

ORDINANCE NO. 08 – 2024

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, CHAPTER 112, TITLED “ZONING” TO AMEND SECTION 112-202 TO ADD A DEFINITION FOR “SHORT TERM RENTAL” AND TO AMEND THE DEFINITION OF “HOTEL”; TO AMEND SECTION 112-304.D TO ADD SHORT TERM RENTAL AS A USE PERMITTED IN THE TC-TOWN CENTER DISTRICT BY SPECIAL EXCEPTION; TO AMEND SECTION 112-603 TO ADD A NEW SUBPARAGRAPH D TO REQUIRE ONE OFF-STREET PARKING SPACE PER BEDROOM IN A SHORT TERM RENTAL WHEN LOCATED IN THE TC-TOWN CENTER DISTRICT IN A RESIDENTIAL PERMIT PARKING AREA AS ESTABLISHED IN CHAPTER 77 OF THE BOROUGH CODE; TO ADD A NEW SECTION 112-915 TO ADD STANDARDS AND CRITERIA FOR A SHORT TERM RENTAL. AND TO AMEND SECTION 112-1008.A(10)(g) TO EXEMPT SHORT TERM RENTALS FROM THE REQUIREMENT TO ANALYZE THE IMPACT ON THE LEVEL OF SERVICE OF NEARBY INTERSECTIONS.

WHEREAS, Borough Council desires to permit transient overnight lodging in dwellings in the Town Center District of the Borough in a short term rental where other transient overnight lodging is permitted in hotels; and

WHEREAS, Council finds that allowing short term rentals in the Town Center District is complimentary to the other commercial uses, attractions and amenities that exist in the Town Center; and

WHEREAS, Council desires to promote and support the hotel industry in the Borough that offers a diversity of lodging, dining, and meeting space that adds to the vitality of the Town Center District; and

WHEREAS, Short term rentals are not permitted in traditional residential neighborhoods to prevent possible negative impacts that may arise from transient overnight lodging; and WHEREAS, consistent with the Borough’s Comprehensive Plan, Council desires to provide and retain owner occupied housing opportunities; and

WHEREAS, Council desires to continue to maintain existing Live-Work Units in the Town Center District, whereby the ground floor use is nonresidential and the owner/occupant/proprietor lives above the ground floor; and

WHEREAS, Council desires to encourage full time residents of the Borough in owner occupied or long term tenancies, as opposed to short term and transient tenancies; and

WHEREAS, Council desires to limit the loss of full-time residential dwellings from the housing market and the housing stock of the Borough; and

WHEREAS, Council desires to limit the total number of short term rentals that may be permitted in the Town Center District to avoid oversaturation of such use and diminution of dwellings for long term owners or tenants; and

WHEREAS, Council does not want to limit the availability of affordable rental housing in the Borough; and

WHEREAS, Council desires to maintain the quality of life in the Borough, and the vibrancy of the Town Center District;

NOW THEREFORE BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Council of the Borough of West Chester that Chapter 112 of the Code of the Borough of West Chester, titled, "Zoning," shall be amended as follows:

**SECTION 1.** The following definition shall be added to Section 112-202:

**SHORT TERM RENTAL**— Any dwelling unit offered or rented for the purpose of overnight and transient lodging for a period of less than 30 days. The offering for rent or renting of one or more bedrooms in a dwelling unit or part of a dwelling unit shall not be permitted as a short term rental.

**SECTION 2.** The definition of "Hotel" in Section 112-202 shall be amended to state as follows:

**HOTEL** – A facility offering transient lodging accommodations to the general public, where guest rooms are entered exclusively from a door directly to the exterior of the building or an exterior passageway, or from an interior lobby, corridor or hallway from a common entrance, and which may include additional facilities and services, such as restaurants, lounges, meeting rooms and other common areas, or recreation facilities for use only by registered hotel guests.

**SECTION 3.** Section 112-304.D and the Table of Uses permitted by Special Exception shall be amended to add the following use as a use permitted by special exception in the TC-Town Center District:

"Short term rental."

**SECTION 4.** Section 112-603 titled "Parking space requirements" shall be amended to add a new subparagraph D which shall provide as follows:

"D. Parking for Short Term Rentals.

(1) Notwithstanding Subsection A above, all short term rentals located in the TC-Town Center District which are also located in a residential permit parking area pursuant to Chapter 77 of the Borough Code shall provide one off-street parking space per bedroom in the short term rental. Such parking spaces may be located on one of the following:

(a) On the lot where the short term rental is located.

(b) On a different lot than where the short term rental is located provided that:

(i) The owner of the short term rental use shall own the lot or lots to be used for off-lot parking.

(ii) The lot or lots to be used for off-lot parking shall be adjacent to the lot on which the short term rental use is located or be directly across the street from such lot.

(iii) The owner of the short term rental use shall submit a site plan showing the location of the off-lot parking area and the number of spaces to be provided on such lot.

(iv) The owner of the short term rental use shall record a written declaration that so long as the short term rental use continues, the lot used for off-lot parking shall be used for that purpose and no other.

(c) In a public parking garage provided that the owner of the short term rental shall provide evidence that he/she is able to secure a parking permit from the Borough or its designee for the number of spaces needed for the short term rental.

(2) Notwithstanding Subsection A above, all short term rentals located in the TC-Town Center District which are not located in a residential permit parking area pursuant to Chapter 77 of the Borough Code shall not be required to provide any off-street parking spaces.

**SECTION 5.** A new Section 112-915 titled "Standards and criteria for short term rentals" shall be added and provide as follows:

**"§112-915. Standards and criteria for short term rentals.**

- A. In addition to the requirements in Section 112-1005.D(1) that apply to all uses permitted by special exception, short term rentals shall also comply with the standards and criteria in this Section.
- B. Standards and criteria.
- (1) Short term rentals shall be permitted only in dwelling units in the TC-Town Center District by special exception. The offering for rent or renting of one or more bedrooms in a dwelling unit or part of a dwelling unit shall not be permitted as a short term rental.
  - (2) The total number of short term rentals that shall be permitted shall be 20. The Borough shall maintain a register of approved short term rentals that have been issued a short term rental license in accordance with the requirements in Chapter 66 of the Code. When the number of short term rentals that have been approved by special exception and have received a short term rental license as required by Chapter 66 of the Code reaches 20, the Borough shall not accept any additional zoning applications for short term rentals in the Town Center. The Borough shall thereafter maintain a waiting list of property owners in the Town Center District who seek approval to operate a short term rental. If the number of short term rental permits that have been issued by the Borough drops below 20 due to termination or revocation of a short term rental permit, the Borough shall notify the first property owner on the waiting list and allow that property owner a period of 30 days to submit a complete zoning application seeking approval for the short term rental. If a property owner does not submit the complete application within 30 days, the Borough shall remove that owner from the waiting list and provide notice to the next property owner on the waiting list of the availability of submitting a zoning application for a short term rental. Positions on the waiting list are personal to the owner and shall not transfer with the property.
  - (3) The short term rental shall comply with the parking provisions in § 112-603.D.
  - (4) Once special exception approval is obtained, the owner shall have 60 days to obtain a short term rental permit pursuant to Chapter 66, Article 11, Property Registration for Short-Term Rentals. Thereafter, the short term rental must obtain an annual short term rental permit pursuant to Chapter 66, Article 11, Property Registration for Short-Term Rentals.
  - (5) No student home may be used as a short term rental.
  - (6) No short term rental may be used as a student home.

- (7) The owner of the short term rental shall obtain and maintain general liability insurance in the minimum amount of One Million Dollars and shall provide evidence of such insurance prior to issuance of a rental permit”.

**SECTION 6.** Section 112-1008.A(10)(g) shall be amended to state as follows:

“(g)The requirements in § 112-1008.A(10)(a) through (f) shall not apply to the following conditional use applications or special exception applications, as the case may be: adaptive reuse of a historic carriage house, wireless communications facilities, agricultural operations, public service facilities, short term rentals or fences and walls over six feet in height.”

**SECTION 7. 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 hereof. It is hereby declared as the intent of Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

**SECTION 8. REPEALER.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

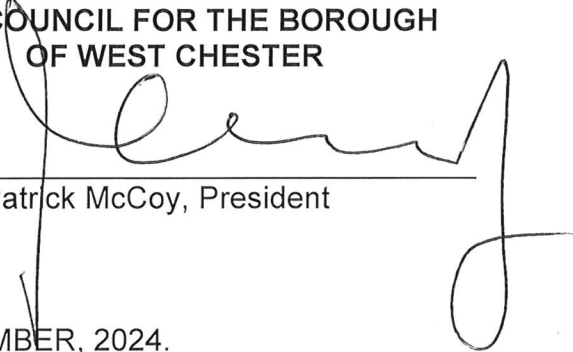
**SECTION 9. EFFECTIVE DATE.** This Ordinance shall become effective upon enactment as provided by law.

ENACTED AND ORDAINED THIS 20th DAY OF NOVEMBER\_, 2024.

ATTEST:

  
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Sean Metrick, Secretary

**COUNCIL FOR THE BOROUGH  
OF WEST CHESTER**

By:   
\_\_\_\_\_  
Patrick McCoy, President

APPROVED THIS 20TH DAY OF NOVEMBER, 2024.

  
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Lillian L. DeBaptiste, Mayor