ORDINANCE # 2022-01

MADISON TOWNSHIP
LACKAWANNA COUNTY, PA

AN ORDINANCE OF THE TOWNSHIP OF MADISON, COUNTY OF LACKAWANNA, AND
COMMONWEALTH OF PENNSYLVANIA, AMENDING THE MADISON TOWNSHIP ZONING
ORDINANCE, ENACTED APRIL 6, 2009, TO REVISE SCHEDULE I - USES BY RIGHT; TO REVISE
SCHEDULE II - SPECIAL EXCEPTION USES; TO REVISE SUPPLEMENTAL REGULATIONS GOVERNING
SPECIAL EXCEPTIONS AND CERTAIN OTHER USES PERTAINING TO GROUP HOUSING FOR THE
HANDICAPPED; MOTELS AND SIMILAR USES; AND BED AND BREAKFAST PLACES; TO ADD
SUPPLEMENTAL REGULATIONS PERTAINING TO ABUSED PERSON SHELTERS, HOME SHARE,
SHORT-TERM RENTALS, AND ROOMING AND BOARDING HOUSES; TO REVISE THE DEFINITIONS
OF BED AND BREAKFAST FACILITY, BOARDING HOUSE, FAMILY, GROUP HOUSING FOR THE
HANDICAPPED, HOTEL, AND MOTEL; TO ADD DEFINITIONS OF ABUSED PERSON SHELTER, HOME
SHARE AND SHORT-TERM RENTAL.

Be it ordained and enacted by the Board of Supervisors of Madison Township, Lackawanna
County, Pennsylvania, that the Madison Township Zoning Ordinance, enacted April 6, 2009, is
hereby amended as follows:

ITEM 1: Revise Article 3, §3.100, Schedule I, Uses by Right to delete Bed & Breakfast Places
from Residential Accessory Uses and add Home Share to Residential Accessory
Uses:

Residential Accessory Uses

<table>
<thead>
<tr>
<th>Accessory Signs</th>
<th>No Impact Home Business</th>
<th>Private Greenhouses</th>
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<tr>
<td>Bed &amp; Breakfast-Places</td>
<td>Off-street Parking</td>
<td>Private Tennis &amp; Other</td>
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<tr>
<td>Car Port</td>
<td>Other Similar Uses</td>
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<tr>
<td>Garage, Private</td>
<td>Private Stables</td>
<td>Storage Shed</td>
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<tr>
<td>Gazebo</td>
<td>Private Telecommunications</td>
<td>Swimming Pool</td>
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<tr>
<td><strong>Home Share</strong></td>
<td><strong>Equipment</strong></td>
<td></td>
</tr>
</tbody>
</table>

ITEM 2: Revise Article 3, §3.100, Schedule II, Special Exception Uses to add Abused Person
Shelter, Bed and Breakfast Inn, Hotel/Motel, and Short-Term Rental:

SPECIAL EXCEPTION USES

<table>
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<tr>
<th>Abused Person Shelter</th>
<th>Bed &amp; Breakfast Inn</th>
<th>Country Club</th>
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<tr>
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<td>Amusement Park</td>
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<td>Assisted Living Facilities</td>
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<td>Health Care Facilities</td>
</tr>
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Madison Township Zoning Ordinance Amendment 2022 – PUBLIC DRAFT 1
ITEM 3:  **Revise Article 5, §5.420, Motels, Motor Courts, Motor Hotels and Similar Uses, to read as follows:**

**5.420 Hotel/Motel**

5.421 Vehicular access to hotels/motels shall only be from state-owned roadways.

5.422 A minimum lot area of three (3) acres shall be required.

5.423 The minimum lot width shall be not less than four hundred feet (400').

5.424 A minimum setback of one hundred feet (100') shall be maintained from all property lines and three hundred feet (300') from any existing dwelling unit.

5.425 Each rental unit shall contain a minimum of one hundred fifty (150) square feet and contain a minimum of one (1) bedroom and an enclosed bathroom and be supplied with hot and cold running water.

5.426 An architectural rendering of the building facades must be submitted with the site land-development plan.

5.427 The hotel/motel must comply with all UCC building code requirements and a certificate of occupancy shall be required prior to any rentals. A copy of the Lackawanna County Hotel Tax certificate and current Pennsylvania Sales and Use Tax permit must be submitted to the Township prior to the issuance of the certificate of occupancy.

5.428 Illuminated signs, if permitted, and other lighting shall be directed away from or shielded from adjoining properties.

5.429 All refuse receptacles shall be completely screened from view.
5.429-1 The occupants or transient guests shall not create unreasonable noise as defined in the Madison Township Nuisance Ordinance or disturbances between the hours of 11 PM and 7 AM, engage in disorderly conduct, or otherwise violate the Madison Township Nuisance Ordinance or any state law pertaining to noise or disorderly conduct.

5.429-2 The property owner shall be notified of any noise, nuisance, or disorderly conduct violations created by the transient guests and shall promptly use best efforts to prevent a recurrence of such conduct by those guests.

5.429-3 Repeated substantiated notifications to the property owner by Township Officials of noise, nuisance, or disorderly conduct violations created by guests of the rental unit will result in the revocation of the special exception zoning permit and an official Notice of Zoning Violation will be served upon the property owner.

5.429-4 A ten-foot-wide (10’) evergreen buffer strip shall be provided along all side and rear yards that abut any residential use as listed in Schedule I and defined by Article 11 of this Ordinance. The initial height of the evergreen planting shall be four feet (4’).

ITEM 4: Add a new subsection to Article 5, §5.420A, Bed and Breakfast Inns, to read as follows:

5.420A Bed and Breakfast Inn

5.421A The bed and breakfast use shall be clearly incidental and secondary to the principal use of the building as an owner-occupied primary dwelling.

5.422A The dwelling must be located on a parcel with an area of two (2) acres or greater.

5.423A The bed and breakfast use shall not have more than five (5) rental bedrooms/units.

5.424A The sanitary disposal facilities and water supply system shall have sufficient capacities to provide service to the single-family dwelling that is defined by PA DEP as a minimum of three (3) bedrooms as well as the rental bedroom/units. Operation of the bed and breakfast use must be approved by the Sewage Enforcement Officer for compliance with PA DEP and other sewage facilities requirements.

5.425A The bed and breakfast use must comply with all UCC building code requirements and a certificate of occupancy shall be required prior to any rentals. A copy of the Lackawanna County Hotel Tax certificate and current
Pennsylvania Sales and Use Tax permit must be submitted to the Township prior to the issuance of the certificate of occupancy.

5.426A One (1) sign shall be allowed in conformance with applicable sign regulations set forth in this Ordinance.

5.427A All refuse receptacles shall be completely screened from view.

5.428A In addition to the minimum parking requirements of Table I of this Ordinance for the principal dwelling, off-street parking for one space for each rental unit shall be provided. In no event, shall any parking of vehicles occur on any lawns or vegetated areas. A Highway Occupancy Permit for ingress/egress to state-owned roadways or a township Driveway Permit for ingress/egress to township-owned roadways must be obtained prior to any rentals.

5.429A Food service shall be limited to breakfast served only to guests of the rental units.

5.429A1 Guests shall be permitted occupancy for not more than thirty (30) consecutive nights.

5.429A2 Rental rooms shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes, nor shall any rental unit be in an existing or proposed accessory structure.

5.429A3 Non-resident employees shall be limited to two (2). Additional off-street parking of one space for each non-resident employee shall be required in addition to minimum parking requirements in Sec. 5.428A above.

5.429A4 The owner/innkeeper shall maintain a register of all guests, including length of stay, for a period of six (6) months. The register must be made available to the Zoning Officer upon request.

5.429A5 The occupants or transient guests shall not create unreasonable noise as defined in the Madison Township Nuisance Ordinance or disturbances between the hours of 11 PM and 7 AM, engage in disorderly conduct, or otherwise violate the Madison Township Nuisance Ordinance or any state law pertaining to noise or disorderly conduct.

5.429A6 The property owner shall be notified of any noise, nuisance, or disorderly conduct violations created by the transient guests and shall promptly use best efforts to prevent a recurrence of such conduct by those guests.

5.429A7 Repeated substantiated notifications to the property owner by Township Officials of noise, nuisance, or disorderly conduct violations created by guests
of the rental units/bedrooms will result in the revocation of the special exception zoning permit and an official Notice of Zoning Violation will be served upon the property owner.

5.429A8 Screening or fencing may be required along adjacent property lines, as determined by the Zoning Hearing Board.

5.429A9 Home-Share, a permitted residential accessory use, as defined by this Ordinance shall not be considered a bed and breakfast use. See Sec. 5.490B of this Ordinance for Home-Share regulations.

ITEM 5: **Revise Article 5, §5.450, Group Housing for the Handicapped, to read as follows:**

5.450 **Group Housing for the Handicapped**

5.451 There shall be adequate supervision provided by an adequate number of persons trained in the field for which the group home is intended.

5.452 The use shall be licensed or certified under an applicable state or federal program for group housing. A copy of any such license or certification shall be filed with the Zoning Officer.

5.453 The use shall register the general type of treatment or care, maximum number of residents and sponsoring agency with the Zoning Officer and the Township Fire Department (Madisonville Independent Vol. Fire Co.). Such information shall be available to the public for review upon request.

5.454 The group home shall notify the Zoning Officer within fourteen (14) days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents, or if any applicable license/certification is suspended or withdrawn.

5.455 Any medical or counseling services provided shall be limited to residents.

5.456 No exterior signs shall identify the use.

5.457 Construction of a group home shall comply with minimum density and lot and yard regulations applicable to single-family dwellings set forth in Article 3 of this Ordinance.

ITEM 6: **Add a new subsection to Article 5, §5.490A, Rooming and Boarding House, to read as follows:**

5.490A **Rooming and Boarding House**

5.491A The rooming and boarding house must be located on a parcel with an area of two (2) acres or greater.
5.492A The roaming and boarding house shall be limited to a maximum number of twelve (12) residents, including all permanent residents.

5.493A Each rental bedroom shall be limited to two (2) adults, with a maximum of three (3) persons per rental bedroom.

5.494A The sanitary disposal facilities and water supply system shall have sufficient capacities to provide service to the roaming and boarding house based on the number of bedrooms. Operation of the roaming and boarding house must be approved by the Sewage Enforcement Officer for compliance with PA DEP and other sewage facilities requirements.

5.495A The roaming and boarding house must comply with all UCC building code requirements and a certificate of occupancy shall be required prior to any rentals. Any necessary state or federal operating permits or licenses shall be provided to the Township prior to the issuance of the certificate of occupancy.

5.496A One (1) sign shall be allowed in conformance with applicable sign regulations set forth in this Ordinance and shall be limited to a surface area of six (6) square feet.

5.497A All refuse receptacles shall be completely screened from view.

5.498A Minimum off-street parking shall be in accordance with the parking requirements of Table I of this Ordinance plus two (2) additional spaces for permanent residents. In no event, shall any parking of vehicles occur on any lawns or vegetated areas. A Highway Occupancy Permit for ingress/egress to state-owned roadways or a township Driveway Permit for ingress/egress to township-owned roadways must be obtained prior to any rentals.

5.499A Rental bedrooms shall be part of the primary structure. No rental bedroom shall be in an existing or proposed accessory structure.

5.499A1 The owner/operator shall maintain a register of all guests for a period of one (1) year. The register must be made available to the Zoning Officer upon request.

5.499A2 The occupants or transient guests shall not create unreasonable noise as defined in the Madison Township Nuisance Ordinance or disturbances between the hours of 11 PM and 7 AM, engage in disorderly conduct, or otherwise violate the Madison Township Nuisance Ordinance or any state law pertaining to noise or disorderly conduct.
5.499A3 The property owner shall be notified of any noise, nuisance, or disorderly conduct violations created by the transient guests and shall promptly use best efforts to prevent a recurrence of such conduct by those guests.

5.499A4 Repeated substantiated notifications to the property owner by Township Officials of noise, nuisance, or disorderly conduct violations created by guests of the rental units/bedrooms will result in the revocation of the special exception zoning permit and an official Notice of Zoning Violation will be served upon the property owner.

5.499A5 Screening or fencing may be required along adjacent property lines, as determined by the Zoning Hearing Board.

5.499A6 Home-Share, a permitted residential accessory use, as defined by this Ordinance shall not be considered a rooming and boarding house. See Sec. 5.490B of this Ordinance for Home-Share regulations.

ITEM 7: Add a new subsection to Article 5, §5.490B, Home Share, to read as follows:

5.490B Home Share

5.491B A home share shall only be offered in a principal residential dwelling. A host shall not rent space in an accessory structure such as a shed, garage, or barn, nor in an assisted-care apartment unit intended for occupancy by an infirmed, aged, or ill relative.

5.492B At least one (1) of the dwelling’s primary residents must live on-site, in the dwelling, and throughout the visitor’s stay.

5.493B There shall be no exterior advertising or signage for the home share.

5.494B Only one (1) vacant bedroom room shall be rented as a home share and occupancy shall be limited to two (2) adults, with a maximum of three (3) occupants in the rented bedroom. The room shall not have been specifically constructed for rental purposes, nor shall it increase the number of permitted bedrooms under the property’s existing sewage permit. Renting of two (2) or more bedrooms shall constitute a Short-Term Rental as defined by this Ordinance.

5.495B Meals shall not be offered as part of the home share compensation. If meals are offered, the use shall constitute either a bed and breakfast inn or hotel/motel, whichever is applicable.

5.496B Off-street parking must be provided to accommodate all vehicles of the host residents and home share guests.
5.497B The occupants or transient guests shall not create unreasonable noise as defined in the Madison Township Nuisance Ordinance or disturbances between the hours of 11 PM and 7 AM, engage in disorderly conduct, or otherwise violate the Madison Township Nuisance Ordinance or any state law pertaining to noise or disorderly conduct.

5.498B The property owner shall be notified of any noise, nuisance, or disorderly conduct violations created by the transient guests and shall promptly use best efforts to prevent a recurrence of such conduct by those guests.

5.499B Repeated substantiated notifications to the property owner by Township Officials of noise, nuisance, or disorderly conduct violations created by guests of the rental unit/bedroom will result in an official Notice of Zoning Violation served upon the property owner.

ITEM 8: Add a new subsection to Article 5, §5.490C, Short-Term Rental, to read as follows:

5.490C Short-Term Rental

5.491C The short-term rental must be located on a parcel with an area of two (2) acres or greater.

5.492C A detailed description of the rental operation shall be submitted to the Township, including owner contact information, a 24-hour telephone number of the managing agency or contact person, number of bedrooms, a list of rules to be provided to all transient guests, a floor plan of the rental unit(s), and a site plan showing the location of required off-street parking.

5.493C The sanitary disposal facilities and water supply system shall have sufficient capacities to provide service to the short-term rental based on the number of bedrooms. Operation of the short-term rental house must be approved by the Sewage Enforcement Officer for compliance with PA DEP and other sewage facilities requirements.

5.494C Short-term rentals must comply with all building code requirements, as regulated by the Uniform Construction Code and a certificate of occupancy is required prior to any rentals. A copy of the Lackawanna County Hotel Tax certificate and current Pennsylvania Sales and Use Tax permit must be submitted to the Township prior to the issuance of the certificate of occupancy.

5.495C Overnight occupancy of a short-term rental shall be limited to no more than two (2) persons per bedroom.
5.496C All refuse receptacles shall be completely screened from view.

5.497C One (1) off-street parking space shall be provided for each bedroom within the rental unit plus one (1) off-street parking space for the property owner and/or managing agency representative. In no event, shall any parking of vehicles occur on any lawns or vegetated areas. A Highway Occupancy Permit for ingress/egress to state-owned roadways or a township Driveway Permit for ingress/egress to township-owned roadways must be obtained prior to any rentals.

5.498C The occupants or transient guests shall not create unreasonable noise as defined in the Madison Township Nuisance Ordinance or disturbances between the hours of 11 PM and 7 AM, engage in disorderly conduct, or otherwise violate the Madison Township Nuisance Ordinance or any state law pertaining to noise or disorderly conduct.

5.499C The property owner shall be notified of any noise, nuisance, or disorderly conduct violations created by the transient guests and shall promptly use best efforts to prevent a recurrence of such conduct by those guests.

5.499C1 Repeated substantiated notifications to the property owner by Township Officials of noise, nuisance, or disorderly conduct violations created by guests of the rental unit will result in the revocation of the special exception zoning permit and an official Notice of Zoning Violation will be served upon the property owner.

5.499C2 Screening or fencing may be required between adjacent properties, as determined by the Zoning Hearing Board.

ITEM 9: Add a new subsection to Article 5, §5.490D, Abused Person Shelter, to read as follows:

5.490D Abused Person Shelter

5.491D A maximum of ten (10) residents shall be allowed, including any staff or volunteers who routinely stay overnight.

5.492D The sanitary disposal facilities and water supply system shall have sufficient capacities of serving the number of bedrooms in the abused person shelter. Operation of the abused person shelter must be approved by the Sewage Enforcement Officer for compliance with PA DEP and other sewage facilities requirements.

5.493D Abused person shelters must comply with all building code requirements, as regulated by the Uniform Construction Code and a certificate of occupancy is required prior to operation. Copies of any required state or federal operating permits must be submitted to the Township prior to the issuance of the certificate of occupancy.
5.494D Secure locks and alarm systems to protect the occupants from physical violence shall be installed.

5.495D The Zoning Hearing Board may place conditions on the use as necessary to protect public safety.

ITEM 10: **Delete the following definitions from Article 11, Definitions, §11.100:**

Bed and Breakfast Facility
Boarding House
Hotel
Motel, Motor Courts, and Motor Hotels

ITEM 11: **Revise the following definitions from Article 11, Definitions, §11.100, to read as follows:**

Family

Any number of related or unrelated persons living together as a single housekeeping unit with common access to and use of all living and eating areas within the dwelling unit. A family shall also include unrelated persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if such occupants are handicapped, as defined under Group Housing for the Handicapped in this Ordinance. A family does not include a group of persons living in a rooming and boarding house, short-term rental, or hotel/motel, fraternities, sororities, and clubs, or other forms of congregate living arrangements, such as nursing homes and personal care homes.

Group Housing for the Handicapped

A dwelling or use of a lawful dwelling sponsored by a providing agency, regulated by the Commonwealth, and shared by two (2) or more handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term “handicapped” shall mean having: 1) a physical or mental impairment that substantially limits one or more of such person’s major life activities; 2) a record of having such impairment; or 3) being regarded as having such impairment. However, such term shall not include current, illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term Group Housing for the Handicapped shall not include drug treatment centers, other types of treatment centers, halfway houses, or other housing facilities serving as an alternative to incarceration.

ITEM 12: **Add the following definitions to Article 11, Definitions, §11.100:**

Abused Person Shelter

A non-profit, social-service use in which rooms are provided to serve as a temporary, safe and supportive, living environment for persons who, because of actual or
threatened physical or mental abuse, are forced to leave their previous living arrangement. Such facilities shall be designed to provide in-house living for persons only until a safe, permanent living arrangement can be obtained.

**Bed and Breakfast Inn**

An owner-occupied, single-family dwelling, in which one (1) or more rooms (maximum of five (5) rooms) are rented for lodging and serving of breakfast (but no other meals), designed for transient guests, and where no restaurant is maintained, and no cooking facilities are provided in any room.

**Home Share**

An accessory residential use where the resident(s) host visitors in their homes, for compensation, in one (1) vacant bedroom, for periods of thirty (30) consecutive days or less, while at least one of the dwelling's primary residents lives on-site in the dwelling, throughout the visitors' stay.

**Hotel or Motel**

A structure or structures containing rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than thirty (30) days shall be considered a "rooming and boarding house" and shall meet the requirements of that use. A hotel or motel may include a gift shop, restaurant, nightclub, tavern, banquet rooms, and/or conference rooms, provided that such uses are clearly accessory to the principal use of overnight accommodations and meet the requirements of the appropriate ordinances and/or federal, state, and local laws or statutes.

**Rooming and Boarding House**

A residential dwelling or building where, for compensation and by prearrangement for definite periods of thirty (30) days or more, lodging and meals are provided for two (2) or more persons. A boarding house shall not include a use that meets the definition of the following: drug rehabilitation facilities, drug treatment centers, abused person shelter, hotel or motel, assisted living facility, bed and breakfast inn, short-term rental, group housing for the handicapped, home share, personal care home or nursing home.

**Short-Term Rental**

A residential dwelling, such as, but not limited to, a single-family dwelling, duplex, multiple family building, apartment unit, any portion of such dwellings, rented for occupancy for dwelling, lodging, or sleeping purposes for any period of thirty (30) consecutive days or less. A short-term rental unit does not include a home share, bed and breakfast inn, or hotel/motel.
The public hearing for this Ordinance was held on Aug 1, 2022.

This Ordinance, amending the Madison Township Zoning Ordinance, enacted April 6, 2009, is hereby ORDAINED and ENACTED by vote of the Board of Supervisors of Madison Township, Lackawanna County, Pennsylvania, at a duly convened meeting of the Board of Supervisors this 6 day of Sept, 2022, to become effective immediately.

MADISON TOWNSHIP BOARD OF SUPERVISORS

Chairman

Supervisor

Philip Setzer 9-6-2022

Supervisor

ATTEST:

(Marvin A. Herbst) (SEAL)

Secretary