

701 Main Street, Suite 405
Stroudsburg, PA 18360



Phone: 570-517-3100
Fax: 570-517-3858
mcp@monroecountypa.gov
www.monroecountypa.gov

MONROE COUNTY PLANNING COMMISSION

September 5, 2024

Jacob Pride, Chairman
Smithfield Township Board of Supervisors
1155 Red Fox Road
East Stroudsburg, PA 18301

Re: Bed & Breakfasts
Zoning Amendments
Smithfield Township
MCPC Review #153-24

Dear Mr. Pride:

The above cited amendments were reviewed by Eric Koopman, Lead Senior Planner, on behalf of the Monroe County Planning Commission. You will find the comments enclosed.

All comments are preliminary and will be acted upon by the Planning Commission at its regular meeting on October 8, 2024 at 5:00 p.m. at the Monroe County Planning Commission office. This action is in keeping with the Planning Commission's review policy and allows the municipalities and other interested parties to respond to the review comments before the Planning Commission's public meeting.

If these comments are not amended and are found to be acceptable by the Board at the next meeting, they should be considered to be approved as enclosed.

If you have any questions, or if we can be of further service to you, please feel free to contact me.

Sincerely yours,

A handwritten signature in blue ink that reads "Christine Meinhart-Fritz".

Christine Meinhart-Fritz
Director

CMF/ek
Cc: Julia Heilakka, Township Manager

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MONROE COUNTY PLANNING COMMISSION

TO: Christine Meinhart-Fritz, Director

FROM: Eric Koopman, Lead Senior Planner

DATE: September 5, 2024

SUBJECT: Bed & Breakfasts
Zoning Amendments
Smithfield Township
MCPC Review #153-24

The Township of Smithfield is proposing amendments to its zoning ordinance concerning bed and breakfasts. Specifically, the amendments propose to permit this land-use by right in all zoning districts and insert additional provisions regarding permitting, length of stay, owner residency, and other standards. The amendments also proposed clerical corrections to remove references to the B-1 zoning district which has since been replaced by an Economic Development (ED) zoning district.

The above mentioned amendments have been reviewed on the basis of generally accepted planning principles and the provisions set forth by the Pennsylvania Municipalities Planning Code (PMPC), as amended. The following comments are offered:

1. It should be noted that our office has previously provided an informal review on the proposed amendments, and a number of comments have been satisfactorily addressed. Comments that remain relevant are included within this review.
2. It appears a number of the changes reflect the replacement of the B-1 district with the ED district. This is to be encouraged, and all other references to districts replaced by the ED district should also be eliminated.
3. Bed and Breakfasts are to be a use permitted by right in all districts. Typically, there are stricter requirements in principally residential districts and they would require conditional use or special exception approval. The Township is encouraged to consider requiring conditional use approval in the R-1 and R-2 districts. Another option would be to require Conditional Use approval only for Bed and Breakfasts serving 4-6 guests, whereas 3 and under could be permitted by right.
4. The additional regulations for Bed and Breakfasts are generally acceptable and assist in distinguishing this use from short-term rentals, particularly by having the owner reside at the property. This it to be encouraged.

5. While the definition for Bed and Breakfast is consistent with county resources, the Township is encouraged to consider adding language stating that the owner resides on-site for clarity.
6. If any revisions are made to the proposed zoning ordinance amendments, they must be resubmitted to the MCPC for review prior to adoption. This requirement was recently affirmed by the Pennsylvania Commonwealth Court in *Hanover Healthcare Plus, Inc. v. Zoning Hearing Board of Penn Township* 875 A.2d 1255 (Pa. Cmwlth 2005). It is recommended that the Township discuss this with their solicitor.
7. The Staff has reviewed the proposed amendments and recommends that adoption be subject to the above noted comments being satisfactorily addressed.

In an attempt to maintain a library of municipal ordinances, we request that any adopted ordinance amendments (Zoning, Zoning Map and SALDO) be sent to the MCPC within 30 days of enactment as specified in the PMPC.

This review is subject to the approval of the Monroe County Planning Commission at its next regularly scheduled meeting.