

# BOROUGH OF MOUNT POCONO

MONROE COUNTY, PENNSYLVANIA

## ORDINANCE NO. 2 OF 2016

AN ORDINANCE AMENDING THE ZONING ORDINANCE, CHAPTER 215 OF THE CODE OF THE BOROUGH OF MOUNT POCONO, MONROE COUNTY, PENNSYLVANIA, TO PROVIDE FOR SHORT-TERM RENTAL OF DWELLING UNITS AND DONATION DROP-OFF BOXES.

BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania, by the authority of and pursuant to the provisions of Act of July 31, 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Planning Code*; that the Borough of Mount Pocono's Zoning Ordinance, Chapter 215 of the Code of the Borough of Mount Pocono, is hereby amended as follows:

### ☐ ITEM 1

**Add the following definitions to §215-12, Definitions:**

DONATION DROP-OFF BOX - Any portable outdoor container intended or used for the collection and storage of unwanted textile and household items such as clothing, toys, books, and shoes, which are removed from the container on a periodic basis.

SHORT-TERM RENTAL - Any dwelling unit owned or managed by a person, firm or corporation which is rented or leased for a period of less than 30 days.

### ☐ ITEM 2

**Include *short-term rentals* in the following Schedules of Uses in 215 Attachment 1 and update the Table of Uses Permitted by District in 215 Attachment 3 to be consistent with the amended Schedules of Uses:**

- R-2 Residential Low Density, Single-Family as a conditional use
- C-1 Commercial, Downtown as a permitted use
- C-2 Commercial, General as a conditional use

### ☐ ITEM 3

**Add *donation drop-off boxes per §215-21Q* as an accessory use in the following Schedules of Uses in 215 Attachment 1 and update the Table of Uses Permitted by District in 215 Attachment 3 to be consistent with the amended Schedules of Uses:**

- C-1 Commercial, Downtown
- C-2 Commercial, General

### ☐ ITEM 4

**Add the following §215-21Q:**

Q. Donation drop-off boxes.

- (1) A permit in the name of the property owner shall be required for donation drop-off boxes and a site plan detailing compliance with this §215-21Q shall be provided with the permit application.

- (2) The Donation drop-off boxes shall be permitted only as an accessory use:
  - (a) In the C-1 and C-2 District on a lot containing not less than 21,780 square feet (1/2 acre)
- (3) A maximum of one (1) donation drop-off box shall be permitted on any one lot and shall be located within a contiguous area of not more than 120 square feet, with no individual drop-off box exceeding the dimensions of seven feet in height, six feet in width or six feet in length.
- (4) Donation drop-off boxes shall maintain all required setbacks for accessory structures.
- (5) Donation drop-off boxes shall not be located in any required open space, buffer area, landscaped area, on any private street, sidewalk, in any required parking space, or in any location that blocks or interferes with vehicular and/or pedestrian circulation.
- (6) Donation drop-off boxes shall be located in accord with all applicable building and fire codes and shall comply with the clear view provisions of §215-20E.
- (7) Donation drop-off boxes shall be weather-proof, constructed of painted metal, plastic, or other similarly noncombustible material, properly maintained in good repair and be secured from unauthorized access.
- (8) All donated items shall be collected and stored in the donation drop-off box. No items, materials or trash shall be located outside or in proximity to a donation drop-off box for more than 24 hours and shall be removed by the property owner, operator of the donation drop-off box or a designated agent.
- (9) Donation drop-off boxes shall display the following, and no other, information in a permanent and legible format that is clearly visible from the front of the container and the total area of the displayed information shall not exceed twelve (12) square feet:
  - (a) The specific items and materials requested;
  - (b) The name of the operator or owner of the container;
  - (c) The entity responsible for the maintenance of the container and the removal of donated items, including any abandoned materials and trash located outside the donation drop-off box;
  - (d) A telephone number where the owner, operator or agent of the owner or operator may be reached at any time.
  - (e) A notice stating that no items or materials shall be left outside of the donation drop-off box and the statement, "Not for refuse disposal. Liquids are prohibited."

☐ **ITEM 5**

**Add the following §215-29.1:**

§215-29.1. Short-term rentals.

Short-term rentals shall comply with Chapter 154 (Rental Property).

**Repealer.**

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed. Ordinance No. 3-2007 (Housing) is specifically repealed.

**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 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.

**Interpretation.**

The object of interpretation and construction of this Ordinance and/or the provisions there of shall be, if possible, to give effect to all of its provisions. Whenever a provision in this Ordinance shall be in conflict with another provision in the same section or another part of this Ordinance or another Ordinance or part thereof, the two (2) shall be construed, if possible, so that the effect may be given to both.

**Effective Date.**

This Ordinance shall become effective immediately upon adoption.

**ADOPTION**

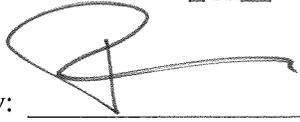
ORDINANCE ORDAINED AND ENACTED this 6th day of June, 2016, by the Borough Council of the Borough of Mount Pocono, Monroe County, Pennsylvania.

By:   
Karl E. Davis, Council President

ATTEST:

  
Lori Noonan, Secretary

APPROVED this 6th day of June, 2016

By:   
Frederick T. Courtright, Mayor

