

Springfield Township, Bucks County

Planning Commission

Meeting Minutes from March 6, 2019

Attendance

Karen Bedics, Bobb Carson, Jay Fuggiti, Brian Hague, Angela Kelly, Dawn Nicholson(Chairperson), Stephen Smith, and Scott MacNair-Solicitor.

Chairperson Dawn Nicholson called the meeting to order at 7:00 PM.

Reading of Minutes

The meeting minutes from February 6, 2019 were reviewed. A motion was made by Bobb Carson, seconded by Jay Fuggiti, motion carried.

New Business

1. Short Term Rental Regulations

- a. Discussion about Board of Supervisors comments and their preference at this point.
- b. Discussion by Township Solicitor Scott MacNair.
 - i. Discussed differences between **licensing scheme/ordinance** (amend the local zoning ordinance to regulate short term rentals, but would also pass a separate ordinance requiring that applicants obtain a business license) versus **permitting scheme** (amend the local zoning ordinance to include regulations specific to short term rentals and require that applicants obtain a zoning permit).
 - ii. Enforcement is a concern, area for more discussion.
 - iii. Whether the Second Class Township Code vests the BOS with the authority to regulate and license short-term rentals by ordinance.
 1. Discussion on general police powers (Section 1506).
 2. Nuisance Enforcement (Section 1529)
 3. Slice of Life litigation currently in Supreme Court.
 4. If Township decides to go with licensing scheme, would still have to define in the Zoning Ordinance/MPC.
 - iv. Whether the licensing fee limitations imposed by the Second Class Township Code would make a licensing scheme cost prohibitive (or less desirable) than a permitting scheme.
 1. Would need to have Township Manager estimate the costs associated with licensing scheme.
 - v. Whether an occupancy tax could offset these licensing fee limitations.
 1. State and County have "hotel taxes". Township can impose local tax but more research is needed.
 - vi. Whether instituting a licensing scheme, and treating STRs as a business, encourages investment by absentee landlords and the operation of de facto hotels/how we can avoid this.
 1. The need/draw to come to Springfield Township isn't there now.

2. Are we looking at homeowner occupied?
- vii. Whether limiting STR operations within our zoning ordinance to H1 accessory uses (and thereby seeking to tether the homeowner to the property) would be likely to withstand legal challenge if we did implement a licensing scheme (i.e., can we treat STRs as a business but still require they be owner-occupied?).
 1. Discussion on residential use versus home occupation/business use.
- viii. How a licensing scheme differs administratively from a permitting scheme?
 1. Licensing Scheme: application submitted to Township, review, inspection and renewal.
 2. Permitting Scheme: A “use” permit would be issued once approved, amendment to zoning, no Township administration involved.
 3. Place conditional uses which would require a ZHB hearing resulting in additional cost.
- ix. Pros/cons of licensing scheme (summary offense) v. permitting scheme (civil offense) for enforcement purposes.
 1. Licensing scheme
 - a. Township has enforcement powers to issue a non-traffic summary offense with fines.
 2. Permitting scheme
 - a. Issue Notice of Violations for zoning violations.
 - b. Longer process to enforce or get compliance.
- c. Need to define owner occupied, time/length for rentals.
- d. Solicitor will send out sample zoning and licensing ordinances.
- e. Goals for project/short term rentals.
 - i. Health and Safety
 - ii. Cover cost associated with police/enforcement/ administration fees.
- f. Next step: look at zoning (home occupation – H1 definitions)

Correspondence

None

Planning Commission Comments & Project Reports

None

Adjournment

A motion to adjourn the meeting was made by Stephen Smith, seconded by Karen Bedics, motion carried. Meeting was adjourned at 8:32 PM.

Respectfully Submitted,

Angela Kelly
Secretary