on the property or from a facility in same ownership for sale of products.

- E. Agriculture related interpretive facilities and exhibits.
- F. On-site tours.
- G. Walking and bicycle tours and trails.
- H. Christmas tree sales, cut-your-own.
- I. Corn mazes.
- J. Horseback/pony rides.
- K. Petting zoos, in accordance with the following: Shall be located not less than one hundred (100) feet from any property line and not less than one hundred twenty-five (125) feet from any residential use on adjacent properties and shall be located on a minimum of twenty-five (25) acres.
- L. Additional uses listed in the applicable district Schedule of Uses may be permitted in accord with all applicable requirements.

#### 802.3 Prohibited Activities.

Activities that are not permitted as part of an agritourism enterprise include, but are not limited to, concentrated animal feeding operations (CAFO) or any other use not in compliance with this §802.

#### 802.4 Food Service

Packaged snacks, catered food and food vendors are permitted on site during activities for any permitted agritourism use. All food and/or beverages sold for consumption on site shall comply with federal, state, and local regulations.

#### 802.5 Hours of Operation

The applicant shall identify the anticipated hours of operation for the agritourism enterprise.

#### 802.6 Outdoor Lighting

Outdoor lighting shall be limited to that needed to provide illumination of parking areas for three (3) or more cars after dark and for pedestrian accessways. Lighting shall comply with §701.8.

#### 802.7 Parking

Off-street parking shall be provided in accordance with §504. The applicant shall provide details as to how the number and type of spaces provided will meet the needs of the proposed use. In no case shall parking be permitted in a location that would require visitors to have to cross a public road.

### **ITEM 4 – Add the following §845:**

#### 845 Short-Term Rentals

In addition to all other applicable requirements, the provisions of this §845 shall apply to short-term rentals.

##### 845.1 Parcel Size

A minimum parcel size of one half (0.5) acres shall be required for each short-term rental.

#### 845.2 Short-Term Rental Use is Limited

A short-term rental shall be used for habitation only in accord with the provisions of this ordinance, as amended, and shall not be used for any other use defined and regulated by this zoning ordinance unless such use has been granted a zoning permit. In addition, any activity at a short-term rental involving services such as, but not limited to, catering, entertainment, or tent rental shall require zoning approval separate from approval of any short-term rental.

#### 845.3 Standards

- A. Contact Person - The owner of the short-term rental unit shall designate a local contact person to be available to address questions and complaints. The owner may be the contact person.
- B. Meals - Meals shall not be provided to overnight guests of the establishment.
- C. Occupancy - The owner shall limit overnight occupancy of the short-term rental unit to the specific number of occupants designated in the zoning permit.
  - 1. Overnight occupancy of a short-term rental unit shall be limited to no more than three (3) persons per bedroom.
  - 2. The maximum number of day guests allowed at any one time, in addition to the overnight occupants, shall be seventy-five (75) percent of the maximum overnight occupancy of the short-term rental unit.
  - 3. Overnight occupancy of recreational vehicles, camper trailers and tents, and outdoor overnight sleeping of occupants or guests, are not permitted.
- D. Sewage Disposal and Number of Bedrooms
  - 1. Sewage disposal meeting the requirements of the Township and PA DEP shall be provided.
  - 2. If not connected to a central sewage disposal system the applicant shall provide an evaluation of the system performed by an individual acceptable to the Township Sewage Enforcement Officer including the location, capacity, and age of the on-site sewage disposal system and, prior to issuance of a zoning permit, proof that the sewage tank has been pumped within two years prior to the submission of the zoning application.
  - 3. An onsite septic system tank must be pumped a minimum of every three (3) years and evidence of the same shall be provided to the Zoning Officer.
  - 4. The number of bedrooms permitted for a short-term rental unit shall not exceed the number of bedrooms approved for the dwelling unit on the sewage permit issued for such property.
  - 5. Where there is no sewage permit on record, the short-term rental unit shall be limited to three (3) bedrooms unless proof acceptable to the sewage enforcement officer is provided that the septic system is adequate to handle additional flows.
  - 6. If a sewage system malfunction occurs, short-term rental unit of the dwelling unit shall be discontinued until the malfunction is corrected in accord with Township and Pennsylvania Department of Environmental Protection requirements.

- E. Nonconforming Lots - Short-term rental units shall not be permitted on lots which are nonconforming in minimum area.
- F. Parking - Adequate off-street parking shall be provided in accord with §504 and the following:
1. The owner shall limit the number of all vehicles of overnight occupants and day guests to the number designated in the zoning permit with the number of all vehicles not to exceed the number of designated on-site parking spaces. The minimum number of parking spaces shall be determined by
  2. All parking for overnight guests and day guests shall be designated in the zoning permit and shall be located on the owner's property and not in any private, community or public right-of-way.
  3. A minimum of one parking space per bedroom shall be provided. The required number of parking spaces may include spaces in a garage which can accommodate vehicles.
  4. All parking spaces shall be improved to a mud-free condition with paving, stone or similar material and shall count as part of the maximum lot coverage established by the Township Zoning Ordinance.
  5. Each vehicle parking space shall be a rectangle with a minimum width of ten (10) feet and a minimum length of twenty (20) feet and adequate aisle width shall be provided to facilitate access and use of the spaces.
  6. If the short-term rental unit is accessed directly by a Township or State road, all parking spaces shall be accessed from the driveway serving the short-term rental unit and not directly from the Township or State road.
- G. Lighting - Exterior lighting shall be directed away from adjoining properties, shall be pointed/shielded downward to minimize upward glare, and shall comply with the applicable provisions of §701.8.
- H. PA Uniform Construction Code - All short-term rental units shall comply with PA Uniform Construction Code requirements.
- I. Posting Permit and Conditions - The owner of the short-term rental unit shall post a copy of the zoning permit and a copy of the conditions set forth in this §845 in a conspicuous place within the short-term rental unit.
- J. Posting on Front Door - Each short-term rental unit shall have a clearly visible and legible notice posted within the unit on or adjacent to the front door, containing the following information:
1. The E-911 address of the property.
  2. The name of the managing agency, agent, property manager, local contact, or owner of the unit, and a telephone number at which that party may be reached on a 24-hour basis.
  3. The maximum number of occupants permitted to stay in the unit and the maximum number of day guests allowed at any.
  4. The maximum number of all vehicles allowed to be parked on the property and the requirement that all renter/guest parking must be on the property and not in any private, community or public right-of-way.

5. The number and location of on-site parking spaces and the parking rules for seasonal snow removal and emergency vehicle access (if any).
  6. The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property except from 6:00 p.m. of the day prior to trash pickup to 6:00 p.m. on the day designated for trash pick-up unless a bear proof container exists for use by the occupants.
  7. Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of this ordinance.
- K. Information Required - In addition to the other information required by this chapter, the applicant shall include with the application:
1. The name, address, telephone number and email address of the owner of the short-term rental unit for which the zoning permit is issued. If the owner does not have a managing agency, agent, or local contact, then the owner shall provide a 24-hour telephone number.
  2. The name, address, and 24-hour telephone number of the short-term rental unit owner's managing agency, agent, or local contact.
  3. A photograph of the short-term rental unit taken from the access roadside.
  4. The marketing entity identification number for the short-term rental unit.
  5. Floor plans for the short-term rental unit, including total habitable floor space and total number of bedrooms each containing the required minimum of 80 square feet and the maximum number of overnight occupants permitted in each bedroom.
  6. If the building includes two or more dwelling units, the number of dwelling units and the number of dwelling units being used as a vacation rental unit.
  7. A site plan of the premises showing and indicating the number and location of designated on-site parking spaces and the maximum number of vehicles allowed for overnight occupants.
  8. The location, approximate age, and capacity (if known) of the sewage disposal system. The owner of the property shall supply the Township with an evaluation from a pumper/hauler certifying the sewage disposal system is properly functioning as intended, and proof that the tank was pumped by a pumper/hauler within at least three years prior to the date of the application for a short-term rental unit zoning permit, or a renewal thereof, for review and approval by the sewage enforcement officer.
  9. Acknowledgment that the owner, agent, and/or local contact have read all regulations pertaining to the operation of the short-term rental unit.
  10. Acknowledgment that the owner, agent, or local contact will post and maintain the short-term rental unit with the notices required in §845.3H and §845.3I.
  11. Acknowledgment that the owner, agent, or local contact will post and maintain the 911 emergency address sign in accord with applicable requirements.
  12. A copy of a current Wyoming County Hotel Room Excise Tax Certificate and the current Pennsylvania

Sales Tax License.

- 13. Copy of the current recorded deed of the short-term rental unit property to establish ownership.
- 14. Other information the zoning officer deems reasonably necessary to administer this ordinance.

This Ordinance shall be effective five days after signing and shall remain in force until modified, amended or rescinded by Exeter Township, Wyoming County, Pennsylvania.

ENACTED AND ADOPTED by the Board of Supervisors this 8th day of February, 2024.

ATTEST:

EXETER TOWNSHIP BOARD OF SUPERVISORS:

\_\_\_\_\_  
Rachael Saunders, Secretary

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Thomas Saunders

\_\_\_\_\_  
Dustin Robinson

\_\_\_\_\_  
Andrew Hopkins