

Thornhurst Township
Lackawanna County, Pennsylvania
An Ordinance Amending “The Short-Term Rental Ordinance of Thornhurst Township”
Ordinance Number:

ORDINANCE NO. 27

AN ORDINANCE AMENDING “THE SHORT-TERM RENTAL ORDINANCE OF THORNHURST TOWNSHIP” TO RESTRICT SHORT-TERM RENTALS TO R-1 AND R-C ZONING DISTRICTS AND PROVIDE FOR GRANDFATHERING OF LEGALLY-EXISTING SHORT-TERM RENTALS

WHEREAS, Thornhurst Township (the “Township”), Lackawanna County, Pennsylvania, enacted “The Short-Term Rental Ordinance of Thornhurst Township at a public meeting on April 20, 2021 to regulate the operation of short-term rentals within the Township; and

WHEREAS, the Pennsylvania Municipalities Planning Code (“MPC”), 53 P.S. §§ 10601 et seq., authorizes the Township to regulate land uses through zoning ordinances to promote the public health, safety, and welfare; and

WHEREAS, the Township seeks to balance the economic benefits of short-term rentals with the preservation of residential character and community well-being, particularly in certain zoning districts; and

WHEREAS, the decision of the Commonwealth Court of Pennsylvania in Thornhurst Townshpi v. Thornhurst Twp. Zoning Hearing Bd. & Pocono4Rent (2024) clarified that short-term rentals are not a permitted use in the Agricultural-Residential (A-R) Zoning District, supporting the Township’s authority to restrict short-term rentals to specific zoning districts; and

WHEREAS, the Township has determined that limiting short-term rentals to the Low Density Residential (R-1) and Residential-Commercial (R-C) Zoning Districts is appropriate to achieve these goals; and

WHEREAS, the Township has provided public notice, held a public hearing, and submitted this amendment to the Lackawanna County Planning Commission for review in accordance with the Pennsylvania MPC.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Thornhurst Township, Lackawanna County, Pennsylvania, as follows:

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SECTION 1 - AMENDMENT TO SHORT-TERM RENTAL ORDINANCE

The “The Short-Term Rental Ordinance of Thornhurst Township” is hereby amended by adding the following provisions to regulate the zoning districts in which short-term rentals are permitted:

1.1 Zoning Restrictions

a. Permitted Zoning Districts: Short-term rentals shall be permitted as a principal use only in the R-1 and R-C Zoning Districts, subject to compliance with all requirements of this Ordinance, including licensing, inspections, parking, and occupancy limits as set forth in the “The Short-Term Rental Ordinance of Thornhurst Township.”

b. Prohibited Zoning Districts: Short-term rentals are expressly prohibited in all other zoning districts, including but not limited to the Conservation (OSC- Open Space Conservation) District, Agricultural-Residential (A-R) District, Village Residential (V-R) District, and the Medium Density Residential (R-2) District, except as provided in Section 1.3 (Grandfathering).

1.2 Legally Existing Short-Term Rentals

a. Any short-term rental operating lawfully in a zoning district other than R-1 or R-C as of the effective date of this Ordinance, and which holds a valid short-term rental license issued by the Township prior to the effective date, shall be permitted to continue operating as a nonconforming use, provided the following conditions are met:

- i.** The short-term rental maintains continuous compliance with all requirements of “The Short-Term Rental Ordinance of Thornhurst Township,” including annual license renewal and inspections.
- ii.** The short-term rental does not cease operation for a period of twelve (12) consecutive months. Cessation of operation for twelve (12) months or more shall result in the loss of nonconforming use status.
- iii.** The property owner provides documentation to the Township Zoning Officer within ninety (90) days of the effective date of this Ordinance, verifying that the short-

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term rental was in operation and licensed prior to the effective date.

- b.** Nonconforming short-term rentals may not be expanded or modified in a manner that increases the intensity of the use (e.g., increasing the number of bedrooms or occupancy) without obtaining a variance from the Township Zoning Hearing Board.

1.3 Enforcement

- a.** Any property found to be operating a short-term rental in a zoning district other than R-1 or R-C, without grandfathered status, shall be considered in violation of this Ordinance and subject to enforcement actions as provided in the Township Zoning Ordinance and the Pennsylvania MPC.

- b.** Violations may result in fines, revocation of the short-term rental license, injunctive relief or monetary remedies as determined by the Township. If the Township seeks and receives injunctive relief or any other Court-Ordered relief regarding a violation of this Ordinance or “The Short-Term Rental Ordinance of Thornhurst Township,” the Township shall be entitled to all professional fees and expenses incurred in connection with such relief, along with any and all fees, costs and expenses related to the enforcement of said Ordinances.

SECTION 2: SEVERABILITY

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

SECTION 3: REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect five (5) days after the adoption thereof. All other provisions of the “The Short-Term Rental Ordinance of Thornhurst Township” remain in full force and effect.

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Lackawanna County, Pennsylvania

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ENACTED AND ORDAINED into law by the Board of Supervisors of Thornhurst Township, Lackawanna County, Pennsylvania, this 14 day of August, 2025.

Elaine Evans

Elaine Evans, Chair

Scott Jordan

Scott Jordan, Supervisor

James Learn

James Learn, Supervisor

ATTEST:

Kim D. Grab

Kim D. Grab, Township Secretary