

ORDINANCE NO. _____-2026

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF KUTZTOWN BY AMENDING THE BOROUGH OF KUTZTOWN ZONING ORDINANCE, CHAPTER 225 BY: CREATING AND ADDING THE DEFINITION OF SHORT TERM RENTAL AND BY PERMITTING THE ESTABLISHMENT OF SHORT TERM RENTALS IN THE C-C BUSINESS COMMERCIAL CENTRAL, C-1 BUSINESS COMMERCIAL AND C-3 HIGHWAY COMMERCIAL ZONING DISTRICTS IN THE BOROUGH OF KUTZTOWN. ESTABLISHMENT WILL ALSO BE PERMITTED IN RESIDENTIAL ZONING DISTRICTS UPON COMPLETION AND SUBMISSION OF A ZONING APPLICATION, AND APPROVAL BY THE BOROUGH ZONING OFFICER. IN RESIDENTIAL ZONES, RENTAL WILL BE LIMITED TO A MAXIMUM OF 90 CUMULATIVE DAYS IN A CALENDAR YEAR,

WHEREAS, the Borough Council of the Borough of Kutztown desires to amend the Code of the Borough of Kutztown to amend the zoning regulations found at Chapter 225 of such Code; and

WHEREAS, such zoning amendments are authorized by sections 505 and 609, respectively, of the Pennsylvania Municipalities Planning Code (Act of July 31, 1968, P.L. 805), as amended; and

NOW THEREFORE, be it enacted and ordained by the Borough Council of the Borough Kutztown, County of Berks, Commonwealth of Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of same, as follows:

SECTION 1. Section 225-5 of the Code of the Borough of Kutztown is hereby amended so as to add the following definition in such section in alphabetical order:

ROOMING HOUSE- a building other than a fraternity, sorority, hotel, motel or one-family dwelling, in which building the owner, provides for compensation or lets, rooms for lodging of four or more individuals for more than thirty days, and the owner does not reside therein

SHORT TERM RENTAL (STR) – a dwelling unit, or portion thereof, that is offered or provided to a guest by a property owner or their agent for a fee for fewer than thirty consecutive nights. They are commonly referred to as vacation rentals. They are a form of tourist or transient accommodations. Short-term rental units may be whole house rentals, apartments, or condominiums. For the purpose of administration and enforcement of this title, the terms “overnight rental,” “nightly rental,” and “vacation rental” are interchangeable with short-term rentals. Subleasing or subletting of units for short-term rental is prohibited if the zoning in the district in which the dwelling unit is located does not permit such use.

SECTION 2. Section 225-17. A of the Code of the Borough of Kutztown is hereby amended by creating and enacting subsection A (18) which shall read as follows:

A. Permitted Uses

(18) Short Term Rental pursuant to the terms and conditions of Chapter 180 of the Code of the Borough of Kutztown.

SECTION 3. Section 225-18. A of the Code of the Borough of Kutztown is hereby amended by creating an enacting subsection A (16) which shall read as follows :

(16). Short Term Rental pursuant to the terms and conditions of Chapter 180 of the Code of the Borough of Kutztown.

SECTION 4. Section 225-20. A of the Code of the Borough of Kutztown is hereby amended by creating an enacting subsection A (11) which shall read as follows :

(11). Short Term Rental pursuant to the terms and conditions of Chapter 180 of the Code of the Borough of Kutztown.

SECTION 5. Section 225-12. A of the Code of the Borough of Kutztown is hereby amended by creating an enacting subsection A (6) which shall read as follows :

(6). Short Term Rental pursuant to the terms and conditions of Chapter 180 of the Code of the Borough of Kutztown for an annual cumulative total of ninety (90) days per calendar year.

SECTION 6. Section 225-13. A of the Code of the Borough of Kutztown is hereby amended by creating an enacting subsection A (9) which shall read as follows :

(9). Short Term Rental pursuant to the terms and conditions of Chapter 180 of the Code of the Borough of Kutztown for an annual cumulative total of ninety (90) days per calendar year.

SECTION 7. Section 225-14. A of the Code of the Borough of Kutztown is hereby amended by creating an enacting subsection A (12) which shall read as follows :

(12). Short Term Rental pursuant to the terms and conditions of Chapter 180 of the Code of the Borough of Kutztown for an annual cumulative total of ninety (90) days per calendar year.

SECTION 8. Section 225-15. A of the Code of the Borough of Kutztown is hereby amended by creating an enacting subsection A (4) which shall read as follows :

(4). Short Term Rental pursuant to the terms and conditions of Chapter 180 of the Code of the Borough of Kutztown for an annual cumulative total of ninety (90) days per calendar year.

SECTION 9. Section 225-16. A of the Code of the Borough of Kutztown is hereby amended by creating an enacting subsection A (7) which shall read as follows :

(7). Short Term Rental pursuant to the terms and conditions of Chapter 180 of the Code of the Borough of Kutztown for an annual cumulative total of ninety (90) days per calendar year.

SECTION 10. Section 225-19. A of the Code of the Borough of Kutztown is hereby amended by creating an enacting subsection A (11) which shall read as follows :

(11). Short Term Rental pursuant to the terms and conditions of Chapter 180 of the Code of the Borough of Kutztown for an annual cumulative total of ninety (90) days per calendar year.

SECTION 11. Effective Date. This Ordinance shall become effective after enactment on the earliest date permitted by law.

SECTION 12. Severability. The provisions of this Ordinance shall be severable, and if any

of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein.

SECTION 13. Repealing Clause. All ordinances and/or parts of ordinances conflicting in any manner with the provisions of this Ordinance, are hereby generally repealed insofar as the same are inconsistent with the terms and provisions of this Ordinance.

SECTION 14. Provisions to be a Continuation of Existing Regulations. The provisions of this Ordinance, so far as they are the same as those of ordinances and regulations in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and regulations and not as new enactments. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit of prosecution pending or to be instituted to enforce any of these repealed ordinances or regulations.

SECTION 15. Code of Ordinances. The Kutztown Code, as amended, shall be and remain unchanged in full force and effect except as amended, supplemented and modified from time to time. This Ordinance shall become part of the Kutztown Code upon adoption.

[Signature Page Follows}

ENACTED AND ORDAINED as an Ordinance of the Borough of Kutztown, Berks County, Commonwealth of Pennsylvania, by the Borough Council this _____ day of _____, 2026, in lawful session duly assembled.

BOROUGH OF KUTZTOWN

By: _____
Kevin J. Snyder, President of Borough Council

Attest: _____
Gina M. Wiand, Borough Secretary

Approved as an Ordinance this _____ day of _____, 2026.

James F. Schlegel, Mayor