CONDITIONS OF SALE FOR THE
REAL ESTATE OF SUNSHINE AND CREATION RETREAT LLC

The Conditions of Sale for the Real Estate of **SUNSHINE AND CREATION RETREAT LLC**, being held this 14th day of October, 2026, are as follows:

1. The **PROPERTY** being sold is all that real estate, with improvements thereon, located in the Clay Township, Lancaster County, Pennsylvania, known as 1500 Laurel Drive, Newmanstown, PA 17073, having a UPI/Property ID No. of 070-89225-0-0000, with Deed recorded in the Office of the Recorder of Deeds of Lancaster County at Document No. 6642231, and more particularly described in the attached Exhibit "A".

2. The highest approved bidder shall be the Buyer upon the Property being struck off to him, (the "Purchase Price"), and he shall immediately sign the Agreement on these Conditions of Sale, and pay a deposit of **ONE HUNDRED THOUSAND ($100,000.00) DOLLARS,** paid directly to the Seller. If any dispute arises among bidders, the Property shall immediately be put up for renewed bidding.

4. The balance of the Purchase Price shall be paid at Settlement to be held at the offices of Steiner & Sandoe, Attorneys at Law, LLC, 36 West Main Avenue, Myerstown, PA 17067, **on or before 60 days of signing the Conditions of Sale**, unless some other time or place is agreed upon by the Seller and the Buyer.

5. Upon payment of the purchase price in full, the Seller shall convey title to the property to Buyer by special warranty deed. If the Buyer obtains an attorney certification of title or purchases title insurance, Seller shall convey title that is good and marketable. Title shall be free and clear of all liens and encumbrances not noted in these conditions, but subject to any easements, visible or of record, rights-of-way, building or use restrictions, and zoning or land subdivision regulations. At Settlement, the property and all of its appurtenances and fixtures shall be in substantially the same condition as at present, except for any damage of any kind, for which full or partial recovery may be had under the Seller's or Buyer's insurance, or any taking by eminent domain. Formal tender of deed and purchase money are waived.

6. The cost of any title search, certification or insurance is the responsibility of the Buyer.

7. The cost of preparation of the deed, acknowledgments to the deed and recording fees are the responsibility of the Buyer. All state and local realty transfer taxes, Two Percent (2%) of the Purchase Price, shall be paid by the Buyer. Real estate taxes shall be pro-rated to the date of Settlement. Water and sewer rates and other lienable utilities shall be paid by the Seller to the date of Settlement. Any fees, including tax or utility certification fees for services which the Seller has not specifically engaged, shall be paid by Buyer. Seller will not be responsible for any testings or inspections required by any lending institution.

8. The Property is being sold **"AS IS"** with no inspection contingencies and no warranties implied or stated from Seller.

9. Buyer acknowledges receipt of a completed Seller's Property Disclosure form made available prior to and on the day of the sale.

10. Possession will be given to the Buyer at the time of Settlement.

11. The Seller reserves the right to reject any or all bids, and withdraw the premises from sale.

12. The Real Estate Buyer acknowledges that his obligation under these Conditions of Sale is **NOT** conditioned upon his ability to obtain any financing of the purchase price.

13. In case of non-compliance with these Conditions of Sale by the Real Estate Buyer, the Seller, in addition to all remedies provided by law, shall have the option either:

(a) To retain the Buyer's deposit money as liquidated damages, regardless of whether or not, or on what terms, the property is resold; or

(b) To resell the Property at public or private sale, with or without notice to the present Buyer, and to retain any advance in price, or hold the present Buyer liable for any loss resulting from such resale, meanwhile holding the deposit paid hereunder as security for or toward payment of any such loss.

14. Special conditions:

(a) If the property is subject to any preferential tax assessment such as "Clean and Green," and if the Buyer after settlement causes a violation of the preferential assessment, Buyer shall be solely responsible for the payment of all roll-back taxes, interest and penalties and shall indemnify Seller from same.

(b) Property is currently being used as an Air B&B. Seller is willing to transfer all current and future reservations to Purchaser if Purchaser chooses to continue using property as an Air B&B.

(c) The new owner will need to be familiar with and comply with the Clay Township Short Term Rental Ordinance and the terms of the prior Zoning decision. Ordinance and Decision attached hereto.

(d) Seller is offering the following contents to the highest bidder for an additional $50,000.00. Purchase is optional

REAL ESTATE AGREEMENT

We, the undersigned, being the Seller and Buyer of the real estate mentioned in the foregoing Conditions of Sale, hereby declare and agree that _____ _____, of _____ _____, (telephone #_____), has/have become the Buyer(s) of the aforesaid premises for the sum of _____ Dollars (the "Purchase Price") and that the sum of _____ Dollars has been paid directly to the Seller, the receipt of which is hereby accepted by way of deposit, and in part payment of the said Purchase Price. If the Buyer, or persons claiming under the Buyer, shall take possession of the premises or any part thereof prior to the time of Settlement, and thereafter default in the payment of the purchase price, or in the performance of any other conditions of sale, the Buyer does hereby authorize any attorney of any court of record in Pennsylvania, to appear for him and confess judgment in an amicable action of ejectment for recovery of possession of said premises, against the said Buyer, or any other person or persons in possession of said premises, or any portion thereof, and in favor of the Seller of said premises, and direct the issuing of a writ of possession, with clause of seizure, waiving all irregularities, without notice, and without asking leave of court.

Witness our hands and seals this 14th day of October, 2026.

SELLER:
Sunshine and Creation Retreat LLC

By_____
Amos Stoltzfus, Member

_____

BUYER:

_____

_____

EXHIBIT "A"

ALL THOSE CERTAIN tracts of land situate partly in Heidelberg Township, Lebanon County, Pennsylvania and partly in Clay Township, Lancaster County, Pennsylvania, and in Elizabeth Township, Lancaster County, Pennsylvania, bounded and described as follows, to wit:

TRACT NO. 1

BEGINNING at a limestone, a corner common to lands now or late of Pennsylvania Game Commission (Game Lands No. 46); thence by lands now or late of the Pennsylvania Game Commission, North 83 degrees 49 minutes 08 seconds West, 1,262.28 to a limestone, a corner common to proposed Parcel "B", as shown on a recorded Subdivision Plan for Perry J. Reifsnyder recorded in Lancaster County Plan Book J-189, Page 101, said line having crossed the Seglock Run and into Elizabeth Township, Lancaster County; thence by said Parcel "B", and recrossing the Seglock Run and into Clay Township, Lancaster County and then crossing into Heidelberg Township, Lebanon County, North 00 degrees 59 minutes 37 seconds West, 553.50 feet to a limestone on the eastern side of Seglock Run; thence continuing by said Parcel "B" and again crossing the Seglock Run, North 7 degrees 38 minutes 8 seconds West, 917.77 feet to a rebar on line of proposed Lot No. 14, South 86 degrees 01 minute, 41 seconds East, 400.00 feet to a rebar, a corner common to lands now or late of John and Karen Landis and proposed Lot No. 12; thence by said proposed Lot No. 12, South 44 degrees 12 minutes 47 seconds East, 647.91 feet to a rebar, a corner common to lands now or late of Doris Ulrich; thence by lands now or late of said Doris Ulrich and crossing into Clay Township, Lancaster County, South 1 degree 35 minutes 14 seconds East, 933.66 feet to a rebar in the center of Laurel Drive (T-596); thence in and along the center of Laurel Drive T-596, the following 5 courses and distances: (1) along a line curving to the right having a radius of 724.41 feet, an arc of 166.12 feet, the chord thereof being South 85 degrees 01 minute 4 seconds East, 165.76 feet to a point, (2) South 78 degrees 26 minutes 54 seconds East, 46.46 feet to a point, (3) along a line curving to the right having a radius of 1,746.23 feet, an arc of 139.93 feet, the chord thereof being South 76 degrees 09 minutes 10 seconds East, 139.89 feet, (4) along a line curving to the right having a radius of 674.31 feet, an arc of 139.12 feet, the chord thereof being South 67 degrees 56 minutes 47 seconds East, 138.88 feet to a rebar in the center of Laurel Drive T-596; thence leaving said road by lands now or late of Marvin Hiepler, South 5 degrees 40 minutes 52 seconds West, 46.40 feet to a limestone, the point of **BEGINNING.**

TRACT NO. 2

ALL THAT CERTAIN tract of land situate in Elizabeth Township, Lancaster County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a stone by land now or late of Edwin Eiser, South 78 degrees West, 201.30 feet to a Sycamore Tree; thence along land now or late of Ed and Louise Shuey, his wife, South 31 degrees West, 333.30 feet more or less, to a point; thence along land now or late of Ed and Louise Shuey, his wife, North 82 ¼ degrees East, 202.95 feet to a stone and North 41 ½ degrees East, 280.50 feet to the place of **BEGINNING.**

UNDER AND SUBJECT, NEVERTHELESS, to the same conditions, restrictions, exceptions and reservations as exist by virtue of prior recorded instruments, deeds and conveyances.

BEING THE SAME PREMISES which Joy Lynn Scott, by Deed dated October 27, 2021 and recorded on November 1, 2021 in the Office of Recorder of Deeds in and for the County of Lancaster, Pennsylvania, at Document NO. 66442231, granted and conveyed unto Sunshine and Creation Retreat LLC, a Pennsylvania limited liability company, Grantor hereto.

BOARD OF SUPERVISORS OF CLAY TOWNSHIP
LANCASTER COUNTY, PENNSYLVANIA

IN RE: APPLICATION OF: **CASE NO.** 100

SONSHINE & CREATION RETREAT, LLC CONDITIONAL USE

DECISION

I. FINDINGS OF FACT

1. The Applicant is Sonshine & Creation Retreat, LLC, a Pennsylvania Limited Liability Company operated by Amos S. Stoltzfus Jr. and Linda S. Stoltzfus of 248 Snake Hill Road, Bird-in-Hand, Pennsylvania 17073 (hereinafter "Sonshine").

2. Sonshine is the owner of the Property subject to this application, which is known as 1500 Laurel Drive, Newmanstown, Pennsylvania 17073 (hereinafter "Property").

3. Notice of the Hearing was given by: post on the subject property seven days prior to the Hearing, sending written notice to the adjacent property owners, sending written notice to the Applicants, sending written notice to Township Officials designated by the Code to receive notice, and by advertising the Hearing in The Ephrata Review, a weekly newspaper of general circulation on December 18, 2024, and December 25, 2024.

4. The Hearing commenced on January 6, 2025, at approximately 7:00 p.m. in the Clay Township Municipal Building at 870 Durlach Road, Stevens, Pennsylvania.

5. Township Manager, Bruce Leisey testified to confirm the proper notice and posting of the Property pursuant to the requirements of the Pennsylvania Municipalities Planning Code. A copy of the Notice was admitted into the Record as Township "Exhibit 1".

6. The testimony was closed for the evening with the agreement that the Applicant could present limited testimony at the next scheduled date of January 13, 2025, for the purpose of addressing any conditions that may be considered by the Clay Township Board of Supervisors ("Board)"

7. No third party requested party status but owners of two adjoining properties were present and testified.

a. Ricky and Kathy Good – 1495 Laurel Drive, Newmanstown PA 17073

b. Edward B. Shuey - 432 Sunnyside Road, Newmanstown PA 17073

8. Applicant was represented by counsel, Doug Lehman, Esq. of Lehman Law Offices, P.C. 600-G Eden Road, Lancaster PA 17601.

9. The Property consists of approximately 26.1 acres located in the Forest Recreational (FR) Zoning District of Clay Township, Lancaster County, Pennsylvania (hereinafter "Property").

10. Approximately 19 acres of the Property are forested.

11. Applicant seeks permission to operate a Heavy Use Short–Term Rental Property.

12. A Short-Term Rental is permitted in the Forest Recreation District by Conditional Use under the Clay Township Zoning Ordinance ("Zoning Ordinance") Article III, Section 301, Subsection 3 Conditional Use subject to the requirements of Section 55

13. Access to the Heavy Use Short-Term Rental is by Laurel Drive, a partially unpaved road with very limited winter maintenance.

14. The proposed Heavy Use Short-Term Rental will operate in an existing residential home listed on the application as 3,000 sq. ft. (hereafter "House").

15. House has an operating fire alarm and sprinkler system.

16. There is only one Short-Term Rental Use proposed in the House and that will be the only Short-Term Rental Use on the Property.

17. Property has an existing horse barn and outdoor riding arena. This use will not be changed without prior notice and written approval of the Township.

18. The House is located over two hundred feet (200') from all neighboring property lines.

19. Applicant will apply for a Certificate of Use and Occupancy.

20. A Life Safety Map indicating the exits and fire extinguisher locations is conspicuously displayed within the House.

21. Inter-connected smoke detectors are installed in each bedroom and in each hallway outside each bedroom throughout the House and are located on every floor of the House.

22. GFI outlets are installed in all kitchens, bathrooms, the laundry room and throughout the House.

23. Smooth wall metal dryer vents are installed in the House.

24. Carbon monoxide detectors are installed in the House and the attached garage.

25. A fire extinguisher is conspicuously displayed in the kitchen of the House.

26. All exterior and interior stairs, handrails, and guards are in good condition.

27. Light fixtures providing minimum one-foot candle illumination in exit stairways have been installed in the House.

28. There are no electrical hazards, broken light bulbs, or exposed wiring in the House.

29. The House has onsite water and sewer, and the owner shall prove that a potable water supply is available for the House and that the septic system is properly functioning and sized for the maximum permitted occupancy of the House.

30. The House has 3.5 bathroom facilities.

31. The Applicant is responsible for all trash removal and will contract with a service provider.

32. Applicant presented a Notice which will be prominently and continuously posted at the House. See Notice labeled as "Exhibit III G." titled "Rental Rules and Regulations".

33. Applicant will designate a local contact person residing within 15 miles of the Property. Applicant has designated himself, Amos S. Stoltzfus Jr. and Linda J. Stoltzfus as the first contact persons.

34. Dave and Kathy Petersheim will manage the Property.

35. Applicant plans to use Air B&B and VBRO type websites for bookings and any guest reserving the Property must be at least 21 years of age and staying at the Property for the term of the rental.

36. Applicant will notify all neighboring property owners that Property is being used for a Short-Term Rental and will provide them with the contact information of the local contact person.

37. Applicant will provide evidence that an outdoor box containing a manifest of House occupants and emergency contact information for said occupants. This information shall be updated with each change in occupancy.

38. Applicant will provide the Township with confirmation that the Applicant has registered with the Lancaster County Treasurer and Applicant shall pay the hotel and/or room taxes established by Lancaster County.

39. Applicant will inform all occupants of noise regulations. Should any occupant make unreasonable noise, or create a disturbance, Applicant is responsible to stop the disturbance as soon as possible and take all reasonable steps to prohibit a reoccurrence.

40. Each year Applicant shall submit an application for a permit to authorize continued operation of the short-term rental and pay any fee lawfully established by Clay Township.

41. A "Heavy Use" Short Term Rental is a Property where rental activity is occurring 120 days or more.

42. A "Heavy Use" requires a Short-Term Rental operator to obtain a Certificate of Use and Occupancy reflecting the commercial activity classification of the building and requires compliance with the Pennsylvania Uniform Commercial Code.

43. Should Applicant not be able to qualify for a Heavy Use Short-Term Rental, Applicant may use Property at a standard Short-Term Rental without the need for additional relief provided Applicant books guests for under 120 nights per year. In such a case, Applicant shall notify Township in writing of intent.

44. Vehicle traffic will be used by Owners in a manner consistent with a normal residential use of Property, or used only by Guests with private reserved rentals in a manner consistent with a normal residential use of Property, and therefore, will not significantly increase vehicle traffic in the area.

45. House has 11 parking spaces.

46. Property exceeds all Lot and Yard Requirements.

47. The existing improvements result in impervious coverage of 38,900 sq ft (3% of the Property area). This coverage exceeds the permitted Maximum Lot Coverage of one- tenth of one percent (1/10 of 1%). This condition existed at time of Applicant's purchase and therefore is an existing nonconformity.

48. A Notice of Violation and Cease and Desist Order was issued May 13, 2024 (hereinafter "Violation").

49. Following issuance of the Violation, Applicant contacted the Township and filed the subject application to bring Property into compliance.

50. Upon compliance with the terms of this Decision, the Violation will be remedied.

51. Applicant paid Township's costs associated with the Violation enforcement. No further penalties shall be imposed.

52. A variance is not necessary to allow the requested relief.

53. The proposed use will not require any further relief from zoning requirements.

54. The relief, if granted, with conditions listed in the Decision will not be detrimental to the surrounding property or others in the Township.

55. A stenographic record was made of the proceedings.

56. Applicant and any future owner of the Property are responsible for compliance with the terms of this Decision.

II. DISCUSSION AND CONCLUSIONS OF LAW

The Property in question is in the Forest Recreational (FR) Zoning District. Applicant purchased the Property in 2021. Applicants' proposed use of a Heavy Use Short-Term Rental is permitted by Conditional Use in the FR Zoning District provided Applicant complies with Ordinance requirements and all conditions imposed.

A Conditional Use is one envisioned by the zoning ordinance and, if the standards established by the ordinance are met, the use is permitted. See Joseph V. North Whitehall Township Board of Supervisors, 16 A.3d 1209, 1215 (Pa Cmwlth 2011). An applicant is entitled to a conditional use as a matter of right, unless it is determined that "the use does not satisfy the specific, objective criteria in the zoning ordinance for that conditional use. In re Drumore Crossings, L.P. 984 A.2d 589, 595 (Pa Cmwlth 2009). Based upon its review of the testimony the Board is satisfied that the proposed use is consistent with the Conditional Use contemplated by the Zoning Ordinance and should be granted.

III. DECISION

1. Sonshine is granted Conditional Use to operate a Heavy Use Short-Term Rental at 1500 Laurel Drive, Newmanstown, Clay Township, Pennsylvania subject to specific conditions as follow:

a. Guests of the Short-Term Rental shall be subject to the following restrictions:

1. The number of Guests on the Property shall not exceed the number of Guests authorized by the certificate of occupancy for the house. This number will be confirmed based upon the Pennsylvania Uniform Construction Code (Building Code).
2. Guests shall be informed of Property "quiet hours between 10 pm and 8 am" but Guests shall be respectful of neighbors at all times.
3. Guests shall not discharge firearms of any kind on the Property
4. Guests shall not use fireworks in any manner on the Property.
5. A map of the Property delineating the property lines shall be provided to all Guests and must include a notice that trespass onto adjacent property is strictly prohibited.
6. All Guests should receive a Notice stating that Laurel Drive is not designed for safe walking and Guests should not walk on Laurel Drive.
7. Any animals on the Property shall be properly supervised/enclosed/ restrained and shall comply with all Township regulations.
8. Sonshine shall not plow or otherwise perform work on Laurel Drive absent future authorization of the Board of Supervisors of Clay Township following action at a public meeting and entry of a written agreement.
9. Sonshine shall provide an enclosed refuse area for Guest Use and shall contract with a service provider to have trash removal at least bi-weekly.
10. Maximum Lot Coverage shall not be expanded without written Township approval.

2. Conditions listed in paragraph 1 above are not intended to restrict Applicants' use of the Property as a traditional residence for LLC's owner's personal use. For purposes of

enforcement, evidence of payment for use of the Property shall be considered but it is not the only factor to determine if use is owner's personal use. Should Owners have a question regarding scope of use, the Township should be contacted prior to the proposed use for clarification and confirmation.

3. In addition to the specific provisions above Sonshine shall:

   a. Obtain all approvals and permits required by Township Ordinances and Codes;

   b. At all times comply with and adhere to the evidence presented to the Board, including, but not limited to, the application, sketches, photographs, and testimony given at the Hearing; and

   c. Comply with any and all requirements of the duly constituted authorities and with the terms of any local, state, or federal regulations, ordinances, or statutes applicable to the Property or its use.

4. The forgoing Decision shall run with the land.

5. The Board's Decision applies only to the specific relief requested and in no way approves any other relief.

6. Any future hearings related to Property shall come before the Board of Supervisors unless otherwise changed by Clay Township Ordinance.

7. Any violation of the conditions contained in this Decision shall be considered a violation of the Zoning Ordinance and shall be subject to the penalties and remedies contained in the Pennsylvania Municipalities Planning Code.

8. An aggrieved party has thirty (30) days from the date of the receipt of this Decision to file an appeal with the Court of Common Pleas of Lancaster County, Pennsylvania.

Dated 2/13, 2025

CLAY TOWNSHIP, LANCASTER COUNTY
BOARD OF SUPERVISORS

Tim Eaulson

A. Keith Martin

Luke Rohrer

eSignature Details

Signer ID:	**dZujDEBPKhHWHo6B8AbQyZa5**
Signed by:	Luke Rohrer
Sent to email:	lukerohrerclaytownship@gmail.com
IP Address:	146.12.94.149
Signed at:	Feb 4 2025, 9:30 am EST

Signer ID:	**A1BxDx8qEtuKn152KJ5SbVu8**
Signed by:	A. Keith Martin
Sent to email:	akmartin76@gmail.com
IP Address:	173.185.78.50
Signed at:	Feb 4 2025, 7:55 pm EST

Signer ID:	**sGJdppqBmTmY7rDzwsfeFewE**
Signed by:	Timothy Lausch
Sent to email:	timlausch1@icloud.com
IP Address:	172.56.221.15
Signed at:	Feb 13 2025, 9:30 am EST

TOWNSHIP OF CLAY

Lancaster County, Pennsylvania

ORDINANCE NO. 081224

AN ORDINANCE TO AMEND THE CLAY TOWNSHIP ZONING ORDINANCE TO PROVIDE REGULATIONS GOVERNING SHORT-TERM RENTAL UNITS AND TO REVISE REGULATIONS GOVERNING OFF-STREET PARKING AS RELATED TO SHORT-TERM RENTALS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Clay, Lancaster County, Pennsylvania, as follows:

Section 1. Applicability

a. The Zoning Ordinance of Clay Township, enacted October 4, 1972, as amended (the "Zoning Ordinance") Article III, District Regulations, Section 302, Agricultural (AG) District, Subsection B.2, Special Exception, and Section 306, Neighborhood Commercial (NC), Subsection B.2 Special Exceptions shall be amended to add a new Subsection titled "Short Term Rental",

b. Article III, District Regulations, Section 301, Forest Recreation (FR) and Section 303, Agricultural Transition (AT) District, shall each be amended at Subsection B titled "Uses and Structures", to add a new Subsection 3. titled "Conditional Uses", which shall provide as follows:

"The following uses are permitted subject to the issuance of a Conditional Use by the Board of Supervisors.

a. Short term rental subject to the requirements of Section 554."

c. Short term rentals are specifically excluded from the Residential (R) and Limited Industrial (LI) zoning districts.

d. Short term rentals are specifically excluded from all Mobile Home Parks in Clay Township, regardless of the zoning district.

Section 2. The Zoning Ordinance, Article III, District Regulations, Section 302, Agricultural (AG) District, Subsection B.2, Special Exception, shall be amended by

amending the existing Subsection o., to become Subsection p. and replacing it with a new Subsection o, which shall provide as follows:

o. Short-term rental subject to the requirements of Section 554.

Section 3. The Zoning Ordinance, Article III, District Regulations, Section 306, Neighborhood Commercial (NC) District, Subsection B.2, Special Exceptions, shall be amended by amending the existing Subsection m., to become Subsection o. and replacing it with a new Subsection m., which shall provide as follows:

m. Short-term rental subject to the requirements of Section 554.

Section 4. The Zoning Ordinance, Article III. District Regulations, Section 301, Forest Recreation (FR) District, Subsection B. Uses and Structures, shall be amended to add a new Subsection 3. Titled "Conditional Uses", which shall provide as follows:

"The following uses are permitted subject to the issuance of a Conditional Use by the Board of Supervisors.

a. Short-term rental subject to the requirements of Section 554."

Section 5. The Zoning Ordinance, Article III, District Regulations, Section 303, Agricultural Transition (AT) District, Subsection B. Uses and Structures, shall be amended to add to Subsection 4, Titled "Conditional Uses" a new Subsection b1., which shall provide as follows:

b. "The following uses are permitted subject to the issuance of a Conditional Use by the Board of Supervisors.

1. Short-term rental subject to the requirements of Section 554."

Section 6. The Zoning Ordinance, Article V, Supplementary District Regulations, Section 502, Erection of More Than One Principal Building on a Lot, shall be amended to read as follows:

A. In any district, more than one structure housing a permitted or permissible principal use may erected on a single lot, provided that yard and other dimensional requirements of this Ordinance shall be met for each structure as though it were on an individual lot.
B. Any structure constructed shall not be eligible for use as a short- term rental for a minimum of two (2) years from Certificate of Occupancy issuance date.

Section 7. The Zoning Ordinance, Article V, Supplementary District Regulations, Section 505, titled "Off-Street Parking and Loading Requirements, General Requirements", shall be amended by revising Subsection C. titled "Additional Regulations", by adding a Subsection 6 to read as follows:

"6. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following provisions. When the computation to determine the number of required parking spaces results in a requirement of a fractional space, any fraction up to and including one-half (0.5) shall be disregarded, and fractions over one-half (0.5) shall equal one (1) space. Any use which is subject to more stringent parking regulations under a separate provision shall adhere to the more stringent regulations thereunder."

Section 8. The Zoning Ordinance, Article, Supplementary District Regulations, Section 505, titled "Off-Street Parking and Loading Requirements General Requirements", Subsection B., titled Schedule of Required Off-Street Parking Spaces", Subsection 3, "Commercial", shall be amended by inserting a new subsection q. which shall provide as follows:

"q. Short-Term Rental: At least one (1.5) spaces per bedroom." One (1) space per bedroom in impervious coverage is permissible where applicant can demonstrate the .5 required parking is provided for on a plan and available for future use if necessary.

Section 9. The Zoning Ordinance, Article V, titled "Supplemental District Regulations", shall be amended by inserting a new Section 554, which shall provide as follows:

Section 554. SHORT TERM RENTAL

A. No more than one short-term rental unit may be located in a structure, and a short-term rental unit may not be located in a structure which also contains one or more dwelling units used for residential occupancy. (i.e. an apartment, duplex, town home or similar residence).

B. All short-term rental units shall be conducted in single-family dwellings. Conversion of an accessory structure or ECHO housing into a dwelling unit to be used for short term rental unit shall not be permitted.

C. In the Agricultural Transition District all short-term Rentals shall be located a minimum of two hundred feet (200') from all neighboring property lines.

D. The applicant shall establish the total number of calendar days that the short-term rental activity will occur in any calendar year.

1. Short-term rental activity occurring for a total of 120 or more days in any calendar year shall be considered Short-term Rental (Heavy Use) and shall require the applicant to request a new Certificate of Use and Occupancy to reflect the new commercial activity classification of the building and shall require bringing the structure into compliance with the Pennsylvania Uniform Construction Code, as amended and enacted under the Clay Township Building Code Ordinance, and all other applicable codes and ordinances, in addition to the requirements set forth in Section 544 D.2 herein.

2. Short-term rental activity occurring for fewer than a total of 120 days in any calendar year shall require the applicant to request a Temporary Short Term Rental Authorization. The applicant for a Temporary Short-Term Rental Authorization shall demonstrate to the Zoning Hearing Board, or Board of Supervisors, as applicable, that the proposed short-term rental unit contains and/or meets all of the applicable requirements in this Ordinance and the following items:

a Previous Certificate of Use and Occupancy of the structure, in the absence of which a new Certificate of Use and Occupancy shall be required.

b. Life safety map of the structure indicating the exits and fire extinguisher locations, conspicuously displayed.

c. Inter-connected smoke detector in each bedroom.

d. Inter-connected smoke detector outside each bedroom in the common hallway.

e. Inter-connected smoke detector on each floor including the basement.

f. GFI outlets in all kitchens, bathrooms, and laundry rooms.

g. Smooth wall aluminum or other metal dryer vent.

h. Carbon monoxide detector if open flame fossil fuel furnace or gas fireplace.

i. Carbon monoxide detector if a garage is attached.

j. A fire extinguisher conspicuously displayed in the kitchen.

k. Exterior and interior stairs, handrails, and guards in good condition.

l. Light fixture providing minimum one foot-candle illumination in exit stairways.

m. No electrical hazards, broken light bulbs, or exposed wiring.

n. If not served by a Municipal water supply, the owner shall provide proof that a potable water supply is available for the unit.

o. If not served by a public sewer system, evidence that the sewer system is adequate to serve the maximum number of occupants of the short-term rental unit.

p. Fully functioning bathing and toilet facilities.

q. Fully functioning kitchen (if one has been installed).

r. Plan for Trash Removal.

s. The Property Maintenance Code of Clay Township (Ord. No. 03119 at the time of enactment of this Section) as amended, reinstated, or succeeded.

E. Any additions, structural changes or renovations will require bringing the structure into compliance with the Pennsylvania Uniform Construction Code, as amended and enacted under the Clay Township Building Code Ordinance, and all other applicable codes and ordinances.

F. If the short-term rental unit is located in the agricultural zone, or on a property in which any part is used for agricultural activity, the applicant shall present a safety plan to ensure the safety of the occupants and prevent conflicts with the agricultural operations in the area of the unit.

G. The applicant shall prepare and present to the Zoning Hearing Board or Board of Supervisors, as applicable, a notice which shall be prominently and continuously posted at the short-term rental unit which shall contain all the following information:

1. The name of the local contact person or owner of the short-term rental unit and the telephone number at which that party may be reached on a 24-hour basis.

2. The name of the person or management company handling the booking of the short-term rental and the telephone number at which that party may be reached, with 24-hour availability.

3. The 911 address of the property.

4. The maximum number of all vehicles allowed to be parked on the property and the requirement that parking is not permitted in any public road right-of-way unless such designated right-of-way is not parking restricted.

5. Notification that trash and refuse shall not be left or stored on the exterior of the property except in secure, water-tight metal or plastic cans or similar containers designed for such storage with a limit of three (3) secured containers.

6. Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of applicable Township Ordinances.

7. Notification that the occupants must complete a manifest identifying the occupants and emergency contact information and place such manifest in the outdoor box installed to contain such manifest.

8. The maximum number of occupants permitted to stay in the short-term rental unit in compliance with the Building Code of Clay Township, as amended, reinstated or succeeded.

H. The applicant shall designate a local contact person residing within 15 miles of the short-term rental unit, who shall have access and authority to assume management of the short-term rental unit and take remedial measures. An owner who resides within the Township or within 15 miles of the short-term rental unit may designate himself/herself as the local contact person. If the special exception or conditional use is approved, the local contact person shall respond to the

Township or to a police officer within one (l) hour after being notified by such official of the existence of a violation of a Clay Township Ordinance or any disturbance requiring immediate remedy or abatement. If the local contact person is not the owner, the local contact person shall immediately advise the owner of any notification of a violation. There shall be a local contact person at all times the short-term rental unit is operating. The owner may change the local contact person only after written notice to the Zoning Officer, and any new local contact person shall meet all requirements of this subsection.

I. In addition to the Notice required by 554.G., Applicant shall be required to provide neighbors residing within three hundred (300) feet of the short-term rental, with the name and number of the local contact person required by 544.G.1.

J. The applicant shall demonstrate that the applicant has installed an outdoor box which will be used to contain a manifest of the occupants of the short-term rental unit and emergency contact information for such occupants.

K. If the special exception or conditional use is granted, the applicant shall provide the Zoning Officer with confirmation that the applicant has taken all action required to register with the Lancaster County Treasurer to enable the applicant to pay the hotel and/or room taxes imposed by Lancaster County. The Zoning Officer shall not issue a certificate of use and occupancy for the short-term rental unit until the applicant presents such confirmation of registration.

The Zoning Officer shall not issue a Short-Term Rental Authorization or Certificate of Use and Occupancy for a short-term rental until the Zoning Officer and/or another authorized Township official has inspected the short-term rental unit and determined that the applicant has complied with all requirements in this Section and all safety, construction code, and ADA requirements.

L. A short-term rental unit may be rented only to a person 21 years of age or older and that person must be staying at the property for the term of the rental. The owner shall use his/her best efforts to assure that the occupants of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of Township Ordinances or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rental units and responding when notified that occupants are violating laws regarding their occupancy.

M. The owner shall, upon notification that occupants of the short-term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct, or violated provisions of Township Ordinances or state law pertaining to noise, or disorderly conduct, promptly use their best effort to prevent a recurrence of such conduct by those occupants or guests.

N. All Terrain Vehicle (ATV) and similar use by short term rental guests is prohibited.

O. The use of Fire pits by short-term rental guests is limited to fire pits fueled by propane, natural gas or wood pellets only.

P. The owner of the short-term rental unit shall submit an application each year for a permit to authorize continued operation of the short-term rental unit, accompanied by any fee which the Board of Supervisors may establish by resolution. The application shall require that the owner provide sufficient information for the Zoning Officer to confirm the name and contact information for the local contact person, confirm that the short-term rental unit meets all requirements of this Section 554, and confirm that the short-term rental unit meets all applicable Township Ordinances. If the Zoning Officer confirms that the short-term rental unit meets such requirements, the Zoning Officer may issue a permit to authorize continued operation of the short-term rental unit for a one-year period. Operation of a short-term rental without the required annual permit is a violation of the Zoning Ordinance.

Q. Failure to comply with any provision of this Section shall be a violation of the Zoning Ordinance, subject to the remedies under Section 703 of the Zoning Ordinance. Violations shall include, but not be limited to, the following actions/omissions:

1. Operating a short-term rental without having received special exception approval from the Zoning Hearing Board or Conditional Use from the Board of Supervisors, as applicable, and having been issued a Certificate of Use and Occupancy or a Temporary Short-Term Rental Authorization, whichever is applicable.

2. Operating a short-term rental without having been issued a permit.

3. Allowing the operation of a short-term rental after a permit has expired without being renewed.

4. Operating a short-term rental for more than 120 days in a calendar year unless a Certificate of Use and Occupancy for a commercial use has been obtained in accordance with Section 554.D.1 herein.

5. Failure to maintain compliance with all safety items set forth under Section 554 herein during the operation of a short-term rental unit.

6. Failure to have a local contact person in compliance with Section 554.H, and/or failure of such local contact person to respond after having been notified by the Township or a police officer of an ordinance violation or disturbance.

Section 10. The Zoning Ordinance, Article X, Definitions, Section 1002, Terms, shall be amended by inserting the following term in alphabetical order:

Residential Occupancy – The non-transient occupancy of a dwelling unit by one family for a continuous period of 30 or more days. In order for the occupancy of a dwelling unit to be considered residential occupancy, such dwelling unit shall be owner occupied or shall be leased for a period of not less than 30 continuous days.

Short-Term Rental – The use of a dwelling in a manner which does not meet the definition of residential occupancy, i.e. the occupancy of the dwelling for a period of less than 30 consecutive days. The use of a dwelling as an approved bed and breakfast established as an accessory use, or as a boarding house, shall not be considered a short -term rental.

Short-Term Rental (Heavy Usc) - The use of a dwelling for a Short-Term Rental as defined herein, in which the aggregate short-term rental use equals or exceeds 120 days in any calendar year.

Transient Occupancy – Occupancy in a building approved for overnight accommodation for a period of less than 30 days.

Section 11. All other ordinances, sections, parts, and provisions of ordinances of Clay Township shall remain in full force and effect as previously enacted and amended.

Section 12. In the event of any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall no affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 13. This Ordinance shall take effect and be in force five (5) days after its enactment by the Clay Township Board of Supervisors.

DULY ORDAINED AND ENACTED the 12th day of August, 2024, by the Board of Supervisors of the Township of Clay, Lancaster County, Pennsylvania, in lawful session duly assembled.

[TOWNSHIP SEAL]

CLAY TOWNSHIP BOARD OF SUPERVISORS

Ann M. Hess, Esq.

Lancaster Recorder of Deeds
Office of Recorder of Deeds, 150 N. Queen St., Suite 315

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ROD Improvement Fee	$3.00
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Affordable Housing	$0.00
Local RTT Tax	$0.00
State RTT Tax	$0.00
Total:	$26.50

Local RTT Tax Breakout:

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Ann M. Hess, Esq.

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