

TOWNSHIP OF LEHIGH
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA

RESOLUTION

RESOLUTION NO. 2020 – 10

A RESOLUTION DECLARING PORTIONS OF THE LEHIGH TOWNSHIP ZONING ORDINANCE SUBSTANTIALLY INVALID REGARDING THE USE OF SHORT TERM RENTALS AND PROPOSING A CURATIVE AMENDMENT UNDER AND IN ACCORDANCE WITH THE TERMS OF SECTION 609.2(1)(I)(A)(B)(C)(II) OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE.

WHEREAS, the Pennsylvania Municipalities Planning Code provides for a municipal curative amendment under Section 609.2; and

WHEREAS, recent Pennsylvania Appellate Court Decisions have found that zoning ordinances permitting single-family detached dwellings to be used by “families“ which are defined as requiring a “single housekeeping unit“ clearly and unambiguously exclude purely transient uses of the property, including short-term rental uses, which Decisions overruled years of previous Decisions regarding these uses; and

WHEREAS, Lehigh Township has found that its Zoning Ordinance is exclusionary in its treatment of short term rentals and lodging facilities; and

WHEREAS, on July 28, 2020 the Lehigh Township Board of Supervisors, pursuant to Section 609.2(1) formally declared that its Zoning Ordinance was exclusionary in its treatment of short term rental units and lodging facilities, a true and correct copy of said Declaration is attached hereto as Exhibit “A”; and

WHEREAS, the Board of Supervisors directed its Solicitor to prepare a Resolution in accordance with Section 609.2(1) of the Pennsylvania Municipalities Planning Code making specific findings setting forth the exclusionary treatment of short term rentals and lodging facilities in the Lehigh Township Zoning Ordinance; and

WHEREAS, the Board of Supervisors, in order to protect and promote the public health, safety and welfare of its residents, wish to establish rights and obligations of Owners and Transient visitors to maintain and operate short term rental facilities throughout the Township by amending its Zoning Ordinance to properly define and provide for the use of short term rental lodging facilities.

NOW, THEREFORE, be it resolved that the Lehigh Township Board of Supervisors hereby declare that its Zoning Ordinance is substantially invalid with regard to its treatment of short term rentals and short term rental facilities and that the Township shall prepare a curative

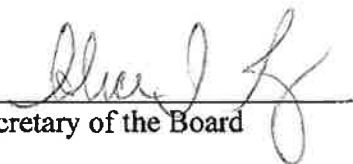
amendment to correct said invalidity in accordance with the Pennsylvania Municipalities Planning Code, as follows:

1. All "WHEREAS" clauses referenced above are incorporated herein as though the same were more fully set forth herein at length.
2. By virtue of recent Pennsylvania Appellate Court Decisions, the Lehigh Township Board of Supervisors declare that the Lehigh Township Zoning Ordinance is exclusionary in its treatment of short term rentals and lodging facilities.
3. The Board of Supervisors of Lehigh Township shall prepare the curative amendment to correct this exclusionary defect within 180 days of the said Declaration.
4. The said curative amendment shall define rentals, short term lodging facilities and transient visitors, as well as provide appropriate regulations regarding the same.
5. Further, the Board of Supervisors shall amend the Zoning Ordinance to adequately provide for the use of short term rentals and lodging facilities within the Township.

Duly RESOLVED AND ENACTED this 11th day of August, 2020 by the Lehigh Township Board of Supervisors.

ATTEST:

TOWNSHIP OF LEHIGH
Northampton County, Pennsylvania


Secretary of the Board

By: 
Chairperson, Board of Supervisors