

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY,
BUCKS COUNTY, PENNSYLVANIA, AMENDING THE
SOLEBURY TOWNSHIP ZONING ORDINANCE
REGARDING TEMPORARY LODGING FACILITIES AND
EVENT USES

WHEREAS, Section 1516 (53 P.S. Section 66516) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Solebury Township (the “Board of Supervisors”) include the ability to plan for the development of the Township through Zoning, Subdivision, and Land Development Regulations under the Act of July 13, 1968 (P.L. 805, No. 247), known as the “Pennsylvania Municipalities Planning Code”;

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. Section 66601);

WHEREAS, the proposed amendments are geared toward fulfilling the Township’s obligations under Article I, Section 27 of the Pennsylvania Constitution, and of protecting the public health, safety, and welfare of Township citizens; and

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with Municipalities Planning Code Section 609 (53 P.S. Section 10609);

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, as follows:

I. AMEND Section 27-202 of the Zoning Ordinance as follows:

A. STRIKE the term and definition of “Bed and Breakfast Inn” and **REPLACE** it with the following:

BED AND BREAKFAST INN/SMALL SHORT-TERM LODGING FACILITY – A building in which more than one (1) and no more than six (6) guest rooms are regularly and commercially offered and/used for the temporary lodging of transient guests. Temporary lodging of transient guests means a total stay of less than thirty (30) consecutive days. Where the Township’s land use ordinances use only the term “Bed and Breakfast Inn,” the term shall be deemed to also include a Small Short-Term Lodging Facility.

A. The term “commercial,” for purposes of this definition, shall mean that a monetary fee is charged and/or received for utilizing a guest room.

B. The term “regular,” for purposes of this definition, shall mean that guest rooms are offered for rental for an aggregate of more than one hundred and twenty (120) days in a calendar year or during more than four (4) months in a calendar year. Guest rooms shall be considered “offered for rental” during all times that the rooms are advertised, listed, or otherwise marketed to the general public.

B. STRIKE the definition of “Dwelling” and **REPLACE** it with the following:

A building occupied exclusively for residential purposes, including a mobile home, but excluding a residential club or lodge and the like. This definition shall also exclude a dormitory, Bed and Breakfast Inn/Small Short-Term Lodging Facility, and Hotel, Motel, or Inn/Large Short-Term Lodging Facility, except as set forth in the definition of “Dwelling Unit.” This definition shall be interpreted in a manner that complies with federal and state antidiscrimination laws, including those regarding fair housing.

C. STRIKE the definition of “Dwelling Unit” and **REPLACE** it with the following:

A building or portion thereof, forming a single habitable unit with facilities that are used, intended to be used, or could be used for living, sleeping, cooking and eating exclusively by one (1) family. Each living quarter for resident innkeepers at a “Bed and Breakfast Inn/Small Short-Term Lodging Facility” or “Hotel, Motel, or Inn/Large Short-Term Lodging Facility” shall be considered a “Dwelling Unit” and shall meet the requirements of Section 27-2602.1.MM. (Bed and Breakfast Inn/Small Short-Term Lodging Facility) or Section 27-2602.1.NN. (Hotel, Motel, or Inn/Large Short-Term Lodging Facility), whichever applies. Each living quarter in a dormitory shall also be considered a “Dwelling Unit.”

D. STRIKE the definition of “Family” and replace it with the following:

One or more individuals living together in a dwelling unit as a single housekeeping unit. This definition shall be interpreted in a manner that complies with federal and state antidiscrimination laws, including those regarding fair housing. This definition excludes occupants of a club, fraternity or sorority house, or lodge; guests at a Bed and Breakfast Inn/Short-Term Lodging Facility or Hotel, Motel, or Inn/Large Short-Term Lodging Facility; and those residing in a dormitory.

E. ADD the term “Resident Innkeeper” and its definition as follows:

RESIDENT INNKEEPER – a property owner, lessee or an employee who resides at a property used as a Bed and Breakfast Inn/Small Short-Term Lodging Facility, a Hotel, Motel, or Inn/Large Short-Term Lodging Facility, and whose primary role is to perform innkeeping duties at the property.

F. STRIKE the term and definition of “Hotel, Motel, or Inn” and **REPLACE** it with the following:

HOTEL, MOTEL, OR INN/LARGE SHORT-TERM LODGING FACILITY – A building or group of buildings utilizing seven (7) or more guest rooms that are commercially and regularly offered and/or used for the temporary lodging of transient guests. Temporary lodging of transient guests means a total stay of less than thirty (30) consecutive days.

A. The term “commercial,” for purposes of this definition, shall mean that a monetary fee is charged and/or received for utilizing a guest room.

B. The term “regular,” for purposes of this definition, shall mean that guest rooms are offered for rental for an aggregate of more than one hundred and twenty (120) days in a calendar year or during more than four (4) months in a calendar year. Guest rooms shall be considered “offered for rental” during all times that the rooms are advertised, listed, or otherwise marketed to the general public.

G. ADD the term “Banquet, Catering, or Event Use” and its definition as follows:

BANQUET, CATERING, OR EVENT USE – Any commercial use, or any large, regular use, of a property involving banquets, on-site catering, celebrations, weddings, parties, fundraisers, retreats, conferences, or similar events.

A. “Commercial” for the purposes of this definition shall mean that a monetary fee is charged and/or received for the purposes of utilizing the space and/or holding the event.

B. A “large, regular” use for the purposes of this definition shall mean an activity with over one-hundred (100) attendees that occurs more than four (4) times in a calendar year.

H. STRIKE the term “Temporary Structure or Use” and its associated definition.

I. ADD the term “Incidental Temporary Structure or Use” and its definition as follows:

INCIDENTAL TEMPORARY STRUCTURE OR USE – a structure or use necessary during construction or other special circumstances of a non-recurring nature, and incidental only to housing projects or construction projects, including such structures and uses as storage of building materials and machinery, the processing of building materials, and a real estate office located on the tract being offered for sale.

II. ADD the following to Section 27-2602.1:

MM. Bed and Breakfast Inn/Small Short-Term Lodging Facility

1. Any living quarter for a resident innkeeper shall have its own bathroom.
 2. Housekeeping services shall be provided to guests.
 3. There shall be no separate kitchen or cooking facilities in any guest room.
 4. Food service shall be limited to guests of the inn/facility and there shall be no extra charge for such service.
 5. No zoning approval shall be granted unless the applicant has a valid County Department of Health permit. The total number of bedrooms (for residents and guests) in the Bed and Breakfast Inn/Small Short-Term Lodging Facility shall not exceed the number of bedrooms that the sewage system was designed to accommodate. If the proposed use is to be served by a public sewage system, the applicant shall submit documentation from the servicing authority that the proposed use will be served.
 6. A Bed and Breakfast Inn/Small Short-Term Lodging Facility use shall be limited to one (1) non-illuminated sign that shall comply with regulations as set forth in Part 24. The design of the sign shall be submitted with the permit application.
 7. One (1) off-street parking space per guest bedroom shall be provided on the premises, in addition to other off-street parking spaces required by this Ordinance.
 8. Prior to any zoning permit issuance, applicants shall demonstrate compliance with all other applicable laws and ordinances, including those regulating signage, parking, and lighting. Where the Bed and Breakfast Inn/Small Short-Term Lodging Facility is proposed to be accessory to an existing use, the applicant must demonstrate that the existing use is in compliance with all applicable laws and ordinances also.
 9. A permit issued for this use shall have a life of one (1) year. The permit may be renewed annually, without the necessity of a new Conditional Use application and approval, provided that the Zoning Officer and Code Enforcement have inspected the use, including capacity for any on-lot sewage disposal system, and found the use to be in compliance with all applicable ordinances and any conditions imposed by the Board of Supervisors when approving a Conditional Use.
- NN. Hotel, Motel, or Inn/Large Short-Term Lodging Facility
1. Any living quarter for a resident innkeeper shall have its own bathroom.
 2. Housekeeping services shall be provided to guests.

3. Any in-room kitchen or cooking facilities (e.g. in suite-style rooms) shall be inspected after each guest's departure to ensure that all equipment is properly working and does not present a fire or explosion risk.
4. No zoning approval shall be granted unless the applicant has a valid County Department of Health permit. The total number of bedrooms (for residents and guests) in the Hotel, Motel, or Inn/ Large Short-Term Lodging Facility shall not exceed the number of bedrooms that the sewage system was designed to accommodate. If the proposed use is to be served by a public sewage system, the applicant shall submit documentation from the servicing authority that the proposed use will be served.
5. Prior to any zoning permit issuance, applicants shall demonstrate compliance with all other applicable ordinances, including those regulating signage, parking, and lighting.
6. Hotel, Motel, or Inn/Large Short-Term Lodging Facility uses containing restaurants shall comply with all provisions of the Ordinance applicable to restaurants, as well as all other laws and regulations applicable to restaurant/food service facilities.
7. A permit issued for a Hotel, Motel, or Inn/Large Short-Term Lodging Facility shall have a life of one (1) year. The permit may be renewed annually, without the necessity of a new Conditional Use application and approval, provided that the Zoning Officer and Code Enforcement have inspected the use, including capacity for any on-lot sewage disposal system, and found the use to be in compliance with all applicable ordinances and any conditions imposed by the Board of Supervisors when approving a Conditional Use.

OO. Banquet, Catering, or Event Use.

1. At the time of application, an applicant shall submit documentation or other evidence with its application of the following:
 - a. Sufficient onsite parking for proposed events.
 - b. Sufficient sewage facilities for proposed events, and that no adverse effects from sewage management and/or disposal will result to neighbors or nearby natural resources. If the applicant intends to rely on a private service such as a portajohn company, it shall produce evidence, at the time of application, of an agreement with such company for proposed events.
 - c. Sufficient security, emergency access, road access, traffic control, trash disposal, noise control and cleanup will be provided for proposed events. Such items must be

- provided as part of each proposed event. All other provisions of the Township's Ordinances, including noise, light, and glare control, continue to apply. The Township reserves the right to enjoin or shut down any event that poses a nuisance.
- d. Documentation of a valid County Department of Health permit.
 - e. Proof of compliance with all applicable alcohol laws and licensing requirements.
 - f. For large, regular activities seeking approval as a Banquet, Catering, or Event Use and that pose risks such as, but not limited to, events involving alcohol, pyrotechnics, and mechanical or livestock amusements, proof of adequate property damage and liability insurance when proof is requested by the Township.
 - g. Any additional information requested by the Township to process the application or determine if the use is consistent with the Ordinance.
2. No application shall be granted until the applicant complies with Section 27-2602.1.OO.1, and, if applicable, Section 27-2602.1.OO.3.
 3. No fireworks or other pyrotechnics may be used as part of Banquet, Catering, or Event Uses, except in the RC and TNC Districts. If a Banquet, Catering, or Event Use plans to allow fireworks or other pyrotechnics events, it shall state that in its application, and provide proof of all necessary approvals with the application.
 4. The applicant and those organizing and/or attending proposed events are solely responsible for ensuring compliance with federal, state, and local laws, including those on the furnishing and consumption of alcohol. No permit approval by the Township relieves the applicant and those organizing and/or attending proposed events of liability for illegal activity, property damage, or other similar occurrences.
 5. Events conducted outdoors (including outdoor components of indoor/outdoor events) shall begin no earlier than 7:00 a.m. and shall end no later than 12:00 a.m. Clean-up and tear-down outdoors may occur until 1:00 a.m. provided these activities are carried out in a manner that respects the occupants of surrounding properties and their right to the peaceful and quiet enjoyment of their properties.

6. A permit issued for a Banquet, Catering, or Event Use shall have a life of one (1) year. The permit may be renewed annually, without the necessity of a new application, provided that the Zoning Officer and Code Enforcement Officer has inspected the use, including capacity for any on-lot sewage disposal system, and found the use to be in compliance with all applicable ordinances and any conditions imposed by the Board of Supervisors when approving a Conditional Use.

III. STRIKE Section 27-2603.1.G. and **REPLACE** it with the following:

G. Incidental Temporary Structure or Use

1. The Zoning Officer may issue a permit for an Incidental Temporary Structure or Use for a period not to exceed one (1) year.
2. The permit may be renewed annually for an aggregate period of not more than three (3) years.
3. All structures and/or uses permitted must be completely removed at no cost to the Township upon completion of construction or permit expiration, whichever occurs first.

IV. STRIKE Section 27-2603.1.L. entitled “Bed and Breakfast Inns” and **REPLACE** it with “Reserved.”

V. STRIKE Section 27-2904 and **REPLACE** it with the following:

§ 27-2904 Duration of Permits for Bed and Breakfast Inns/Small Short-Term Lodging Facilities.

A zoning permit issued for a Bed and Breakfast Inn/Small Short-Term Lodging Facility shall have a life of one (1) year. The zoning permit may be renewed annually, without the necessity of a new application, provided that the Zoning Officer has inspected the use, including the on-lot sewage disposal system, and found it to be in compliance with the provisions of this chapter and any conditions imposed by the Board of Supervisors in any grant of conditional use.

VI. STRIKE Section 27-2907 and **REPLACE** it with “Reserved.”

VII. STRIKE the language at Section 27-1502.1.C.(1) and **REPLACE** it with “Hotel, Motel, or Inn/Large Short-Term Lodging Facility.”

VIII. STRIKE the language at Section 27-1602.1.C.(1) and **REPLACE** it with “Hotel, Motel, or Inn/Large Short-Term Lodging Facility.”

IX. STRIKE all other references in the Zoning Ordinance to “Hotel, Motel, or Inn” or “Hotel, Inn” and **REPLACE** the references with “Hotel, Motel, or Inn/Large Short-Term Lodging Facility.”

X. STRIKE the language in existing Section 27-1504.4. and **REPLACE** it with the following:

The area and bulk regulations for the use of Hotel, Motel, or Inn/Large Short-Term Lodging Facility, and for the Banquet, Catering, or Event Use shall be in accordance with the regulations similarly provided for in Section 27-1604.

XI. AMEND the following sections of the Zoning Ordinance:

A. AMEND Section 27-402.1.C.(7) and Section 27-602.1.C.(9) to **STRIKE** “Bed and Breakfast Inn” and **REPLACE** it with the following:

Bed and Breakfast Inn/Small Short-Term Lodging Facility (accessory to only single-family detached or two-family dwellings, or agricultural uses; accessory uses must still comply with the principal use standards in Section 27-2602.1.MM.).

B. AMEND Section 27-702.1.C.(3) to **STRIKE** “Bed and Breakfast Inn” and **REPLACE** it with the following:

Bed and Breakfast Inn/Small Short-Term Lodging Facility (accessory to only single-family detached, single-family attached, or two-family dwellings; accessory uses must still comply with the principal use standards in Section 27-2602.1.MM.).

C. AMEND Section 27-902.1.C.(3) to **STRIKE** “Bed and Breakfast Inn” and **REPLACE** it with the following:

Bed and Breakfast Inn/Small Short-Term Lodging Facility (accessory to only single-family detached or two-family dwellings; accessory uses must still comply with the principal use standards in Section 27-2602.1.MM.).

D. AMEND Section 27-1202.1.C.(5) to **STRIKE** “Bed and Breakfast Inn” and **REPLACE** it with the following:

Bed and Breakfast Inn/Small Short-Term Lodging Facility (accessory to only single-family detached or twin dwellings; accessory uses must still comply with the principal use standards in Section 27-2602.1.MM.).

E. AMEND Section 27-1402.1.C.(2) to **STRIKE** “Bed and Breakfast Inn” and **REPLACE** it with the following:

Bed and Breakfast Inn/Small Short-Term Lodging Facility (accessory to only single-family detached dwellings, or agriculture; accessory uses must still comply with the principal use standards in Section 27-2602.1.MM.).

F. AMEND Section 27-1302.1.C.(6) to **STRIKE** “Bed and Breakfast Inn” and **REPLACE** it with the following:

Bed and Breakfast Inn/Small Short-Term Lodging Facility (accessory to only single-family detached or two-family dwellings, or to agriculture; accessory uses must still comply with the principal use standards in Section 27-2602.1.MM.).

G. AMEND Section 27-1602.1.A.(9) to **STRIKE** “Bed and Breakfast Inn” and **REPLACE** it with “Bed and Breakfast Inn/Small Short-Term Lodging Facility.”

XII. STRIKE all other references in the Zoning Ordinance to “Bed and Breakfast Inn” and **REPLACE** the references with “Bed and Breakfast Inn/Small Short-Term Lodging Facility.”

XIII. AMEND the following sections of the Zoning Ordinance to add “Banquet, Catering, or Event Use” as a use in the following zoning districts permitted as stated below:

A. ADD a Section 27-1202.1.A.(6) in the VC District stating “Banquet, Catering, or Event Use”

B. ADD a Section 27-1202.1.B.(5) in the VC District stating “Banquet, Catering, or Event Use (accessory only to Restaurant or Bed and Breakfast Inn/Small Short-Term Lodging Facility; accessory uses must still comply with the principal use standards in Section 27-2602.1.OO.)”

C. ADD a Section 27-1402.1.C.(5) in the VC-1 District stating “Banquet, Catering, or Event Use (in accordance with the Village Restaurant requirements, and permitted only as a principal use or as accessory to a Village Restaurant or Bed and Breakfast Inn/Small Short-Term Lodging Facility; accessory uses must still comply with the principal use standards in Section 27-2602.1.OO.)”

D. ADD a Section 27-1302.1.A.(10) in the VC-C District stating “Banquet, Catering, or Event Use”

E. ADD a Section 27-1302.1.B.(6) in the VC-C District stating “Banquet, Catering, or Event Use (accessory only to Restaurant or Bed and Breakfast Inn/Small Short-Term Lodging Facility; accessory uses must still comply with the principal use standards in Section 27-2602.1.OO.)”

F. ADD a Section 27-1502.1.C.(3) in the RC District stating “Banquet, Catering, or Event Use (accessory only to Hotel, Motel, or

Inn/Large Short-Term Lodging Facility; accessory uses must still comply with the principal use standards in Section 27-2602.1.OO.)”

G. **ADD** a Section 27-1602.1.A.(19) in the TNC District stating “Banquet, Catering, or Event Use”

H. **ADD** a Section 27-1602.1.B.(4) in the TNC District stating “Banquet, Catering, or Event Use (accessory only to Bed and Breakfast Inn/Small Short-Term Lodging Facility; Hotel, Motel, or Inn/Large Short-Term Lodging Facility; or Restaurant; accessory uses must still comply with the principal use standards in Section 27-2602.1.OO.).”

XIV. Partial Repealer

All other provisions of the Solebury Township Zoning Ordinance, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Zoning Ordinance inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

XV. Severability

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

XVI. Effective Date

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ORDAINED AND ENACTED this ____ day of _____, 201__.

BOARD OF SUPERVISORS OF SOLEBURY
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA

[add signature blocks]

Attest:

Township Secretary