

**JENKINTOWN BOROUGH PLANNING COMMISSION**  
**Tuesday December 17th, 2024 - 6:30 p.m.**  
**Virtual ZOOM Meeting**  
**APPROVED Meeting Minutes**

**Present:** Lucinda Bartley, Peter Van Do, Jon McCandlish, Eric Horowitz

**Not present:** Phil Zimmerman, Shari Marlowe Neidich

**Others Present:** George Locke (borough Manager, and chief zoning officer), Claire Warner (MCPC), Marc Bickerton (borough engineer), Alexandria Khalil (Borough councilperson), Maureen Lucak (EAC), Bill Ince, other attendees on Zoom, and broadcast live on Facebook.

Above attendees may be referred to by initials or first name in the summary below:

**Call to Order**

The meeting began with a motion to call the December 2024 Jenkintown Planning Commission (JPC) meeting to order. JM (EH)

**Public Comment**

Bill Ince raised concerns about the borough's bicycle ordinance in Chapter 70 of the code (Appendix "A"). Bill discussed borough code which he said exceeds the state's bicycle rules. There is a borough-wide prohibition of riding on sidewalks. There is no exemption for children. He argued that young children should be allowed to ride on the sidewalk while learning to ride a bike, similar to other municipalities like Philadelphia, which exempts children under 12 from sidewalk restrictions. He also said the ordinance prohibits "wheeling" a bicycle on the sidewalk, which he thinks is unusual and unsafe. He noted that walking a bike should not be restricted, especially in situations where the rider cannot ride it due to mechanical issues. He also said the ordinance doesn't allow exceptions for places where it might be safer for cyclists to use the sidewalk (e.g., areas near York Road or the new Giant on 611), even when roads are dangerous for cyclists.

Bill suggested two possible remedies: either revise the ordinance to address these issues or repeal it in favor of following state law. State law allows cyclists to ride on sidewalks outside business districts.

In response, the Planning Commission members expressed support for reviewing the ordinance and considering possible changes. They also discussed the challenges of narrow sidewalks in Jenkintown and the safety of cyclists on busy streets like York Road. Mark Brickerton, the borough engineer, mentioned grants available for developing an active transportation plan and suggested that such a plan could address some of these concerns. He also highlighted the issue of electric bicycles, which the current ordinance does not address.

The conversation also touched on the possibility of making the sidewalk in front of the new Giant store a multi-use path for both cyclists and pedestrians. Bill mentioned that the developer was not supportive of this idea but noted that some of their design plans included bicycles on the sidewalk, which would be illegal under the current ordinance.

The commission agreed to revisit this issue in an upcoming meeting, with a review of the state ordinance and further discussion on potential changes to the borough's bicycle rules.

**Reports/Actions**

P.C. Meeting Minutes Approval – P.C. Secretary, Eric Horowitz

The meeting covered several topics, beginning with the approval of the November meeting minutes. Eric distributed the minutes ahead of the meeting, and there were no major comments or edits, except for a clarification related to a sentence wordsmithing regarding rowhomes and the build-to line. A motion was made to approve the minutes, which was seconded and passed without objection. (PV, LB)

### **New Business / Business for Discussion**

#### **Short Term Rental License**

A proposed ordinance was drafted by the solicitor on a proposed ordinance for short-term rental (STR) licensing, which was based on prior work by the JBPC led by Lucinda. The proposed ordinance was shared with the Borough Planning Commission before this evening's meeting. Claire Warner from MCPC presented a letter along with Marley Bice's review outlining concerns about the ordinance being overly burdensome compared to other lodging options like hotels and B&Bs.

**Occupancy Limits:** Claire suggested that the occupancy limit requirements were more appropriate for a building code or rental agreement rather than in a zoning code. There was concern it could lead to conflicts if building codes change, and that zoning should focus on limiting occupancy by people rather than square footage. She proposed using a general restriction on the number of people per bedroom or referencing the building code for occupancy limits.

**Section 4. Chapter 142-1.C(3)** requires a list of all renters for the year. This was identified as a debatable issue for STRs, since they typically have multiple guests throughout the year and was seen as unreasonable for STRs. It appeared the reasoning behind this was for concerns about nuisance properties. The thought was there other ways to address those issues without restricting STRs too much.

**Construction and Safety Codes:** Claire pointed out that certain construction safety requirements (e.g., GFI outlets, metal exhausts, and accessible stair conditions) were unnecessary to include in the zoning ordinance, as they were already part of building codes or rental agreements.

There was clarification that the proposed ordinance did not require the owner to be physically present on the property, only that a responsible person must be reachable 24/7 for emergencies.

A discussion point was the restriction on renting STRs for no more than 120 days per calendar year. There was concern that this would severely limit the potential for STRs to operate as businesses. While the goal of this limitation was to distinguish STRs from other temporary lodgings, most planning commission members felt it was too restrictive, and that other nuisance and safety guardrails would be more effective than limiting rental days.

**Short-Term Rental Definitions and Restrictions:** There is confusion about terms such as "hotel" and whether certain short-term rentals should be classified as hotels if they exceed 120 days of rental in a year. Some planning commission members were concerned that this could lead to unintended consequences for property owners who rent out units regularly but do not operate them like a hotel. A recommendation was made to strike the term "hotel" from the ordinance to avoid complications, as the term "hotel" is not clearly defined in zoning codes.

There was also concern about the definition of rooming houses versus STRs, particularly around owner-occupied properties. The ordinance needed to ensure clear distinctions between

different types of rental properties (e.g., rooming houses and short-term rentals) to avoid confusion or overlapping regulations.

There was a discussion about limiting the number of people allowed in a short-term rental. One suggestion is to use a formula based on square footage or other building code standards to calculate the occupancy limit. There was concern that using overly strict occupancy limits might cause issues for families, while not providing enough safeguards to prevent overcrowding. The PC suggested referencing existing building codes to avoid creating complicated new regulations.

The ordinance proposes requiring property owners to submit floor plans when applying for a short-term rental license, which would help determine the maximum occupancy for each unit based on available space and code regulations.

The need for clear definitions of short-term rentals, hotels, motels, and boarding houses in the ordinance was debated. A STR should be treated differently from a boarding house or hotel having multiple rental rooms. The PC suggested simplifying and clarifying these definitions to avoid future confusion.

The JBPC agreed with many of MCPC's points, particularly regarding the tenant list and the occupancy limit calculation. They discussed removing the 120-day limit and the reference to "hotel" and agreed that standard building codes referring to occupancy or plumbing fixtures and so on should apply to all rentals, not just STRs. The PC decided to draft a letter summarizing their concerns and suggestions, in conjunction with the county's letter, to send to the council before their next meeting in January. The PC considered looking into existing occupancy codes and standards for hotels and other lodging types to provide more specific recommendations.

Approved Plant List

Lucinda previously reviewed the plant list and made notes and had gathered up resources without finalizing. It is to be part of the SALDO code where we want to have an approved plant list so developers can see what the borough wants and to be sure they are not planting invasive plants with suggestions. Marley Bice from MCPC worked on the plant list and it was sent back to the borough for further review. According to comments in the chat portion of this Zoom meeting the Jenkintown Borough wrote the plant list was reviewed by the county, engineer and JBPC and it was found to be in compliance with the local and regional standards. The list was being sent to Louisa at the Shade Tree Commission. Lucinda said she had some comments. Next steps were discussed. Lucinda will send to Maureen from Environmental Advisory Committee (EAC) to review for another set of eyes.

### **Ongoing Business**

Bike and Pedestrian Safety (Sub-Committee update)

EH said the committee did not meet. He said there are some people from the community with an interest who are not on the Planning Commission who care about bicycling and pedestrian safety. And he suggested getting individuals outside the PC involved. JM brought up two options which were discussed. Invite individuals from the community for a meetup so long as there are less than fewer than four members of the PC at one time at a meeting or at a meetup as a planning commission subcommittee. The other option would be to have a separate community group focused on bike and pedestrian safety that could liaise with two or three on the PC committee and that group can make recommendations to bring ideas to the table.

Jenkintown 2035 Comprehensive Plan Implementation Audit – MC Planner  
*Photos (especially of new business or community events, murals, EV charging stations, etc.) would be welcomed.*

CW touched on the 2035 Comprehensive Plan Implementation Audit, confirming that photos and updates are still being accepted, but no other major developments are expected until the new year.

Greenwood Avenue (Former Cedar Street/Glanzmann) Properties – Borough Parking Lot Rentals, Future Land Use Discussion

There is a brief mention of the Greenwood Avenue lease extension and potential developments for townhouses on that property.

Zoning Review Update (Various items for discussion, channel lettering signs, townhouses)

A zoning review was brought up, particularly concerning channel lettering on signs. There was a detailed conversation about signage regulations, specifically regarding backlit and halo-style channel lettering. The concern is balancing the visibility of signs, especially when they might disrupt residential areas. A suggestion to revise the code to address visibility based on the type of street and distance from residential properties was discussed, along with the challenge of interpreting the regulations. EH mentioned reviewing the Montgomery County Planning Commission Model Sign Ordinance to consider how all the signs could fit in with Jenkintown. EH also suggested considering how light is dispersed in the sky with dark sky initiatives other municipalities have adopted. In potentially reviewing the model sign code the JPC could keep the off premises electronic signs off the table for now. GL mentioned how channel lettering has evolved and changed since the ordinance on signs was written. Maureen mentioned the glow of signs from the former Glanzmann lot shining in residences and in children's bedrooms at night. Glanzmann turned off the blue lights to be a good neighbor. JM said without seeing a specific proposal from the Giant Store it is hypothetical.

Chapter 181 Zoning – Article XIV Off-Street Parking and Loading  
(Code Review and Discussion)

Not reviewed this evening

181-141 Off-Premises Signs Ordinance (Tabled – ongoing discussion)

Not reviewed this evening

### **Other Business**

The group then shifted focus to historical markers, with PV suggesting the possibility of adding new markers in Jenkintown. There was a proposal to consider historical sites, like the Salem Baptist Church, which is the first Black church in Montgomery County, for a marker. JPC also discussed the Golden Mile shopping area and potential historical significance, as well as the history of Beaver College and its evolution into Arcadia University. There is an agreement to revisit the idea of nominating local sites for historical markers, following state guidelines, and potentially creating their own program for Jenkintown. JM posted this related link in the group chat: <https://www.pa.gov/agencies/phmc/historic-preservation/pa-historical-marker-program.html>

### **Adjournment**

The meeting concluded with wishes for happy holidays. Adjournment at 8:15 p.m. JM (EH)

# APPENDIX "A"

## Chapter 70

### BICYCLES AND UNREGISTERED VEHICLES

§ 70-1.	Definitions and word usage.	§ 70-4.	Interpretation.
§ 70-2.	Bicycles.	§ 70-5.	Violations and penalties.
§ 70-3.	Motorized vehicles.		

[HISTORY: Adopted by the Borough Council of the Borough of Jenkintown 4-28-1980 by Ord. No. 80-7. Amendments noted where applicable.]

#### GENERAL REFERENCES

Streets and sidewalks — See Ch. 156.

Vehicles and traffic — See Ch. 172.

#### § 70-1. Definitions and word usage.

A. As used in this chapter, the following definitions and rules of construction shall be observed:

ALL-TERRAIN VEHICLE — A multiwheeled recreational-type vehicle with a small overall size and low profile.

BICYCLE — Every device propelled by human power which any person may ride, having two tandem wheels, either of which is more than 15 inches in diameter.

BOROUGH — The Borough of Jenkintown in the County of Montgomery and Commonwealth of Pennsylvania.

MINIBIKE, MINICYCLE or TRAIL BIKE — A two-wheeled recreational-type vehicle with a small overall size and low profile.

MOTORCYCLE — Every motor vehicle having a saddle for the use of riders and designed to travel on not more than three wheels in contact with the ground; bicycles with motor attached; and scooters.

PUBLIC PROPERTY — Includes the parks and all public lands owned by the Borough and those parts of public places which do not form traveled parts of the streets, as defined in this section.

SIDEWALK — That portion of a street between the curblineline and the adjacent property line intended for the use of pedestrians, and includes footwalks and pavements.

SNOWMOBILE — Every engine-driven vehicle of a type which utilizes sled-type runners or skis or an endless belt tread or any combination of these or other means of contact with the surface upon which it is operated, but not including any farm tractor, highway or other construction equipment or any military or law enforcement vehicle.

STREET — Includes avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the Borough.

B. Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

**§ 70-2. Bicycles.**

- A. No person shall ride, coast or wheel a bicycle upon any of the sidewalks in the Borough, except that nothing herein contained shall prohibit any person from riding, coasting or wheeling a bicycle across a sidewalk in order to gain access to or egress from any property adjacent to such sidewalk, provided that due regard and care for the safety of pedestrians and other persons lawfully using such sidewalk is exhibited.
- B. No person shall ride, coast or wheel a bicycle upon private property within the Borough without the prior written permission of the owner or other person in control or possession thereof.
- C. It shall be unlawful for any person to operate a bicycle upon any street in the Borough in violation of any traffic ordinances of the Borough which are applicable to motor vehicles and/or in violation of 75 P.S. § 3501 et seq.

**§ 70-3. Motorized vehicles.**

- A. No minibike, minicycle, trail bike, motorcycle, snowmobile, all-terrain vehicle or other similar vehicle which has not been properly registered with the Commonwealth of Pennsylvania in conformity with the Pennsylvania Vehicle Code of 1976, as amended, shall be operated by any person upon any street, sidewalk or public property within the Borough, except that nothing herein contained shall prohibit any person from operating said vehicle across a sidewalk in order to gain access to or egress from any property adjacent to such sidewalk, provided that due regard and care for the safety of pedestrians and other persons lawfully using such sidewalk is exhibited.
- B. No minibike, minicycle, trail bike, motorcycle, snowmobile, all-terrain vehicle or other similar vehicle shall be operated by any person upon private property within the Borough without the prior written permission of the owner or other person in control or possession thereof.

**§ 70-4. Interpretation.**

Nothing in this chapter shall be construed to be an attempt to regulate the operation of any vehicle, including bicycles, by any person on property which is owned by the owner or operator of said vehicle.

**§ 70-5. Violations and penalties. [Amended 1-30-1989 by Ord. No. 89-2]**

Any person who shall violate any provisions of this chapter shall, upon conviction thereof before any Magisterial District Judge, be subject to a fine of not more than \$600 and costs of prosecution or to imprisonment in the county jail for a period of not more than 90 days, or both.

# APPENDIX "B"

## BOROUGH OF JENKINTOWN MONTGOMERY COUNTY, PENNSYLVANIA

### ORDINANCE NO. 2024 - \_\_\_\_\_

**AN ORDINANCE OF THE BOROUGH OF JENKINTOWN, MONTGOMERY COUNTY AMENDING CHAPTER 181, TITLED "ZONING" TO PERMIT, BY SPECIAL EXCEPTION, SHORT TERM RENTAL USE IN THE TRADITIONAL RESIDENTIAL INFILL OVERLAY AND THE TOWN CENTER DISTRICTS ONLY AND ESTABLISHING CRITERIA FOR THE GRANTING OF SAID SPECIAL EXCEPTION USE; AND AMENDING CHAPTER 142 TITLED "RENTAL PROPERTY" TO SET FORTH ADDITIONAL LICENSURE AND REGULATION REQUIREMENTS FOR THE OPERATION OF RENTALS INCLUDING SHORT TERM RENTAL UNITS WITHIN THE BOROUGH; PROVIDING A SEVERABILITY CLAUSE AND A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Borough of Jenkintown ("Borough"), pursuant to the Borough Code, 8 P.A. C.S.A. §§ 101 *et seq.*, and the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10101 *et seq.*, is authorized to make and adopt Ordinances that revise or amend the Borough's Zoning Ordinance and to require licensure and regulation of business activities such as short term rentals unless otherwise prohibited by law; and

**WHEREAS**, the Borough Planning Commission has recommended revising the Borough Zoning Ordinance to allow, by special exception, short term rental uses in the Traditional Infill Overlay and Town Center Districts only, and has also recommended adopting a new Chapter of the Code of the Borough of Jenkintown to establish licensing and regulation requirements for short term rental operations; and

**WHEREAS**, the Borough, after due consideration at an advertised public meeting and a public hearing, has determined that the health, safety, and general welfare of the residents of Jenkintown Borough will be served by this amendment to the Borough Zoning Ordinance and the adoption of a new Chapter to require licensure and regulation of short term rentals within the Borough.

**NOW THEREFORE**, be it, and it is hereby **ORDAINED** by the Jenkintown Borough Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

**SECTION I.** The Code of the Borough of Jenkintown, Chapter 181, titled "Zoning," Article II, titled "Definitions and Word Usage," Section 181-4 is hereby amended *to add* the following terms in appropriate alphabetical order:

#### ***SHORT-TERM RENTAL***

*Any rental dwelling unit owned or managed by a person, firm or corporation that is rented for a period of less than 30 consecutive days, but not more than 120 days in any calendar year. Rooming units and rooming house are included in this definition when rented for a period of less than 30 consecutive days, but not more*

*than 120 days in any calendar year. Any rental dwelling unit rented for a period of less than 30 consecutive days for 120 or more days in any calendar year shall be deemed a hotel.”*

**SECTION 2.** The Code of the Borough of Jenkintown, Chapter 181, titled “Zoning,” Article IV, titled “TR Traditional Residential Infill Overlay District,” Section 181-10 titled “Permitted Uses” is hereby amended to add a new Subsection “I” to state as follows with regard to short term rental use to be permitted by special exception:

*I. Any of the following purposes when authorized as a special exception:*

*(1) Short term rentals provided the following additional criteria are met:*

- a. A minimum of one (1) off-street parking space per two (2) rentable bedrooms shall be provided. Such parking spaces may be on-site, in permitted street parking (renters to receive a permit for their use), or in nearby off-site parking facilities, to be approved by the Code Enforcement Officer as part of the short term rental license application.*
- b. For efficiency dwelling units, one-bedroom dwelling units, and bedrooms rented in owner-occupied units, street parking will be considered sufficient if no off-street parking is available.*
- c. Overnight renters’ and guests’ parking shall not obstruct spaces in any public street, curbing, sidewalk, pathway, easement of other right-of-way or be located on any lawns or vegetated areas.*
- d. Short-term rental use shall comply with all applicable federal, state and local government laws, rules, ordinances and/or regulations, including without limitation, applicable International Property Maintenance Code, International Fire Code, International Building Code, PA UCC, and any requirements under the Jenkintown Code relating to licensure and reporting requirements as applicable to short term rental operators.*
- e. The number of bedrooms permitted for a short-term rental shall not exceed the number of bedrooms approved for the dwelling unit on the sewage permit issued for such property. Where there is no sewage permit on record, the short-term rental shall be limited to three bedrooms unless proof is provided that the septic system is adequate to handle additional flows. Any short-term rental advertising more than three bedrooms shall provide proof when applying for the Special Exception that the septic system is adequate to handle such flows.*

- f. *Overnight occupancy of a short-term rental shall be limited to lesser of the occupancy limit as permitted by the current Pennsylvania Uniform Construction Code, as amended from time to time, ("UCC"), or as set forth in the following chart:*

<i>Bedroom occupied by one (1) person</i>	<i>Not less than 70 sq. ft.</i>
<i>Bedroom occupied by two (2) people</i>	<i>Not less than 100 sq. ft.</i>
<i>Bedroom occupied by three (3) people</i>	<i>Not less than 150 sq. ft.</i>
<i>Bedroom occupied by four (4) people</i>	<i>Not less than 200 sq. ft.</i>
<i>Efficiency unit occupied by one (1) person</i>	<i>Not less than 120 sq. ft. clear area</i>
<i>Efficiency unit occupied by two (2) people</i>	<i>Not less than 220 sq. ft. clear area</i>
<i>Efficiency unit occupied by three (3) people</i>	<i>Not less than 320 sq. ft. clear area</i>

- g. *Overnight use and occupancy of recreational vehicles, camper trailers, temporary shelters, and tents, and otherwise, outdoor overnight sleeping, at the subject property where the short term rental is located, are prohibited.*
- h. *A property used for short term rental use shall not have any outside appearance indicating a change of use from the surrounding residential uses. No exterior signage or exterior visible advertising posted shall be permitted anywhere on the property or building.*
- i. *All short term rentals shall be equipped with working smoke detectors in each bedroom; and smoke detectors outside each bedroom in common hallways; and smoke detectors on each floor; and a carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood-burning stove, or any fuel fired appliance, is present and operational; and a carbon monoxide detector if a garage is attached; and a fire extinguisher in the kitchen*
- j. *All short term rentals shall be have GFI outlets for outlets located within six feet of all water sources.*

- k. *All short term rentals shall have aluminum or metal exhausts from dryers.*
- l. *All stairs (indoor and/or outdoor) that are accessible to or used as part of the short term rental shall be in good condition.*
- m. *All swimming pools, hot tubs and spas that are accessible to or used as part of the short term rental shall meet the barrier requirements as indicated in 2018 International Swimming Pool and Spa Code.*
- n. *The owner shall agree to maintain at all times that the property is being used for short term rental use a notice posted within the dwelling unit on or adjacent to or in closest proximity to the front door that contains the following information:*
  - i. *The name of the owner, and if applicable, the person in charge, together with the telephone number(s) at which they can be reached on a twenty-four-hour basis.*
  - ii. *The E-911 address of the property where the short term rental is located.*
  - iii. *The maximum number of overnight renters, and guests, permitted to stay in the short term rental unit at any one time.*
  - iv. *The maximum number of all vehicles allowed to be on the property and the requirement that all vehicles must be parked in the available parking areas on the property and not on any lawn or vegetated area on the property. On-lot parking should be used before street parking.*
  - v. *The trash and recycling pick-up day, and notification that trash and recycling shall not be left or stored on the exterior of the property except in appropriate containers until pick-up day.*
  - vi. *Notification that an overnight renter(s) or guest(s) may be cited and fined for any violation of the Code of Jenkintown Borough.*

**SECTION 3.** The Code of the Borough of Jenkintown, Chapter 181, titled “Zoning,” Article X, titled “TC Town Center District,” Section 181-41 titled “Permitted Uses” is hereby amended to add a new Subsection “D” to state as follows with regard to short term rental use to be permitted by special exception:

*D. Special Exception uses.*

*(1) Short term rentals provided the following additional criteria are met:*

- a. *A minimum of one (1) off-street parking space per two (2) rentable bedrooms shall be provided. Such parking spaces may be on-site, in permitted street parking (renters to receive a permit for their use), or in nearby off-site parking facilities, to be approved by the Code Enforcement Officer as part of the short term rental license application.*
- b. *For efficiency dwelling units, one-bedroom dwelling units, and bedrooms rented in owner-occupied units, street parking will be considered sufficient if no off-street parking is available.*
- c. *Overnight renters' and guests' parking shall not obstruct spaces in any public street, curbing, sidewalk, pathway, easement of other right-of-way or be located on any lawns or vegetated areas.*
- d. *Short-term rental use shall comply with all applicable federal, state and local government laws, rules, ordinances and/or regulations, including without limitation, applicable International Property Maintenance Code, International Fire Code, International Building Code, PA UCC, and any requirements under the Jenkintown Code relating to licensure and reporting requirements as applicable to short term rental operators.*
- e. *The number of bedrooms permitted for a short-term rental shall not exceed the number of bedrooms approved for the dwelling unit on the sewage permit issued for such property. Where there is no sewage permit on record, the short-term rental shall be limited to three bedrooms unless proof is provided that the septic system is adequate to handle additional flows. Any short-term rental advertising more than three bedrooms shall provide proof when applying for the Special Exception that the septic system is adequate to handle such flows.*
- f. *Overnight occupancy of a short-term rental shall be limited to lesser of the occupancy limit as permitted by the current Pennsylvania Uniform Construction Code, as amended from time to time, ("UCC"), or as set forth in the following chart:*

<i>Bedroom occupied by one (1) person</i>	<i>Not less than 70 sq. ft.</i>
<i>Bedroom occupied by two (2) people</i>	<i>Not less than 100 sq. ft.</i>
<i>Bedroom occupied by</i>	<i>Not less than 150 sq.</i>

<i>three (3) people</i>	<i>ft.</i>
<i>Bedroom occupied by four (4) people</i>	<i>Not less than 200 sq. ft.</i>
<i>Efficiency unit occupied by one (1) person</i>	<i>Not less than 120 sq. ft. clear area</i>
<i>Efficiency unit occupied by two (2) people</i>	<i>Not less than 220 sq. ft. clear area</i>
<i>Efficiency unit occupied by three (3) people</i>	<i>Not less than 320 sq. ft. clear area</i>

- g. Overnight use and occupancy of recreational vehicles, camper trailers, temporary shelters, and tents, and otherwise, outdoor overnight sleeping, at the subject property where the short term rental is located, are prohibited.*
- h. A property used for short term rental use shall not have any outside appearance indicating a change of use from the surrounding residential uses. No exterior signage or exterior visible advertising posted shall be permitted anywhere on the property or building.*
- i. All short term rentals shall be equipped with working smoke detectors in each bedroom; and smoke detectors outside each bedroom in common hallways; and smoke detectors on each floor; and a carbon monoxide detector if open flame (oil or gas) furnace, gas or wood fireplace, or wood-burning stove, or any fuel fired appliance, is present and operational; and a carbon monoxide detector if a garage is attached; and a fire extinguisher in the kitchen*
- j. All short term rentals shall be have GFI outlets for outlets located within six feet of all water sources.*
- k. All short term rentals shall have aluminum or metal exhausts from dryers.*
- l. All stairs (indoor and/or outdoor) that are accessible to or used as part of the short term rental shall be in good condition.*
- m. All swimming pools, hot tubs and spas that are accessible to or used as part of the short term rental shall meet the barrier requirements as indicated in 2018 International Swimming Pool and Spa Code.*

- n. *The owner shall agree to maintain at all times that the property is being used for short term rental use a notice posted within the dwelling unit on or adjacent to or in closest proximity to the front door that contains the following information:*
  - i. *The name of the owner, and if applicable, the person in charge, together with the telephone number(s) at which they can be reached on a twenty-four-hour basis.*
  - ii. *The E-911 address of the property where the short term rental is located.*
  - iii. *The maximum number of overnight renters, and guests, permitted to stay in the short term rental unit at any one time.*
  - iv. *The maximum number of all vehicles allowed to be on the property and the requirement that all vehicles must be parked in the available parking areas on the property and not on any lawn or vegetated area on the property. On-lot parking should be used before street parking.*
  - v. *The trash and recycling pick-up day, and notification that trash and recycling shall not be left or stored on the exterior of the property except in appropriate containers until pick-up day.*
  - vi. *Notification that an overnight renter(s) or guest(s) may be cited and fined for any violation of the Code of Jenkintown Borough.*

**SECTION 4.** The Code of the Borough of Jenkintown Chapter 142 titled “Rental Property” shall be amended in its entirety to state as follows:

*Chapter 142. Rental Property*

*§ 142-1. Establishment of an annual license fee for rental units.*

*A. All owners of single-family detached dwellings, two-family buildings, single-family semidetached dwellings, two-family detached dwellings, single-family attached dwellings, townhouses, multifamily dwellings, apartment houses, and any other building, renting their property or a portion of their property as a dwelling unit or as a short term rental as defined in the Borough Zoning Ordinance within the Borough of Jenkintown to nonfamily members shall make application to the office of Code Enforcement of the Borough of Jenkintown for licensing on an annual basis. Forms shall be available for inspection at the Borough of Jenkintown.*

*B. This article shall not apply to owners of dwellings established by declaration of condominium so long as they own no more than two dwellings within the Borough. If the aforesaid owner exceeds the aforesaid limits, that said owner shall comply with Subsection A. This article shall also not apply to an inn, bed and breakfast, hotel, or group home, as such uses are interpreted or defined under the Borough Zoning Ordinance*

*C. At the time of application, the owner shall complete an application that shall submitted to Code Enforcement and that may require the following information be provided:*

*(1) The name, address, telephone numbers and email address of the owner. If the owner will be located over 20 linear miles from the location of the rental property, the owner must appoint and engage a person in charge to fully act on the owner's behalf for any matters pertaining to the short term rental during that period. The owner must provide to the Borough the name, address, twenty-four-hour telephone number and email address of the person in charge who will respond to Borough inquiries in the owner's absence.*

*(2) A copy of the current recorded deed for the subject property establishing ownership.*

*(3) A list of current or proposed tenants for the calendar year. That tenant list may include the full legal name of any and all occupants of the dwelling to include those under the age of 18 and any known aliases and address. If a tenant vacates the rental property and is replaced by a new tenant, the owner is obligated to notify the Borough within sixty (60) days and to provide the information required in the aforesaid tenant list about the new tenant to Code Enforcement.*

*(4) If the rental property is a short-term rental, then the total number of bedrooms and maximum number of overnight renters and guests of any duration, for each dwelling unit to be used as a short term rental.*

*(5) A diagram or photograph showing the location and number of on-site parking spaces.*

*(6) A floorplan showing the number, location, and dimensions of living spaces, bedrooms, and bathrooms available to renters.*

*(7) A certification subject to the provisions of 18 Pa.C.S.A. § 4904 that states that the owner is aware of and intends to comply with the applicable Property Maintenance Code, Fire Code, Uniform Construction Code, and all other Jenkintown Borough*

*ordinances relating to the use, occupancy, and maintenance of the property such as the Jenkintown Zoning Ordinance.*

*(8) Proof of compliance with the Borough Business Privilege Tax or any other applicable local taxes.*

*(9) If applicable, proof of written notice to the rental property's condominium, co-operative, or homeowner's association, indicating the intent to make application for and use the subject property as a rental or as a short term rental, or in the case of a leased property, additional proof of written permission from the lessor to allow a sublease for rental or short term rental use.*

*(10) Signature of the owner acknowledging receipt, review, understanding of, and agreement to comply with this Section.*

*D. Applications for rental licenses shall be made on or before November 15 of each year. At the time of the application, each owner needing a license to operate a rental property shall pay a rental license fee on an annual basis as set by resolution of the Borough Council. Notwithstanding any other provisions in this chapter to the contrary, if a person to whom the provisions of this chapter apply fails to obtain a rental license, the Borough may impose a late fee penalty, which penalty shall also be established by resolution of Borough Council. The Borough shall not impose a late fee penalty for failure to comply with the provisions of this chapter until after December 31 of the applicable year.*

*E. At the time of application, if the owner has had his license suspended or revoked in the previous 365 days, the Code Enforcement Officer reserves the right to deny issuance of the rental license for the following year, which denial may be appealed to the Borough Manager.*

*F. A separate rental license must be obtained for each rental property. For two-family or multifamily dwellings, a separate rental license shall be required for each dwelling unit being rented or offered as a short term rental. In a multi-family building or residential complex of four (4) or more dwelling units, no more than one (1) short term rental will be allowed per ten (10) dwelling units. So, for example, in a twenty-five (25) unit apartment building only two short term rental licenses may be issued for that building at one time.*

*G. Upon the application of the owner for a rental license or renewal thereof, Code Enforcement may conduct an inspection of the property to determine and ensure that the residential rental dwelling and each unit contained therein is not a public nuisance or substandard and meets all*

*applicable zoning, health, safety, and building requirements of Lansdale Borough as well as general applicable law. All inspections shall conform to the protections guaranteed property owner(s) and/or individuals in the Constitution(s) of the United States and the Commonwealth of Pennsylvania.*

*§142-2. Definitions and Interpretation.*

*A. This article is not intended to, and does not, excuse any landowner from compliance with any other chapters, sections or subsections of the Zoning Ordinance, as amended from time to time. Whenever possible, this section and the Zoning Ordinance should be construed and interpreted as being consistent, and not in conflict.*

*B. It is the intent of this article that the words and terms as used herein shall comport with the International Property Maintenance Code of 2003, the Borough of Jenkintown Zoning Ordinance, and the Borough of Jenkintown Subdivision and Land Development Ordinance.*

*§ 142-3. Penalties for noncompliance.*

*A. Whenever the Code Enforcement Officer determines that there is or has been a violation of any provision of this article, or of other applicable codes or ordinances, or of any rules or regulations adopted pursuant thereto, he shall give notice to the owner, operator, occupant, or other responsible person, as the case may be, of such determined violation. Said notice shall be in writing, signed by the Code Enforcement Officer or his agent, and shall include the following:*

*(1) A statement of the determined violation and the action or actions necessary for compliance.*

*(2) A reasonable period of time, as determined by the Code Enforcement Officer or his agent, but not less than 10 days' notice, for correction of the determined violation or violations, unless, in the opinion of the Code Enforcement Officer, an emergency condition exists or the violation or violations constitute an immediate threat to the health, safety, or welfare of any individual or individuals.*

*B. Any person who fails to correct a violation or take a remedial action as ordered by the Code Enforcement Officer or his agent with any requirement of this article or of any of the other applicable codes and ordinances shall be liable, upon conviction, to pay a fine of not more than*

*\$1,000 plus costs of prosecution, and in default of payment of such fine and costs, to imprisonment not exceeding 30 days, for each and every day the violation exists, which shall be determined to be a separate violation, at the discretion of the Magisterial District Judge or the Court of Common Pleas of Montgomery County*

**SECTION 5. SEVERABILITY.** In the event that any section, sentence, clause, or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.

**SECTION 3. REPEALER.** All ordinances or resolutions or parts thereof inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect and be in force immediately from and after its approval unless otherwise as required by law.

**ORDAINED AND ENACTED** by the Borough Council of the Borough of Jenkintown, Montgomery County, Pennsylvania this \_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

JENKINTOWN BOROUGH COUNCIL

\_\_\_\_\_  
GEORGE LOCKE, MANGER

\_\_\_\_\_  
JAY CONNERS  
BOROUGH COUNCIL PRESIDENT

APPROVED:

\_\_\_\_\_  
GABRIEL LERMAN, MAYOR

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

JAMILA H. WINDER, CHAIR  
NEIL K. MAKHIJA, VICE CHAIR  
THOMAS DIBELLO, COMMISSIONER

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SCOTT FRANCE, AICP  
EXECUTIVE DIRECTOR

## APPENDIX "C"

December 12, 2024

Mr. George Locke, Borough Manager  
Jenkintown Borough  
700 Summit Avenue  
Jenkintown, PA 19046

Re: MCPC # 24-0264-001  
Plan Name: Short Term Rental Ordinance  
Jenkintown Borough

Dear Mr. Locke:

We have reviewed the above-referenced zoning text amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on November 27, 2024. We forward this letter as a report of our review.

### BACKGROUND

The Borough of Jenkintown is proposing a zoning text amendment to permit short term rental use by Special Exception in the Traditional Residential Infill Overlay District and the Town Center District. The amendment includes criteria for granting the short term rental use in each of the zoning districts where it would be permitted. In addition, the proposal would amend Chapter 142 "Rental Property" to set additional licensure and regulation requirements for the operation of short term rental units.

### RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified a number of key issues that we believe should be resolved prior to zoning amendment adoption. Our comments are as follows:



## REVIEW COMMENTS

### OVERALL COMMENT

In general, we feel that the proposed amendments could create additional burdens for short-term rentals that are not placed on other types of temporary lodging and could impact people who want to rent space in their home for extra income. The borough may want to consider regulations for this use that would encourage people to stay in the borough, without causing a nuisance. The zoning should manage the impacts that this form of temporary lodging could have on the community without creating additional burdens.

### DEFINITIONS

The amendment proposes a definition for short-term rentals, which distinguishes the use from a hotel based on the length of stay: a period of less than 30 consecutive days, but no more than 120 days *in total* over the length of one calendar year (§ 181-4). We suggest that it may be helpful to include a definition for a hotel and a bed-and-breakfast, to clarify any confusion that may arise between the uses.

### OCCUPANCY REQUIREMENT

Proposed Subsection 181-10(l)(f) sets forth occupancy requirements for short-term rentals, and references the Pennsylvania Uniform Construction Code. We recommend that the occupancy requirement reference the pertinent codes rather than reiterate the requirement in zoning. In the event that the codes are updated, the inclusion of such code requirements in the zoning may complicate enforcement.

- A. Person Limit. To address potential noise and trash problems, the borough could limit the number of people that can stay on the property at a given time, either by creating the same limit for all permitted properties, or by correlating the limit with the number of bedrooms. The regulations could also specify that any advertisement of the property and all contracts must specify the person limit, to ensure that the home cannot be used for large gatherings.

### CHAPTER 142 "RENTAL PROPERTY"

- A. Establishment of Annual License Fee. Section 142-1 would be amended to include "short term rental" under the category of rental units when establishing the licensing application process. Therefore, this amendment would set requirements that rental units, including short term rentals, would have to meet in order to obtain a license. Other temporary lodgings (such as hotel, inn, and bed-and-breakfast) would be excluded from these requirements. Based on our understanding, applying this requirement to short term rentals but not to hotels, inns, and bed-and-breakfasts, creates an additional burden. We recommend the borough consider how these requirements would apply to similar uses.

In particular, Section 142-I.C.(3) requires that “a list of current or proposed tenants for the calendar year” be provided to the Borough’s Code Enforcement. This is a reasonable requirement for rental properties that have 6-month or one-year leases, but we feel this is unreasonable for short term rentals, which function more like hotels, inns, and bed-and-breakfasts regarding the booking patterns than standard rental units.

## CONCLUSION

We wish to reiterate that MCPC generally supports the applicant’s proposal but we believe that our suggested revisions will better achieve Jenkintown’s planning objectives preserving the character of the residential and commercial areas.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body adopt this proposed zoning ordinance amendment, Section 609 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,



Claire Warner, Senior Community Planner  
[claire.warner@montgomerycountypa.gov](mailto:claire.warner@montgomerycountypa.gov) – 610-278-3755

c: Jon McCandlish, Chair, Borough Planning Commission  
Khal Hassan, P.E., Borough Engineer  
Patrick M. Hitchens, Esq., Borough Solicitor