

ORDINANCE NO. 2013- _____
UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP ZONING ORDINANCE, Chapter 165, ARTICLE II, DEFINITIONS AND WORD USAGE, SECTION 165-5.B TO PROVIDE A DEFINITION for BED-AND BREAKFAST; AND AMENDING ARTICLE XXXI, GENERAL REGULATIONS TO ADD A NEW SECTION, §165-219.7, BED-AND-BREAKFAST FACILITIES; AND AMENDING ARTICLE IV, AGRICULTURAL DISTRICTS, ARTICLE V, R-A RECREATIONAL AREA DISTRICTS, ARTICLE VI, SINGLE FAMILY-RESIDENTIAL DISTRICTS, AS TO R-1A, R-1, AND R2A ZONING DISTRICTS, AND ARTICLE XVA, R-55A RESIDENTIAL DISTRICTS, TO PERMIT BED-AND BREAKFAST FACILITIES IN ACCORDANCE WITH §165-219.7.

The Board of Supervisors of the Township of Upper Merion hereby ordains that Chapter 165, Zoning, shall be amended as follows:

Section 1. Article II, Definitions and Word Usage, §165-5, Word Usage; definitions, shall be amended to provide the following new definition in alphabetical order:

BED-AND-BREAKFAST: A residential use consisting of one dwelling unit with no more than eight (8) rooms or suites that are rented to the public for overnight or weekly accommodation for a fee. Only the breakfast meal may prepared for the guests by the proprietor and no other meals are provided by the proprietor. The rented rooms do not contain cooking facilities and do not constitute separate dwelling units.

Section 2. Article IV, Agricultural Districts, §165-10, Use regulations, shall be amended to reletter the existing E. through I. as F. through J. and a new subsection E. shall be added as follows:

E. Bed-and-Breakfast Facility in accordance with §165-219.7.

Section 3. Article V, R-A Recreational Area Districts, §165-14, Use regulations, shall be amended to reletter the existing E. and F. as F. and G. and a new subsection E. shall be added as follows:

E. Bed-and-Breakfast Facility in accordance with §165-219.7.

Section 4. Article VI, Single-Family Residential Districts, §165-22, Use regulations, shall be amended to add “Bed-and-Breakfast Facility in accordance with §165-219.7” under “Use”, “Residential”, and shall be listed below “Flag lot in accordance with §165-219.6”. Bed-and-Breakfast Facility shall be permitted in the R-1A, R-1, R-2A zoning districts and shall be denoted with a “P” and shall not be permitted in the R-2 zoning districts which shall be denoted with an “N”.

Section 5. Article XVA, R-55A Residential Districts, §165-80.3, Use regulations, shall be amended to reletter the existing C. through I. as D. and J. and a new subsection C. shall be added as follows:

E. Bed-and-Breakfast Facility in accordance with §165-219.7.

Section 6. Article XXXI, General Regulations, shall be amended to add a new subsection, §165-219.7, Bed-and-breakfast facilities, as follows:

§165-219.7, Bed-and-breakfast facilities.

Bed-and-breakfast facilities, as defined in this chapter, shall be permitted in Single-Family Residential Districts, in accordance with the following standards.

- A. A bed-and-breakfast facility shall be permitted only in single-family detached, owner-occupied dwellings on one or more acres.
- B. The principal use of the property shall remain that of a single-family residential dwelling.
- C. The owners or a representative of the owner of a bed and breakfast facility must be in residence when guests are present.
- D. No more than eight (8) guest rooms may be offered on any individual residential property.
- E. One full bathroom, which shall include one toilet, wash basin, bath and/or shower, shall be provided for each two guest rooms.
- F. The length of stay for any guest shall not exceed more than fourteen (14) uninterrupted days.
- G. Accommodations at the bed-and-breakfast facility may include breakfast prepared on the premises for the guests and included in the charge for the room. No meal other than breakfast may be prepared on the premises for the registered guests. The owner shall comply with all federal, state and local requirements for the preparation, handling and serving of food.
- H. Any amenities such as tennis court, swimming pool, etc., shall be solely for the use of the resident owner and guests of the facility.

- I. The owner shall maintain a current guest register.
- J. No goods may be publicly displayed for sale on the premises.
- K. One additional on-site parking space shall be provided for each guest room.
- L. Each bed-and-breakfast facility shall comply with the Federal Life Safety Code, the rules and regulations of the Pennsylvania Department of Labor and Industry and all other applicable building, safety, and fire codes of the federal, state and local government.
- M. A bed-and-breakfast facility shall only be permitted in a building that existed prior to 1950.
- N. A bed-and-breakfast facility shall not be permitted on a road designated as a local road by the Upper Merion Township Highway Classification Map.

Section 7. REPEALER. All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

Section 8. REVISIONS. The Upper Merion Township Board of Supervisors hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its ordinance, including this provision.

Section 9. SEVERABILITY. In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

Section 10. EFFECTIVE DATE. This amendment shall become effective five (5) days after date of adoption.

Section 11. FAILURE TO ENFORCE NOT A WAIVER. The failure of Upper Merion Township to enforce any provision of this Ordinance shall not constitute a waiver by Upper Merion Township of its rights of future enforcement hereunder.

ENACTED and ORDAINED by the Board of Supervisors of Upper Merion Township,
Montgomery County, Pennsylvania, this _____ day of _____, 2013.

ATTEST:

**UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS**

By: _____
Ronald G. Wagenmann
Township Secretary-Treasurer
Township Manager

By: _____
Erika Spott, Chairperson