

ZONING - CHAPTER 210

HONESDALE BOROUGH

An ordinance to amend the Code of the Borough of Honesdale deleting and repealing Chapter 210 thereof, Zoning, and replacing it with a new Chapter 210 to be entitled, Zoning, establishing regulations and restrictions for, among other purposes, the location and use of lots, land, buildings, and other structures; the height, number of stories, and size or bulk of buildings and structures; the density of population; off-street parking and signs in Honesdale Borough. This Ordinance shall be known as, and may be cited as the **“Honesdale Borough Zoning Ordinance.”**

Be it ordained by the Council of the Borough of Honesdale as follows:

Section 1.

The Code of the Borough of Honesdale is hereby amended by deleting and repealing Chapter 210, Zoning.

Section 2.

The Code of the Borough of Honesdale is hereby amended by adding thereto a new chapter, to replace Chapter 210 hereinabove repealed, to be Chapter 210, Zoning, to read as follows:

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INTRODUCTION

This Zoning Ordinance is enacted under the authority granted to Boroughs in Pennsylvania by the Municipalities Planning Code. It consists of a Zoning Map dividing the Borough into several districts or zones and a set of regulations governing certain uses of lands within those districts. The Ordinance itself involves a statement of purposes, definitions of the key terms used in the Ordinance and various forms of regulations.

These include a set of allowable uses, some of which are permitted as a matter of right and others which are permitted only after review by local authorities. The allowable uses are detailed for each district in Article III, Section 210-10. Also contained in that section are listings of development standards (i.e., minimum lot size, minimum height, yard requirements, etc.) which apply to each district.

There are, in addition to the use regulations and general development standards, supplementary standards applicable to certain specific uses and some aspects of all uses. These include parking regulations and special restrictions on various uses. These are labeled "Supplementary Regulations" and are contained in Article IV of the Ordinance.

The remainder of the Ordinance deals with procedures. It details how non-conforming uses, structures, and lots (those which are existing and do not meet the standards of the Ordinance) will be treated, how various types of permit applications will be handled, what the Zoning Officer will do and how the Ordinance is affected by or affects other Borough Ordinances and Court decisions. The Zoning Hearing Board is also created to act as a local court in interpretation of the Ordinance. The procedures for its operation are outlined in Article VI which also deals with other procedural matters.

Article VII is simply an enactment section which marks the official adoption of the Ordinance.

Questions regarding the Ordinance can be directed to the Honesdale Borough Zoning Officer.

ARTICLE I – GENERAL PROVISIONS

§210-1 Title and Short Title

An Ordinance establishing regulations and restrictions for, among other purposes, the location and use of lots, land, buildings, and other structures; the height, number of stories, and size or bulk of buildings and structures; the density of population; off-street parking and signs in Honesdale Borough, Wayne County, Pennsylvania. This Ordinance shall be known as, and may be cited as the “Honesdale Borough Zoning Ordinance”.

§210-2 Purpose and Conflict

This Ordinance is created for the purpose of promoting and protecting the public health, safety, and welfare consistent with the Pennsylvania Municipalities Planning Code.

Conflict with Public and Private Provisions

- A. Public Provisions: These regulations are not intended to interfere with or abrogate or annul any other Ordinance, rules or regulations previously adopted or previously issued by the Borough which are not in conflict with any provisions of the Ordinance. Where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than imposed or required by such Ordinance, rule, regulation, or permit, or by easements, the provisions of this Ordinance shall control.
- B. Private Provisions: These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Ordinance impose greater restriction, the requirements of this Ordinance shall govern. Where the provisions of the easement, covenant, or private agreement or restriction, impose duties and obligations more restrictive or higher standards than the requirements of this Ordinance, and such private provisions are not inconsistent with the requirements of this Ordinance, then such private provisions shall be operative and supplemental to these requirements.

§210-3 Community Development Objectives

The Community Development Objectives of this Ordinance include those goals and objectives expressed in the Central Wayne Regional Comprehensive Plan, as well as the following specific objectives:

- A. Guiding land use so as to put intensive uses in those areas of the Borough which can safely and best accommodate them.
- B. Maintaining safe means of circulation through the Borough.
- C. Maintaining good housing conditions.

- D. Protecting the community to as great a degree as practical from natural or man-made disasters or other dangers.
- E. Ensuring all development is done with proper regard for health, safety and welfare concerns of the Borough, and necessary improvements can or will be made to accommodate the activities which will result.

§210-4 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, morals, and/or general welfare of the residents and inhabitants of the Borough.

§210-5 Validity

- A. Severance: If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance is, for any reason, declared to be illegal, unconstitutional or invalid, by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole or any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word or remaining portion of the Zoning Ordinance. The Borough Council of the Borough of Honesdale, Wayne County, Pennsylvania, hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional or invalid.
- B. Inconsistent Ordinances: Any resolution, ordinance or part of any resolution inconsistent herewith and amendments thereof, are hereby expressly repealed.

ARTICLE II - DEFINITIONS

General Interpretation. For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

Tense, Gender, and Number

Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural, and the plural the singular.

General Terms

The word "shall" or "must" is always mandatory; the words "may" and "should" are permissive. The words "used for" include "designed for", "arranged for", "intended for", "maintained for", or "occupied for". The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof." The word "person" includes "individual", "profit or non-profit corporation", "firm", "organization", "partnership", "company", "trust", "unincorporated association", or other similar entities.

The words "such as" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.

Terms, Phrases, and Words Not Defined

When terms, phrases, or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

For the purpose of this Ordinance, the following words, terms and phrases have the meaning herein indicated:

Abandon: To desert, surrender, forsake, or cede. To relinquish or give up with intent of never again resuming one's right or interest. To give up or cease to use. To give up absolutely; to forsake entirely; to renounce utterly; to relinquish all connection with or concern in; to desert. It includes the intention and also the external act by which it is carried into effect.

Abut: To touch at the end; be contiguous; join at border or boundary. The term "abutting" implies a closer proximity than the term "adjacent". No intervening land.

Accessory Buildings and Structures: A subordinate building on a lot, the use of which is customarily incidental to that of the main building, including fences, and all swimming pools as herein defined. It shall also be constructed of a combination of materials which are safe and stable.

Accessory Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use, including accessory buildings and structures.

Adjacent Area: The area surrounding the immediate area of the permitted work which can reasonably be assumed to have been affected by the permitted work.

Adult Home: A household of up to four (4) members, not necessarily related by blood, marriage, adoption, or legal guardianship, who, because their physical, emotional or behavioral condition or their social or interpersonal skills otherwise would limit, inhibit, or prevent their ability to function as members of society, are provided supportive services.

This shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term adult home shall not include alcoholism or drug treatment center, work release facilities for convicts or exconvicts, or other housing facilities serving as an alternative to incarceration. Those individuals who are considered dangerous to themselves or others shall not be housed.

Adult Entertainment Establishment: An establishment or place of assembly to which the public is permitted or invited: (a) which has all or a substantial or significant portion of its stock in trade consisting of instruments, devices or paraphernalia which are designed primarily for use in connection with sexual activities or conduct; and/or (b) wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images, with or without sound, where the images so displayed are distinguished or characterized by an emphasis on depiction, description or display of sexual activities or conduct or exposed male or female genital areas; and/or (c) which features male and/or female entertainers who engage in activities such as topless or bottomless dancing or stripping; or persons whose performance or activities include simulated or actual sex acts; and/or (d) offer its patrons any other retail goods, services, or entertainment which is characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or exposed male or female genital areas.

Adult Stores: Use of a building or land for a business which has obscene materials as a significant portion of its stock-in-trade or which involves the sale, lease, trade, gift or display of drug paraphernalia. Obscene materials include any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter which depicts or describes, sexual conduct and which, taken as a whole, does not have serious literary, artistic, political or scientific value. Drug paraphernalia includes any objects, devices, instruments, apparatus or contrivances, whose primary and traditionally exclusive use is involved with the illegal use of any and all controlled substances under the Pennsylvania statutes.

Agricultural Operation: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

Agricultural Service Establishment: A business substantially devoted to serving production agriculture.

Alterations: Any change in supporting members of a building or structure such as bearing walls, columns, beams or girders, joists, rafters or enclosing walls. Any renovation to a building which would change its use.

Animal Hospital: A building, structure, or area of land where small animals such as dogs and cats are given medical care, other than the premises where such animals are boarded. Larger animals, such as horses, cows, pigs, and sheep, are not to be accommodated.

Animal Unit: One animal unit is equal to a total of 1000 pounds of animal(s).

Artisans Studio: Studio of a person skilled in arts and crafts such as painting, pottery, and musical instruments.

Automobile Service Station: A structure, building, or area of land, or any portion thereof, that is used for the sale of gasoline and oil or any other motor vehicle fuel and/or other lubricating substance, which may or may not include facilities for lubricating, washing, sale of accessories, and otherwise servicing motor vehicles, but not including the painting and/or body work thereof. Any business or industry dispensing gasoline and servicing vehicles only for its own use will not be deemed to be a gasoline service station.

Bed and Breakfast Establishments: An owner-occupied single-family detached dwelling, where between one and six sleeping accommodations without kitchen facilities are rented to overnight guests on a daily basis for periods not exceeding two weeks. Meals may be offered only to registered overnight guests. The total number of overnight guests accommodated at any one time shall not exceed twenty-four.

Board or Zoning Hearing Board: The Zoning Hearing Board of the Borough of Honesdale, Wayne County, Pennsylvania.

Boarding or Tourist Home: Any dwelling in which more than three persons either individually or as families are housed or lodged with meals normally included as a part of the services rendered.

Borough: The Borough of Honesdale, Wayne County, Pennsylvania.

Borough Council: The governing body of the Borough of Honesdale, Wayne County, Pennsylvania.

Borough Planning Commission: The Planning Commission of the Borough of Honesdale, Wayne County, Pennsylvania.

Borough Use: Buildings, structures, or land owned and maintained by the Borough of Honesdale or an authority created by the Borough.

Buffer Area: A decorative fence and/or an area of land, aesthetically landscaped, along a property line which is specifically designed to limit the impacts, such as noise, light, storm water runoff, or other adverse effects of one use upon another use in the same area. The buffer may consist of a solid fence, not less than six (6) feet in height or dense evergreen plantings, not less than six (6) feet high in a planting strip a minimum of five (5) feet wide, or other designs which achieve the required results. All buffer areas required by this Ordinance must be reviewed by the Borough Planning Commission and approved by Borough Council prior to the issuance of a permit. Buffer areas along street rights-of-way must comply with required clear sight triangles.

Building: Any combination of materials forming any structure which is erected on the ground, designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind. A mobile home or trailer shall be deemed to be a building.

Building Area: The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed extensions.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

Building Line or Setback: The minimum required distance between any building or structure or portions thereof to be erected or altered and an adjacent street right-of-way or lot line.

Bulk Fuel: Petroleum products stored in containers for subsequent resale to distributors or retail dealers or outlets.

Campground: A plot of ground upon which two or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles.

Cemetery: Land reserved or used for gravesites.

Change of Use: A Change of Use shall be considered to occur when a permitted use is changed to a conditional use or special exception use; a non-conforming use is changed to another non-conforming use; a use is changed to a use for which regulations specific to that use are contained in Article IV, Supplementary Regulations; the new use will change a parameter regulated under performance standards listed in Section 210-17; a use is changed to a use requiring additional off-street parking spaces and/or additional loading space; the new use will be located in a floodplain; the new use will have additional impact on a ridgeline or ridgetop regulated by Section 210-32, an environmentally constrained area regulated by Section 210-33 or woodland regulated by Section 210-36; a use is changed to a use which will have different outdoor lighting; the new use will result in external building or other external changes which will alter compliance with design guidelines and standards in Section 210-43 or historic resource protection under Section 210-45; or the new use will have additional impact on a riparian corridor conservation district regulated by Section 210-51 or a steep slope regulated by Section 210-52.

Church or Other Places of Worship: A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

Clear Sight Triangle: An area of unobstructed vision for purposes of vehicular safety at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

Commercial School: A school for the teaching of a trade or skill, carried on as a business.

Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communications Equipment Building: An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennas.

Communications Tower: A Structure other than a Building, such as a monopole tower, designed and used to support Communications Antennas.

Comprehensive Plan: The Central Wayne Regional Comprehensive Plan, including all maps, charts and textual matter.

Conditional Use: A use permitted in a particular zoning district which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases

within this Ordinance are present. Conditional Uses are acted upon by the Honesdale Borough Council after recommendations by the Honesdale Borough Planning Commission.

Condominium: A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. The owner has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements. The common elements usually include the land underneath and surrounding the building, certain improvements on the land, and such items as plumbing, wiring, and major utility systems, the interior spaces between walls, public interior spaces, exterior walls, parking areas, private roads, and recreational facilities.

Conference Center: A specialized hotel designed and built almost exclusively to host conferences, exhibitions, large meetings and seminars.

Conservation Area, Primary: Those areas of a development tract which are comprised of environmentally sensitive lands on which development is restricted.

Conservation Area, Secondary: Those areas, as specified by the Subdivision and Land Development Ordinance, of a development tract which are somewhat less sensitive than primary conservation areas and which may be critical to the effect the development will have on both the natural environment and the rural character of the community.

Conservation Design Development: A development or subdivision designed at the dwelling unit density specified in the Zoning Ordinance for the Zoning District in which the development or subdivision is located where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

A key concept associated with conservation design is to focus on residential density instead of minimum lot size. In a standard subdivision the land is simply cut into as many lots as possible while meeting the minimum lot size requirement. Under conservation design, which is based on unit density instead of minimum lot size, the size of individual lots sold can vary in size, provided the total number of lots does not exceed the density which is based on the underlying minimum lot size. In conservation design, the maximum lot size is the critical element, as it really defines the minimum open space that must be conserved.

Conservation Open Space: That part of a particular conservation design development set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Zoning Ordinance and which meets the conservation open space requirements of the Borough Subdivision and Land Development Ordinance. A minimum proportion of the conservation open space must be accessible to the residents of the development and/or the Borough, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

Convenience Store: A use that primarily sells routine household goods, groceries and prepared ready-to-eat foods to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 5,000 square feet. A convenience store shall not have drive-through service; otherwise it shall be considered a restaurant. A convenience store selling gasoline shall be considered as and regulated as an automobile service station.

Corner Lot: A lot abutting two or more intersecting public or private streets.

Cultural Facility: Building structures or uses designed and/or operated for purposes of display or performance of the crafts of artisans, not including theaters, adult stores or adult entertainment establishment.

Customary Household Pet: Animal which is customarily kept for personal use and enjoyment within the home, including domestic dogs, domestic cats, domestic tropical birds, domestic rodents such as hamsters and gerbils, domestic tropical fish, turtles and guinea pigs. Exotic animals such as coyotes, bears, raccoons, venomous and restricting snakes, primates, alligators and crocodiles are not considered customary household pets.

Day Care Center: The premise in which supervision or care is provided at any one time for seven or more individuals, unrelated to the operator. The maximum stay of an individual shall not exceed 12 hours in one day. If applicable, a day care center must be licensed or certified by the appropriate agency of the Commonwealth of Pennsylvania.

Detention Facility: A facility used for the detainment of individuals who have been arrested and are awaiting court action and/or the incarceration of individuals assigned prison terms by the court or juveniles alleged to have committed a delinquent act and who have been detained in accord with the law of the Commonwealth of Pennsylvania.

Dwelling: A structure or portion thereof which is used exclusively for human habitation.

Dwelling, Multi-Family: A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term “multi-family dwelling” shall include condominium as well as non-condominium housing units, including the following construction types:

- A. Garden Apartment. Multi-family dwelling originally designed as such; containing three (3) or more dwelling units and not exceeding two and one-half (2½) stories in height, not including townhouses.
- B. Townhouse. Multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2½) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and is separated from any other unit by one (1) or more common fire resistant walls.

- C. Medium High-Rise Apartment. Multi-family dwellings of more than two and one-half (2½) stories but not exceeding the height limitations (in feet) of this Ordinance.
- D. Housing for the elderly. Multi-family dwellings designed and intended for use exclusively by persons 60 years of age or older.

Dwelling, Single-Family: A dwelling unit accommodating a single family and having two (2) side yards.

Dwelling, Two-Family: Dwelling accommodating two (2) families either with units which are attached side by side through the use of a party wall and having one (1) side yard adjacent to each dwelling unit, or upstairs/downstairs units.

Dwelling Unit: One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

Essential Services: Public utility uses and public or semi-public providers of emergency services such as fire and ambulance uses.

Family: Either an individual or two (2) or more persons related by blood, or marriage, or adoption, or a group of not more than five (5) persons, living together as a household in a dwelling unit.

Farm Stand: A booth or stall from which produce and farm products are sold to the general public.

Farmers Market: An indoor or outdoor group of farm stands from which farmers sell produce and farm products directly to the general public.

Fence: A barrier constructed of wood, metal, stone, chain link, or similar materials designed for the purpose of limiting or excluding access to a lot or for the purpose of screening a lot or portion thereof from the exterior of the lot.

Financial Institution: Bank, savings and loan association, savings bank, investment company, investment manager, investment banker, securities broker/dealer, or philanthropic foundation.

Flea Market: Business with short-term or daily rental of stalls, booths or selling spaces to individual persons for selling used and new consumer merchandise, antiques, art and craft items and collectibles at retail. Resale of merchandise is allowable, but not as a branch or outlet of a business with another location elsewhere outside the flea market. Such uses as junk sales, weapons sales, used car sales, thrift shops, and consignment shops are excluded from this definition.

Forestry: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

Fraternal Club: A building owned, leased or occupied by an association of persons, operated solely for a recreational, social, fraternal, religious, political or athletic purpose, and whose activities are confined to the members and guests and are not extended to the general public.

Health Facilities: Establishments primarily engaged in providing services for human health maintenance, including hospital facilities, nursing homes and medical clinics and offices, whether publicly or privately operated.

Home Occupation: Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than signs as provided herein; including, but not limited to, the following occupations: the professional practice of medicine, accounting, dentistry, architecture, law, engineering, artists, beauticians, barbers, day care and veterinarians, excluding stables, kennels or motor vehicle or small engine repair shops. The employment of more than one (1) person not living on the premises is not permitted.

Hotel: A facility which provides lodging to boarders for compensation (generally for periods of two (2) weeks or less), which contains more than six (6) rooms with less than twenty-five percent (25%) of all rooms having direct access to outside without the necessity of passing through the main lobby of the building, and providing additional services such as restaurants, meeting rooms and recreational facilities.

Impervious: Not easily penetrated by water (i.e., roads, buildings, sidewalks, access drives, loading areas, parking areas, and paved recreation courts).

Indoor Amusement Arcades: An amusement center having coin-operated devices for entertainment.

Indoor Theaters: Facilities operated for the purpose of showing films and performances inside a closed structure, not including adult stores or adult entertainment establishments.

Intensive Agricultural Operations: An activity shall be considered intensive agriculture provided the number of animal units exceeds 0.5 units per acre on parcels less than 5 contiguous acres, the number of animal units exceeds 1.5 units per acre on parcels between 5 and 25 contiguous acres, and the number of animal units exceeds 2.0 units per acre on parcels equal to or greater than 25 contiguous acres, and the area of greenhouses erected exceeds 50,000 square feet.

Junkyard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to: waste paper, rags, metal, building materials, house furnishings, machines, vehicles, or parts thereof, for purposes of dismantling, processing, salvage, sale or other commercial use or disposition of the same. A mechanical and body repair operation, vehicle and equipment sales operation or service station which fails to meet performance standards contained herein for those uses and involving the above shall be considered a junkyard and only be permitted, subject to those standards applicable to junkyards.

Kennel: An establishment in which more than three dogs or cats or other equivalent sized domesticated animals, six months or older in age, are housed, groomed, bred, boarded, trained, or sold.

Light Manufacturing: Industries involving generally unobtrusive processes. These include but are not limited to: research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, wood products industries and the like.

Live/Work Unit: A combination of a dwelling unit and business space, such as an artisan shop or office, that is open to the public for retail trade or personal or professional services. Work activities are conducted by one or more occupants of the dwelling unit and the dwelling unit is their principal residence.

Livestock Operation: The fattening or raising of beef cattle, hogs, poultry or other animals for the purposes of obtaining meat, eggs, or wool for marketing.

Lot: A designated parcel, tract or area of land established by a plat, or otherwise, as permitted by law and to be used, developed, or built upon as a unit.

Lot Coverage: That portion or percentage of the lot area which is covered by buildings, roads, driveways, parking areas, patios, loading areas and similarly used areas.

Lot Size: The area of a lot, excluding land contained within street right-of-way lines.

Lot Width: The average of the width of a lot at the building setback line and rear lot line.

Mechanical and Body Repair Use: A facility where repairs or body work are performed on automobiles or other vehicles or equipment for remuneration. No facility operating in the manner of a junkyard shall qualify as a mechanical and body repair use.

Minerals: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. This is not intended to include modular construction housing.

Mobile Home Park: A parcel, or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Mobile Home Park Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Motel: A facility which provides lodging to boarders for compensation (generally for periods of two (2) weeks or less), which contains more than six (6) rooms with at least twenty-five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, and may provide additional services such as restaurants, meeting rooms, and recreational facilities.

Multi-Family Development: A development containing one or more multi-family dwellings.

No-impact Home-Based Business: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (b) The business shall employ no employees other than family members residing in the dwelling.
- (c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

- (f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (h) The business may not involve any illegal activity.
- (i) A Zoning Permit must be obtained from the municipality.

Non-Conforming Lot: A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Non-Conforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such non-conforming structures include but are not limited to non-conforming signs.

Non-Conforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

Nursing Home: A building containing sleeping rooms used by persons who are lodged and furnished with meals and are provided with needed support services, including the availability of basic nursing care. Such a facility may or may not include skilled nursing or medical care. This definition shall be limited to facilities licensed by the Commonwealth of Pennsylvania as a nursing center or personal care center.

Office: A use that involves administrative, clerical, financial, governmental and professional operations and operations of a similar character. This use shall not include retail or industrial uses.

Off-Site Sewage and Water Supply: A sewage system or water supply system designed to serve more than one dwelling unit or building, not including the use of a single well or disposal system for two dwellings on the same parcel of land.

On-Site Sewage and Water Supply: A single system of piping, tanks or other facilities serving only the water and sewage needs of a single lot within the boundaries of an individual lot.

Parking Lot: An off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto.

Parking Space: A space within a building or on a lot, used for the parking of a motor vehicle, exclusive of driveways, passageways, and maneuvering space.

Parking Structure: A structure designed solely for the parking of motor vehicles.

Party Wall: A wall used or adopted for joint service between two buildings or parts thereof.

Pavement: Hard material such as concrete, asphalt, or brick, applied to a lot in order to smooth or firm the surface of the lot.

Permanent Foundation: A cement, concrete, stone, treated wood or cinder block walled foundation erected on a poured concrete footing. A solid concrete slab will also be considered a permanent foundation. A foundation must meet any requirements of the Borough's Building Code.

Person: An individual, partnership, organization, association, trust, or corporation. When used in penalty provision, "person" shall include the members of such partnership, the trustees of such trust, and the officers of such organization, association, or corporation.

Personal and Household Service: An establishment that provides a service oriented to personal needs which do not involve primarily retail sales of goods or professional advisory services. Personal services include barber and beauty shops, shoe repair shops, household appliance repair shops, and other similar establishments.

Premises: A descriptive word to include all improvements, buildings, structures and land on or within a lot.

Principal Building: A building in which a principal use on a lot is conducted.

Principal Use: The main or primary purpose for which any land, structure, or building is designed, arranged, or intended, and for which they may be occupied or maintained under the terms of this Zoning Ordinance.

Private Garage: An accessory building for the storage of one or more private motor vehicles owned and used by the owner or tenant of the premises provided that no business, occupation, or service is conducted nor space therein leased to a non-resident of the premises. Not more than one truck or commercial vehicle may be stored in a private garage in a Residence District, excepting pick-up trucks and vans.

Private (Non-governmental) Recreational Facilities: Outdoor or indoor areas or structures, operated by non-profit or private commercial entities, open to the public, which contain

entertainment and amusement devices or attractions such as tennis and racquetball courts, golf courses and the like, but excluding theaters, adult entertainment establishments and public parks and playgrounds.

Professional Services: Medical doctors, dentists, eye doctors, lawyers, accountants, engineers, architects, and other similar licensed professionals. This shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, or products, or the sale or delivery of any materials, goods, or products which are physically located on the premises.

Public Hearing: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Public Notice: A notice published once each week for two consecutive weeks in a newspaper of general circulation in the Borough of Honesdale. Such notice will state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

Public Uses: A building or structure owned and operated by a governmental agency to provide a governmental service to the public.

Recreational Vehicle: A vehicle with or without motor power which may be towed on the public highways by a passenger automobile or truck without a special hauling permit, or which may be driven under its own power. This definition includes, but is not limited to, campers, travel trailers, buses, camping trailers, pick-up trucks with slide-in campers, recreational vehicle homes and motor homes. Recreation vehicles shall not be used for permanent occupancy, nor for living purposes outside a lawful campground.

Recycling Collection Center: A use for collection and temporary storage of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of household recyclables awaiting pick-up by the Borough's contractor and their customary collection.

Restaurant as permitted by Zoning district regulations:

Restaurant: Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, not containing drive-thru service and whose design or principal method of operation includes one or both of the following characteristics:

1. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
2. A cafeteria-type operation where foods, frozen desserts, or beverages are consumed within the restaurant building.

Carry-Out Restaurant: Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, not containing drive-thru service, and whose design or method of operation includes both of the following characteristics:

1. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, is not allowed, encouraged, or permitted.

Drive Through or Drive-In Restaurant: Any establishment whose business includes the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics, regardless of whether or not, in addition thereto, seats or other indoor accommodations are provided for the patrons.

1. Foods, frozen desserts, or beverages are served directly to the customer within a motor vehicle through an exterior window in the establishment.
2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.

Retail Establishments, Serving Need of Immediate Area: Retail stores and services operated primarily for the purposes of serving local clientele, including grocery stores, clothing shops, bakeries, pharmacies and the like, but excluding mobile home sales, shopping centers and other facilities oriented primarily toward highway-related trade and/or regional markets.

Retail Store: A use in which merchandise is sold or rented to the general public, but not including specifically allowed other uses such as the following: vehicle and equipment sales operation, adult store, manufacturing, tavern, car wash, automobile service station, mechanical and body repair use, or restaurant.

Review Board (or Designated Review Board): A board, such as a Historic Architectural Review Board, charged by Borough Council with reviewing an application against design standards and/or historic resource protection standards.

Self-Storage Facilities: A structure, or combination of structures, containing separate storage spaces leased or rented on an individual basis. These units shall be used for dead storage and no processing, manufacturing, sales, research, and development testing, service and repair or other non-storage activities shall be permitted.

Semi-Public Uses: A building or structure operated by a non-profit agency or group providing services to the general public which are closely related to government.

Shed: An accessory building of no more than one story, typically placed in a rear or side yard and intended for the storage of lawn mowers, tools, and similar household goods.

Shopping Center: A group of commercial establishments, built on a site that is planned, developed, owned and/or managed as an operating unit, typically sharing common facilities for parking, loading, and pedestrian circulation.

Sign: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Objects not included in this definition are national or state flags, window displays, graffiti, athletic scoreboards, or the official announcements or signs of government.

Special Exception: A use permitted in a particular zoning district which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Special exceptions are acted upon by the Honesdale Borough Zoning Hearing Board after recommendations by the Honesdale Borough Planning Commission.

Specialty Cultural Shopping Facility: A retail store which sells materials related to a cultural, historical or natural site in the Borough, such as a museum or historical society gift shop or shop selling materials related to the Lackawaxen River, history of Honesdale, or Carley Brook.

Stable (Commercial): A structure or area used for the shelter, care, and/or riding of donkeys, horses or mules for hire, remuneration, or sale.

Stable (Private): An accessory structure or use which involves the keeping of donkeys, horses or mules not for hire, remuneration or sale.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between any floor and the ceiling next above it. Each level of a split level building, excluding cellars, shall be considered a ½ story.

Street: Any alley, street, avenue, boulevard, road, parkway, viaduct, drive or other roadway and its associated right-of-way, whether existing or planned, and whether publicly or privately owned.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Studio: The working place of a painter, sculptor, photographer, or such other similar artistic endeavor; a place for the study of an art such as dancing, singing, or acting, or such other similar artistic endeavor.

Surface Mining: The extraction of minerals, rock and other products of the earth by activities conducted upon the surface of the land which require the removal of the overburden, strata or material overlying, above or between, the minerals, rock and other products of the earth or by otherwise exposing and retrieving the minerals from the surface. Mining activities carried out beneath the surface by means of shafts, tunnels or other underground mine openings are not included in this definition.

Supermarket: A retail establishment offering food and kindred products, which contains more than 5000 square feet of shopping area.

Swimming Pool (Private): Any structure, whether of temporary or permanent nature, either above or below ground which contains a water depth of 1.5 feet, or more, and is used for swimming purposes, which is not available for public use.

Tavern: A place where alcoholic beverages are served as a primary or substantial portion of the total trade. The sale of food may also occur.

Timber Stand Improvement: Active management of a stand of trees to improve its species composition, structure, health and growth.

Traditional Building: A building built prior to 1962 in Honesdale Borough, typically two to three stories in height, adjoining or located close to the sidewalk.

Transient Use: Occupancy of a dwelling by three (3) or more families at separate times over the course of a year; not including persons who may, during such period, be temporarily staying at the location as a guest of the principal occupant.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Variance: Relief granted by the Zoning Hearing Board, following a review of the Honesdale Borough Planning Commission and a public hearing that has been properly advertised as required by the appropriate municipal code, for an adjustment to some regulation which if strictly adhered to would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest and would maintain the spirit and original intent of the Ordinance.

Vehicle and Equipment Sales Operation: The use of any building, land area or other premise for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreational vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than fifty percent (50%) of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a vehicle and equipment sales operation. No facility operating in the manner of a junkyard shall qualify as a vehicle and equipment sales operation.

Veterinarian Office: A use where a veterinarian provides immediate medical and surgical service to small animals such as dogs and cats and such animals are not kept overnight.

Visitors Center: A building offering information and tourism-related services to visitors to the Borough or historical or natural resources located within the Borough.

Warehouse: A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Woodland: A tree mass or plant community in which tree species are dominant or co-dominant, the branches of the trees form a complete, or nearly complete, aerial canopy. For the purposes of this Ordinance, the extent of any woodland plant community or any part thereof shall be measured from the outer-most drip line of all the trees in the community. Woodland shall include any area where timber has been harvested within the previous three years and/or woodland disturbance has occurred within the previous three years which would have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards.

Yard: An open, unoccupied space which shall extend the full depth or width of a lot which shall not be occupied by any building. Front yards shall be measured from the edge of the street or highway right-of-way and other yards from property lines.

The above definitions are also supplemented by those contained in other Honesdale Borough Ordinances. Where there is any conflict between definitions or provisions contained in this Ordinance and other Ordinances, the definitions or provisions contained herein shall apply insofar as they affect the regulations part of this Zoning Ordinance.

ARTICLE III - BASIC ZONING REGULATIONS

§210-5 Official Zoning Map

The Borough of Honesdale is hereby divided into Zoning Districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Ordinance, together with all future notations, references and amendments.

§210-6 Zoning Districts

Honesdale Borough shall consist of Zoning Districts as follows:

- A-1 Agricultural
- R-1 Low-Density Residential
- R-2 Medium Density Residential
- R-H Historic Residential
- R-3 Moderate Density Residential
- R-4 High-Density Residential
- R-5 Residential/Professional
- R-6 Residential/Institutional
- RMU River Mixed Use
- CC-1 Central Commercial
- CC-2 Central Commercial 2
- G-C Gateway Commercial
- P-C Professional Commercial
- C-2 Highway Commercial
- C-3 Commercial
- WOC Water-Oriented Commercial
- I-1 Light Industrial

The intent of each District, and regulations which shall apply in each, are given in the Schedule of District Regulations.

An additional classification is hereby made for the purpose of regulating floodplains as designated by the Federal Emergency Management Agency.

§210-7 District Boundaries

District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the Wayne County Recorder of Deeds Office and the Wayne County Tax Maps at the time of the enactment of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map. In any case of uncertainty the Honesdale Borough Council shall interpret the intent of the map as to location of District boundaries.

§210-8 District Regulations – Generally

District regulations are of two (2) types: Use Regulations and Development Standards which shall apply to any proposed new use, expansion of any existing use, or change of use of land and/or structures in Honesdale Borough.

§210-9 Use Regulations

Use Regulations and statements of intent for each District are provided in the Schedule of District Regulations. Permits for principal permitted uses and accessory uses shall be issued as a matter of right, provided the standards contained in this Ordinance are otherwise met.

Conditional uses and special exceptions shall be subject to additional review procedures as specified herein.

Whenever any proposed use is neither specifically permitted nor denied under this Ordinance as presently written, the Zoning Officer shall refer the application to the Borough Council which shall determine whether the use shall be permitted or denied based on its similarity to other permitted or denied uses which are specifically identified in this Ordinance. The Council shall, if it determines the use is permitted, classify it as either a principal permitted, conditional use, special exception, or accessory use, and direct the Zoning Officer to proceed accordingly.

§210-10 Development Standards

The Development Standards which apply to each District include minimum lot sizes, minimum average widths, yard requirements, maximum lot coverage and maximum building height. These standards vary among Districts and are so depicted in the Schedule of District Regulations which follows. Supplementary regulations (Article IV) may establish additional or differing standards as they apply to specific uses.

A. Schedule of District Regulations - Zoning Districts and Purposes

A-1 AGRICULTURAL	The purpose of this district is to ensure the preservation of certain agricultural areas and open space while providing for development compatible with the objective of protecting environmentally sensitive areas.
R-1 LOW-DENSITY RESIDENTIAL	The purpose of this district is to provide for very low-density residential development in areas of the Borough which are largely rural in character.

R-2 MEDIUM-DENSITY RESIDENTIAL	The purpose of this district is to allow for the development of single-family housing and Conservation Design Development appropriate to the existing patterns within already developing areas of the Borough. Two family dwellings are allowed as a Conditional Use.
R-H HISTORIC RESIDENTIAL	The purpose of this district is to maintain the historic integrity of a residential area contained within the identified Honesdale Residential Historic District.
R-3 MODERATE DENSITY RESIDENTIAL	The purpose of this district is to provide areas for development of moderate density residential activity.
R-4 HIGH-DENSITY RESIDENTIAL	The purpose of this district is to provide areas within the Borough for the location of higher density housing, including mobile home parks.
R-5 RESIDENTIAL/ PROFESSIONAL	The purpose of this district is to permit a combination of uses which are appropriate to the productive use of existing structures in older sections.
R-6 RESIDENTIAL/ INSTITUTIONAL	The purpose of this district is to provide single and two (2) family housing appropriate to existing patterns within already developed areas and at the same time provide areas of expansion and growth to existing government facilities, hospitals, and other medical related uses.
RMU RIVER MIXED USE	The purpose of this district is to foster continued revitalization of the Industrial Point area of the Borough by allowing a mix of residential, government and office uses and very limited commercial uses oriented toward river users.
CC-1 CENTRAL COMMERCIAL	The purpose of this district is to provide locations for retail and service establishments designed to serve the needs of both the immediate area and the surrounding region, and to exclude incompatible uses. It is important to maintain traditional building and architectural patterns of downtown Honesdale and protect historic structures in this area.
CC-2 CENTRAL COMMERCIAL 2	The purpose of this district is to provide locations for retail and service establishments designed to serve the needs of the immediate area, surrounding region and visitors to the Borough. It is important to support the revitalization of downtown Honesdale and be compatible with the traditional Borough downtown. Incompatible uses are excluded.
G-C GATEWAY COMMERCIAL	The purpose of this district is to provide for an appropriate mix of commercial, office and residential uses at the gateway to downtown Honesdale. Development is to be in keeping with the traditional nature of Main Street and create an attractive entrance to downtown. Light manufacturing could be allowed as a Conditional Use. Design standards will apply to uses

	fronting on a street.
P-C PROFESSIONAL COMMERCIAL	The purpose of this district is to permit a mix of single family housing, professional offices, health facilities and certain specified commercial uses along the Route 191 corridor where such a mix continues to take place.
C-2 HIGHWAY COMMERCIAL	The purpose of this district is to provide locations for retail and service establishments designed to serve the needs of the traveling public, as well as those of residents of the Borough and surrounding areas. Functioning and appearance of the Route 6 Corridor is important as Route 6 is an entrance into Honesdale and within a Heritage Corridor.
C-3 COMMERCIAL	It is the purpose of this district to permit office and office support uses, as well as certain other retail and service establishments which are appropriate along the Route 6 Heritage Corridor.
WOC WATER-ORIENTED COMMERCIAL	The purpose of this district is to foster enhancement of an area along Carley Brook and the waterfalls along the brook, identified during the Comprehensive Plan process as one of the treasures of the Central Wayne region. The creek and waterfalls can provide a special gateway treatment to Honesdale given the prominent location along Route 6.
I-1 LIGHT INDUSTRIAL	The purpose of this district is to provide space in appropriate locations to meet future needs for light manufacturing and other compatible activity. This district will also provide for the adaptive reuse and redevelopment of older industrial areas.

B. Schedule of District Regulations - Uses Allowed in Districts

<p>A-1 Agricultural</p>	<p>Permitted Principal Uses</p>
	<p>Agricultural operations, single-family, detached dwellings, forestry, no-impact home based business, Borough use.</p>
	<p>Permitted Accessory Uses</p>
	<p>Home occupations, private garages, swimming pools, sheds, signs, any other accessory uses common to a principal permitted use in this district. Private stables.</p>
	<p>Special Exception Uses</p>
	<p>Churches and places of worship, cemeteries, convents and monasteries and religious retreats in conjunction therewith, kennels, animal hospital, veterinary office, commercial stables, public and semi-public uses, surface mining, state licensed elementary school, middle school, junior high school or high school, college.</p>
<p>Conditional Uses</p>	
<p>Health care facilities, private recreational facilities, boarding or tourist homes, agricultural service establishments, bed and breakfasts, Conservation Design Residential Development, woodland or game preserve, wildlife sanctuary or similar conservation use, intensive agricultural operations, junkyard, adult homes, communication towers and antennas.</p>	

R-1 Low Density Residential	Permitted Principal Uses
	Single-family dwellings, forestry, no-impact home based businesses, Borough use.
	Permitted Accessory Uses
	Home occupations, private garages, swimming pools, fences, sheds, signs, any other accessory uses common to a principal permitted use in this district. Private stables.
	Special Exception Uses
	Churches and places of worship, library, post office, YMCA, essential services, public parks and playgrounds, professional services, cemetery, state licensed elementary school, middle school, junior high school or high school, college.
	Conditional Uses
Boarding or tourist homes, day care centers, bed and breakfasts, Conservation Design Residential Development.	

R-2 Medium Density Residential	Permitted Principal Uses
	Single-family dwellings, forestry, no-impact home based businesses, Borough use.
	Permitted Accessory Uses
	Home occupations, private garages, swimming pools, fences, sheds, signs, any other accessory uses common to a principal permitted use in this district. Private stables.
	Special Exception Uses
	Churches and places of worship, library, post office, YMCA, essential services, public parks and playgrounds, professional services, cemetery, state licensed elementary school, middle school, junior high school or high school, college.
Conditional Uses	
Boarding or tourist homes, bed and breakfasts, day care centers, Conservation Design Residential Development, two family dwellings.	

R-H Historic Residential	Permitted Principal Uses
	Single-family dwellings, forestry, no-impact home based businesses, Borough use.
	Permitted Accessory Uses
	Home occupations, private garages, swimming pools, fences, sheds, signs, any other accessory uses common to a principal permitted use in this district.
	Special Exception Uses
	Churches and places of worship, library, post office, essential services, public parks and playgrounds, professional services.
	Conditional Uses
Boarding or tourist homes, bed and breakfasts, day care centers.	

R-3 Moderate-Density Residential	Permitted Principal Uses
	Single-family dwellings, two-family dwellings, no-impact home based business, Borough use.
	Permitted Accessory Uses
	Home occupations, private garages, private swimming pools, fences, sheds, signs, any other accessory uses common to a principal permitted use in this district.
	Special Exception Uses
	Churches and places of worship, public parks and playgrounds.
	Conditional Uses
Multi-family dwellings, day care centers.	

R-4 High-Density Residential	Permitted Principal Uses
	Single-family dwellings, two-family dwellings, mobile homes (individual), forestry, no-impact home based business, Borough use.
	Permitted Accessory Uses
	Home occupations, private garages, private swimming pools, fences, sheds, signs, any other accessory uses common to a principal permitted use in this district.
	Special Exception Uses
	Churches and places of worship, public parks and playgrounds.
Conditional Uses	
Mobile home parks, campgrounds, private recreational facilities, boarding or tourist homes, multi-family dwellings, day care centers, Conservation Design Residential Development.	

R-5 Residential/Professional	Permitted Principal Uses
	Public parks and playgrounds, single-family dwellings, two-family dwellings, professional services, forestry, no-impact home based business, Borough use.
	Permitted Accessory Uses
	Home occupations, private garages, private swimming pools, fences, sheds, signs, any other accessory uses common to a principal permitted use in this district.
	Special Exception Uses
	Churches and places of worship, public and semi-public uses.
Conditional Uses	
Day-care centers, health facilities, multi-family dwellings.	

R-6 Residential/Institutional	Permitted Principal Uses
	Single-family dwellings, two-family dwellings, professional services not related to medical professions, forestry, no-impact home based business, Borough use.
	Permitted Accessory Uses
	Home occupations, private garages, private swimming pools, fences, sheds, signs, any other accessory uses common to a principal permitted use in this district. Other accessory uses as permitted in Section 210-25.
	Special Exception Uses
	Churches and places of worship, public and semi-public uses, public parks and playgrounds.
Conditional Uses	
Parking lots, parking structures, day-care centers, boarding or tourist homes, health facilities, doctors' offices, public and semi-public uses, professional offices related to medical professions, multi-family dwellings, adult homes.	

RMU River Mixed Use	Permitted Principal Uses Public parks and playgrounds, single-family dwellings, two-family dwellings, professional services, forestry, no-impact home based business, Borough use.
	Permitted Accessory Uses Home occupations, private garages, private swimming pools, fences, sheds, signs, any other accessory uses common to a principal permitted use in this district.
	Special Exception Uses Churches and places of worship, public and semi-public uses.
	Conditional Uses Day-care centers, multi-family dwellings, commercial uses oriented toward Lackawaxen River users, such as rental and sales of fishing, canoeing and kayaking, hiking and bicycling equipment and supplies, tubing rentals, and businesses providing river sojourns, restaurants without carry-out and drive-through and drive-in services, bed and breakfast, specialty-cultural shopping facility, artisan’s studios, live/work unit.

CC-1 Central Commercial	Permitted Principal Uses Parking lots, parking structures, cultural facilities, fraternal clubs, health facilities, retail stores, forestry, professional services, undertaking establishments, Borough uses, financial institutions, business offices, artisans studio, restaurants and taverns and carry-out restaurants provided no-drive-through and drive-in service is permitted, farmers market, personal and household service establishments, dwelling units above commercial uses provided the number of dwelling units shall not exceed one for each 2500 square feet of lot area, business support services such as copying and express and courier service.
	Permitted Accessory Uses Any accessory uses common to a principal permitted use in this district.
	Special Exception Uses Churches and places of worship, public and semi-public uses.
	Conditional Uses Bed and breakfasts, hotel, commercial school provided all activities are conducted within an enclosed building, adult stores, indoor amusement arcade, adult entertainment establishment.
	Expressly Prohibited Uses Check cashing establishments, fortune telling establishments, pawn shops, tattoo and body piercing establishments, outdoor vending machines.

CC-2 Central Commercial 2	Permitted Principal Uses Parking lots, parking structures, cultural facilities, fraternal clubs, health facilities, retail stores, forestry, professional services, undertaking establishments, Borough uses, financial institutions, business offices, artisans studio, restaurants and taverns and carry-out restaurants provided no-drive-through and drive-in service is permitted, farmers market, personal and household service establishments, dwelling units above commercial uses provided the number of dwelling units shall not exceed one for each 2500 square feet of lot area, business support services such as copying and express and courier service, train station and similar passenger facilities, visitors' center.
	Permitted Accessory Uses Any accessory uses common to a principal permitted use in this district.
	Special Exception Uses Churches and places of worship, public and semi-public uses.
	Conditional Uses Bed and breakfasts, hotel, commercial school provided all activities are conducted within an enclosed building, indoor amusement arcade.
	Expressly Prohibited Uses Check cashing establishments, fortune telling establishments, pawn shops, tattoo and body piercing establishments, outdoor vending machines.

G-C Gateway Commercial	Permitted Principal Uses Parking lots, parking structures, cultural facilities, fraternal clubs, health facilities, retail stores, forestry, professional services, undertaking establishments, Borough uses, financial institutions, business offices, artisans studio, restaurants and taverns, provided no-drive-through and drive-in service is permitted, farmers market, personal and household service establishments, dwelling units above commercial uses provided the number of dwelling units shall not exceed one for each 2500 square feet of lot area, business support services such as copying and express and convenience.
	Permitted Accessory Uses Any accessory uses common to a principal permitted use in this district.
	Special Exception Uses Churches and places of worship, public and semi-public uses.
	Conditional Uses Bed and breakfasts, hotel, commercial school provided all activities are conducted within an enclosed building, conference center with professional meeting and training facilities and related lodging and dining facilities, shopping center, light manufacturing uses, indoor amusement arcade.
	Expressly Prohibited Uses Check cashing establishments, fortune telling establishments, pawn shops, tattoo and body piercing establishments, outdoor vending machines.

P-C Professional Commercial	Permitted Principal Uses
	Single family dwellings, professional services, no-impact home based business, forestry, Borough uses.
	Permitted Accessory Uses
	Home occupations, private garages, swimming pools, sheds, signs. Any other accessory uses common to a principal permitted use in this district.
	Special Exception Uses
	Churches and places of worship, cemeteries, commercial stables, public and semi-public uses.
Conditional Uses	
Health facilities, private recreational facilities, boarding or tourist homes, agricultural service establishments, bed and breakfasts, animal hospital, veterinary office, adult home, financial institutions, business office, artisan studio, business support services such as copying and express and convenience.	

C-2 Highway Commercial	Permitted Principal Uses
	All CC-1 and CC-2 Permitted Uses, automobile service stations, indoor theaters, private recreational facilities, convenience stores, vehicle sales and equipment operations, lumber yards.
	Permitted Accessory Uses
	Any accessory uses common to a principal permitted use in this district.
	Special Exception Uses
	Churches and places of worship, public and semi-public uses.
Conditional Uses	
Restaurants, carry-out and drive-through or drive-in restaurants, nursing homes, shopping centers, light manufacturing, car washes, mechanical and body repair, hotels and motels, day care centers.	

C-3 Commercial	Permitted Principal Uses
	All C-2 permitted uses, except no automobile service stations, no vehicle sales and equipment operations, and no lumber yards.
	Permitted Accessory Uses
	Any accessory uses common to a principal permitted use in this district.
	Special Exception Uses
	Churches and places of worship, public and semi-public uses.
	Conditional Uses
	Same as C-2 except no restaurants with drive-through and drive-in service, no car washes, no mechanical and body repair, indoor amusement arcade.
Expressly Prohibited Uses	
Check cashing establishments, fortune telling establishments, pawn shops, tattoo and body piercing establishments, outdoor vending machines.	

WOC Water Oriented Commercial	Permitted Principal Uses
	Specialty-cultural shopping facility, artisan studios, restaurant without drive-through or drive-in service, private recreational facilities, parks and playgrounds, Borough uses, visitors center.
	Permitted Accessory Uses
	Any accessory uses common to a principal permitted use in this district.
	Special Exception Uses
	Public and semi-public uses.
	Conditional Uses
	Bed and breakfasts, amphitheater.
Expressly Prohibited Uses	
Indoor amusement arcades, check cashing establishments, fortune telling establishments, pawn shops, tattoo and body piercing establishments, outdoor vending machines.	

I-1 Light Industrial	Permitted Principal Uses
	Forestry, parking lots, parking structures, Borough uses.
	Permitted Accessory Uses
	Any accessory uses and buildings common to a principal permitted use in this district.
	Special Exception Uses
	None.
Conditional Uses	
Research, engineering or testing laboratories, administration offices, pharmaceutical production, optical instrument production, textile manufacture, self-storage facilities, warehouses, distribution centers and terminals, other light manufacturing uses, bulk fuel storage and supply facilities, day care, churches and places of worship, public and semi-public uses, shops of skilled tradesmen, printing and publishing, flea market, recycling collection center, communications towers and antennas.	

C. Schedule of District Regulations - Developmental Standards

Zoning District	Minimum Lot Size	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side/Rear Setback	Maximum Building Height	Maximum Lot Coverage
A-1 Agricultural	2 Acres	200 feet	40 feet	25 feet	50 feet	15%
R-1 Low-Density Residential	1 Acre	150 feet	40 feet	25 feet	35 feet *see Section 210-11	15%
R-2 Medium-Density Residential	10,000 square feet, except 20,000 square feet per dwelling unit for a two family dwelling	60 feet	25 feet	15 feet	35 feet *see Section 210-11	30%
R-H Historic Residential	10,000 square feet	60 feet	25 feet	15 feet	35 feet *see Section 210-11	30%
R-3 Moderate Density Residential	7,500 square feet	60 feet	20 feet	10 feet	35 feet *see Section 210-11	35%
R-4 High-Density Residential	5,000 square feet	50 feet	20 feet	10 feet	35 feet *see Section 210-11	40%
R-5 Residential/ Professional	7,500 square feet	60 feet	20 feet	10 feet	35 feet *see Section 210-11	35%
R-6 Residential/ Institutional	10,000 square feet	75 feet	25 feet	15 feet	35 feet *see Section 210-11	30%
RMU River Mixed Use	7,500 square feet	60 feet	20 feet	10 feet	35 feet *see Section 210-11	35%
CC-1 Central Commercial	7,500 square feet	50 feet	*	10 feet	50 feet	80%
CC-2 Central Commercial 2	7,500 square feet	50 feet	*	10 feet	50 feet	80%
G-C Gateway Commercial	7,500 square feet	50 feet	*	10 feet	50 feet	80%

Zoning District	Minimum Lot Size	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side/Rear Setback	Maximum Building Height	Maximum Lot Coverage
P-C Professional Commercial	7,500 square feet	75 feet	20 feet	20 feet	50 feet	50%
C-2 Highway Commercial	7,500 square feet	75 feet	20 feet	20 feet	50 feet	50%
C-3 Commercial	7,500 square feet	75 feet	20 feet	20 feet	50 feet	50%
WOC Water-Oriented Commercial	7,500 square feet	75 feet	20 feet	20 feet	50 feet	50%
I-1 Light Industrial	15,000 square feet	100 feet	20 feet	20 feet	50 feet	50%

*New buildings or additions or modifications to buildings shall be located in line with existing traditional buildings on the block. Where there is variation in the setbacks of traditional buildings on a block, the setback shall be within four (4) feet of the average setback of existing traditional buildings on the block. Where there are no traditional buildings on a block, the minimum building setback shall be zero (0) feet and the maximum building setback shall be twenty (20) feet.

ARTICLE IV - SUPPLEMENTARY REGULATIONS

§210-11 Height Exceptions

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes, chimneys, ventilators, elevator shafts, skylights, water tanks, towers, bulkheads, silos, and other similar farm buildings or mechanical appurtenances usually carried above the roof level.

§210-12 Home Occupations

Home occupations, where permitted, shall be clearly incidental or secondary to the use of the property as a residence and not change the character of or have an exterior effect on the dwelling, and shall not create noise, vibration, glare, odors, fumes or electrical interference beyond the property lines. Motor vehicle or small engine repair and maintenance shops shall not be considered home occupations. Home occupations shall be limited to the employment, on premises, of not more than one (1) person, other than immediate family members, at any one time. An additional off-street parking space shall be provided for each employee. Home occupations shall not occupy more than thirty (30) percent of the total floor area of the dwelling unit, including basement and accessory buildings.

§210-13 Accessory Structures

No detached accessory building or structure, excepting signs, shall be erected in any required front yard or closer than five (5) feet to any property line. Accessory structures in residential districts shall not exceed twenty (20) feet in height. An exception shall be provided for fences, which may be located on the property line and may be attached to the primary structure but shall not exceed a height of eight (8) feet, and shall comply with clear sight triangle requirements. Swimming pools shall comply with the requirements of the Uniform Construction Code.

§210-14 Mobile Homes and Campgrounds

A. Mobile Home Parks

Mobile home parks shall comply fully with the applicable requirements of the "Honesdale Borough Subdivision and Land Development Ordinance" prior to the issuance of any building or zoning permits relating to the same.

Any mobile home brought into a mobile home park after the effective date of this Ordinance shall be no older than 15 years old.

All mobile homes shall be kept in clean, safe, secure and sanitary condition and good condition and repair.

B. Individual Mobile Homes

Any mobile home parked or placed outside a duly permitted mobile home park shall have an adequate supply of pure water for drinking and domestic purposes and a

sewage disposal system meeting Borough Ordinances. Such individually sited mobile homes shall only be permitted in the R-4 District.

Skirting consisting of shrubbery or other suitable material shall be installed along the perimeter of each mobile home permitted under this Section, which screening shall extend from the ground to the bottom of the mobile home.

C. Campgrounds

Campgrounds shall be considered recreational land developments and shall comply fully with the applicable requirements of the “Honesdale Borough Subdivision and Land Development Ordinance” prior to issuance of any building or zoning permits relating to the same.

§210-15 Conservation Design Residential Development - Developer’s Option

Conservation Design Development is considered a conditional use and may be used at the developer’s option in A-1, R-1, R-2 and R-4 Districts, and in addition to all the applicable standards of this Zoning Ordinance, the requirements of this §210-15 shall apply.

§210-15.1 Purposes and Development Options

A. Purposes - In conformance with the Pennsylvania Municipalities Planning Code the purposes of this section, among others, are as follows:

1. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands.
2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
4. To provide for a diversity of lot sizes and housing choices at the underlying zoning district density to accommodate a variety of age and income groups, and residential preferences, so that the community’s population diversity may be maintained.
5. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the *Borough Comprehensive Plan*.
6. To implement adopted land use, transportation, and community policies, as identified in the Borough’s Comprehensive Plan.

7. To protect productive agricultural and forest land for continued use by conserving blocks of land large enough to allow for efficient management operations.
 8. To enable the creation of residential communities with direct visual access to open land and amenities in the form of open space.
 9. To provide for the conservation and maintenance of open land to achieve the above-mentioned goals and for active or passive recreational use by residents.
 10. To provide multiple options for landowners in order to minimize impacts on environmental resources and sensitive lands such as streams, water bodies, wetlands, flood plain, and steep slopes, and minimize the disturbance of natural or cultural features such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls.
 11. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.
 12. To conserve scenic views and elements of the landscape, and to minimize perceived density, by minimizing views of new development from public roads.
- B. Development Options; Conditional Use - In order to achieve these purposes, this §210-15 provides the flexibility in designing new residential subdivisions by allowing, as a conditional use, two forms of development referred to as *options*, as summarized below:
1. Option One - *Basic Density and Basic Conservation* providing for residential dwellings at the density permitted by the Density Standards Table in §210-15.4,A,1, with not less than forty (40) percent of the tract comprised of conservation open space.
 2. Option Two - *Increased Density with Increased Conservation* providing residential lots/units at the density permitted by the Density Standards Table in §210-15.4,A,1 with not less than fifty (50) percent of the tract comprised of conservation open space.
- C. Densities and Required Open Space Percentages - See §210-15.4.

§210-15.2 General Regulations

The design of all new developments in the Conservation Design Overlay District shall be governed by the following minimum standards:

- A. Ownership - The tract of land shall be controlled by the applicant and shall be developed as a single entity.
- B. Intersections and Access - The number of driveways entering onto existing public streets shall be minimized. Instead, the development shall make maximum use of driveways entering onto an internal local street. Intersections and access shall be governed by the Borough Subdivision and Land Development Ordinance.
- C. Primary Conservation Areas - The design shall strictly minimize the disturbance of the following primary conservation areas which are environmentally sensitive. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Subdivision Plan and the Final Subdivision Plan.
 - 1. Wetlands
 - 2. Floodway
 - 3. Floodplain
 - 4. Slopes in excess of twenty-five (25) percent

§210-15.3 Minimum Parcel Size and Use Regulations

In all zoning districts where permitted, tracts of five (5) acres or more may be developed in accord with this §210-15 at the developer’s option. The following uses shall be permitted in Conservation Design Developments:

- A. Single-Family Detached Dwellings - Single-family detached dwellings
- B. Two-Family Dwelling Units or Multi-Family Dwellings - Two-Family dwelling units, townhouses, or owner-occupied condominium garden apartments at the same density as single-family dwellings unless the units are otherwise permitted in the District where proposed, in which case the normal standards, including, but not limited to, density requirements, shall apply.
- C. Conservation Open Space - Conservation open space comprising a portion of the development, as specified above and according to requirements of §210-15.5.
- D. Retail and Personal and Household Service Establishments - In developments of two hundred (200) or more dwelling units, retail and personal and household service establishments, as defined by this Ordinance, may be permitted as a conditional use. Such uses shall be an integral part of the design of the development and shall primarily serve the residents of the development. The development standards for the C-1 District shall apply.
- E. Other Nonresidential Uses - The following other non-residential uses:

1. Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops.
2. Wood lots, arboreta, and other similar silvicultural uses.
3. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.

F. Accessory Uses - Accessory uses shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use.

§210-15.4 Option 1 and Option 2 Density Determination and Dimensional Standards

A. Density Standards and Minimum Required Conservation Open Space

1. Density Factor - The density factor for Option 1 and Option 2 Developments shall be one (1) dwelling unit per the required area for the Zoning District density factor as shown in the Density Standards Table unless modified below. The number of permitted dwelling units is determined by dividing the adjusted tract acreage by the applicable density factor. In Option 1, the density factor is the same as that of a standard subdivision. In Option 2, the density factor has been reduced by ten (10) percent from that of Option 1. The reduced density factor, when divided into the adjusted tract acreage, yields a bonus number of units.

DENSITY STANDARDS TABLE		
	Density Factor - required area per dwelling unit	
Zoning District	OPTION 1 40% Open Space (based on standard minimum lot size)	OPTION 2 50% Open Space (based on 10% less than standard minimum lot size)
Density Requirements for Single-Family and Two-Family Dwellings		
A1	87,120 square feet	78,400 square feet
R-1	43,560 square feet	39,200 square feet
R-2 and R-4	10,000 square feet	9,000 square feet

DENSITY STANDARDS TABLE		
	Density Factor - required area per dwelling unit	
Zoning District	OPTION 1 40% Open Space (based on standard minimum lot size)	OPTION 2 50% Open Space (based on 10% less than standard minimum lot size)
Density Requirements for Townhouses and Owner-Occupied Condominiums and Owner-Occupied Garden Apartments		
A1	87,120 square feet	78,400 square feet
R-1	43,560 square feet	39,200 square feet
R-2	10,000 square feet	9,000 square feet
R-4	§210-18 shall apply	
In cases where the calculation yields a fractional number of units, the number shall be rounded up to the next higher whole number when the fraction is 0.5 or more, and to the next lower whole number if the fraction is less than 0.5.		

2. Minimum Required Conservation Open Space
- a. Option 1 developments shall include at least forty (40) percent of the adjusted tract acreage plus all of the constrained land calculated in §210-15.4,C, as conservation open space.
 - b. Option 2 developments shall include at least fifty (50) percent of the adjusted tract acreage plus all of the constrained land calculated in §210-15.4,C, as conservation open space.
- B. Dimensional Standards - The standards in the Dimensional Standards Table shall apply.

DIMENSIONAL STANDARDS TABLE		
Dimensional Standard	Single-Family Detached And Two-Family Dwellings	Townhouses and Owner-Occupied Condominiums and Owner-Occupied Garden Apartments
Minimum Individual Lot Area	5,000 square feet	none
Minimum Lot Width at Building Line	60 feet	None except for individual townhouse lots in which case 18 feet
Minimum Street Frontage	20 feet	None except for individual townhouse lots in which case 18 feet
Setback Regulations - the principal building position and orientation should be varied.		
- Minimum front yard setback	20 feet	20 feet if individual lots are provided; 70 feet between fronts of buildings
- Minimum rear yard setback	30 feet. 20 feet where the rear yard adjoins conservation open space	35 feet between principal buildings
- Minimum side yard setback	- 30 feet separation of principal buildings - No side yard less than 5 ft.	35 feet between principal buildings
- Adjoining single-family lot in the conservation development	Not applicable	75 feet
Maximum Lot Coverage	40 percent per individual lot	None
Maximum Building Height	35 feet	35 feet
External Setback Regulations		
- external road rights-of-way	75 feet	150 feet
- other tract boundaries	50 feet	100 feet
- crop land or pasture	100 feet	100 feet
- buildings or barnyards with livestock	300 feet	300 feet

- C. Adjusted Tract Acreage - Determination of the maximum number of permitted dwelling units on the development tract shall be based upon the adjusted tract acreage of the site. The adjusted tract acreage shall be determined by multiplying the acreage classified as being in the categories of constrained land by the numerical *constraint factor* for that category of constrained land, summing all factored constrained land areas, and then deducting the total from the gross tract area. The following areas of constrained land shall be deducted from the gross (total) tract area:

Multiply the area of:	by this Constraint Factor:
Rights-of-way of existing public streets or highways, existing or proposed overhead rights-of-way of utility lines, and any other rights-of-way	1.00
land under existing private streets	1.00
designated wetlands as determined by a delineation	0.95
floodway (if not mapped by FEMA assume 50 feet each side of top-of-bank of stream)	1.00
100-year floodplain (if not mapped by FEMA area is included in floodway above)	0.50
natural ground slopes exceeding 25 percent	0.80
ponds, lakes and streams	1.00

Note: If a portion of the tract is underlain by more than one constrained area, that acreage shall be subject to the most restrictive deduction only.

§210-15.5 Design Standards

- A. Dwelling Lots - Dwelling lots shall not encroach upon Primary Conservation Areas and the layout shall respect Secondary Conservation Areas as identified in the conditional use process.
- B. Exterior Views - Views of dwellings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of this Ordinance and the Borough Subdivision and Land Development Ordinance.

§210-15.6 Conservation Open Space Use and Design Standards

Protected conservation open space in all Conservation Design Developments shall meet the following standards:

- A. Uses Permitted on Conservation Open Space - The following uses are permitted in conservation open space areas:
1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).

2. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, excluding buildings. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
 3. Pasture land for horses used solely for recreational purposes, excluding buildings.
 4. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
 5. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Borough.
 6. Active non-commercial recreation areas, such as pervious playing fields, and playgrounds, provided such areas do not consume more than half of the minimum required conservation open space or five acres, whichever is less.
 7. Water supply and sewage disposal systems, and storm water detention areas designed, landscaped, and available for use as an integral part of the conservation open space. However, water treatment plants and storage tanks, central sewage treatment plants and lagoons, and a 50-foot buffer around such facilities shall not be included within the minimum conservation open space requirement.
 8. Easements for drainage, access, sewer or water lines, or other public purposes.
 9. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required conservation open space.
- B. Layout - The conservation open space shall be in the largest blocks possible and shall be laid out to ensure that an interconnected network of open space will be provided.
- C. Ownership - The conservation open space may be owned and maintained in accord with §210-15.7 and the Borough Subdivision and Land Development Ordinance.
- D. Use by Development Residents - In no case shall the amount of land available for the common use and enjoyment of the subdivision residents be less than thirty (30) percent of the total conservation open space. Not less than fifteen (15) percent of the conservation open space shall be free of wetlands, floodway, and slopes in excess of

twenty-five (25) percent; and, this minimum percentage shall be included in the conservation open space set aside for the common use and enjoyment of the subdivision residents.

- E. Access - Pedestrian and maintenance access shall be provided to conservation open space reserved for subdivision residents so that each group of fifteen (15) dwelling units is provided with at least one (1) centrally located access point a minimum of thirty-five (35) feet in width per fifteen (15) lots.
- F. Permanent Conservation Open Space - The required conservation open space shall be subject to permanent conservation easements prohibiting future development, prohibiting its use to meet open space requirements for any other development, and defining the range of permitted activities.
- G. Subdivision and Land Development Ordinance Open Space Requirement - The conservation open space provided under this §210-15 shall satisfy the requirement for common open space in §183-23 of the Borough Subdivision and Land Development Ordinance.

§210-15.7 Ownership and Maintenance of Conservation Open Space, Open Land, Recreation Land, and Common Facilities

This section shall apply to any development which involves the ownership and maintenance of conservation open space, open land, recreation land, and common facilities (referred to as “common area” in this Section) as required by this Ordinance and the Subdivision and Land Development Ordinance.

§210-15.7.1 Purpose

The requirements of this §210-15.7 are intended to assure in perpetuity the ownership, use and maintenance of common areas. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the common area.

§210-15.7.2 Plan and Legal Documents

The developer shall submit a plan and proposed legal documents for the purpose of dedicating, in perpetuity, the use, ownership and maintenance of the approved common area. The plan shall be approved by the Borough with the advice of the Borough Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the Borough, deed covenants and restrictions, or other legal document which will affect the plan and which can be enforced by the Borough.

§210-15.7.3 Use Restriction

The use of any common area shall be limited to those uses which are specifically permitted or required by the applicable sections of this Ordinance and the Subdivision and Land Development Ordinance.

§210-15.7.4 Development Plan Designations

The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common areas and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common areas shall be noted on the plan. The plan shall also contain the following statement: Open land, recreation land, and common facilities shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.

§210-15.7.5 Methods for Use Dedication and Common Area Ownership and Maintenance

The use of common areas and common area ownership and maintenance shall be addressed by one or a combination of the methods which follow. In any case, the developer shall document to the satisfaction of the Borough that the chosen method(s) will preserve the common area use rights established in accord with this Section and provide for the perpetual ownership and maintenance of all open land, recreation land, and common facilities. All methods shall establish a mechanism for the Borough to effect the use dedication and require operation and maintenance of common areas, if the means established by the developer fail to provide the same.

All methods for use dedication and common area ownership and maintenance, any combination of methods, and any change in method which may be proposed by the ownership and maintenance entity, shall be subject to the approval of the Borough. Operation and maintenance provisions shall include, but not be limited to, capital budgeting for repair and/or replacement of common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.

- A. Property Owners Association or Condominium Agreements - All common areas may be owned and maintained by a property owners association (POA) or condominium agreements (CA), including all lot owners in the development provided that:
1. The POA/CA is established by the developer as a nonprofit corporation for the express purpose of ownership and maintenance of the common area, or as otherwise may be required by state statute.
 2. Participation in the POA/CA is mandatory for all lot owners.
 3. Provision is made for the maintenance of common areas during the lot sale period and the orderly transition of responsibility from the developer to the POA.

4. The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common area responsibilities.
- B. Transfer to a Private Conservation Organization - In the case of open land and recreation land, the landowner may transfer fee simple title to the said areas, or parts thereof, to a private, nonprofit organization among whose purposes is the conservation of open land and/or natural resources provided that:
1. The deed contains the necessary covenants and restrictions in favor of the Borough to effect the use dedication and common area ownership and maintenance standards of this Section and this Zoning Ordinance.
 2. The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Borough.
 3. The conveyance of title contains the necessary provisions for proper retransfer or reversion if the organization is unable to continue to execute the provisions of title.
 4. A maintenance agreement between the developer, the organization and the Borough is executed to the satisfaction of the Borough and its Solicitor.
- C. Deed Restricted Private Ownership - On privately held lands used for agriculture, forestry enterprises and other uses permitted on open land in accord with this Ordinance, deed restrictions may be used to preserve open land provided such restrictions include a conservation easement in favor of the Borough, with provisions for reversion to the Borough, POA or trustee holding the remainder of the common area. Title to such restricted lands may be transferred to other parties for use as restricted by the deed.
- D. Deed or Deeds of Trust - The landowner may provide, as approved by the Borough, for the use, ownership and maintenance of common area by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.
- E. Conservation Easements Held by the Borough - In the case of open lands and recreation lands, the Borough may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominium, while the development rights are held by the Borough. The lands may be used for agriculture, forestry enterprises and other uses permitted on open land in accord with this Ordinance; and, title to such lands may be transferred to other parties for use as restricted by the conservation easement.
- F. Fee Simple and/or Easement Dedication to the Borough - In the case of open lands or recreation lands, the Borough may, but shall not be required to, accept in fee, the title

to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance provided that:

1. There is no consideration paid by the Borough.
2. Such land is freely accessible to the public.
3. The Borough agrees to and has access to maintain such lands.

§210-15.7.6 Failure to Preserve Dedication of Use and Operation and Maintenance of Common Area

If the method established for the dedication of use and operation and maintenance of common areas fails to do so in reasonable order and condition in accord with the approved development plan, the Borough shall have the right and authority to take all necessary legal action to effect such use dedication, operation and maintenance. The action of the Borough shall be in accord with the following:

- A. Notice - The Borough shall serve written notice on the assigned entity or the property owners in the development setting forth the details of the failure of the entity with regard to use dedication and operation and maintenance of common areas.
- B. Correction of Deficiencies - The notice shall include a demand that the deficiencies be corrected in a reasonable period of time which shall be stated in the notice.
- C. Public Hearing - A public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of “public notice” contained in the Pennsylvania Municipalities Planning Code. At such hearing, the Borough may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.
- D. Failure to Correct - In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time period, the Borough may enter upon the common area and maintain the same and/or correct the deficiencies. The Borough shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any common areas, nor vest in the public the right to use any common area.
- E. Reinstatement of Responsibility - The responsibility of operation and maintenance shall not be reinstated to the assigned entity until such time as the entity has demonstrated to the Borough that the proper steps have been effected to modify the terms of use dedication, operation and maintenance; and/or to reorganize or replace the responsible entity so that use dedication and operation and maintenance established by the approved development plan will be assured.

- F. Appeal - Any party to the action of the Borough may appeal such action to court as provided for such appeals in the Pennsylvania Municipalities Planning Code.

Public Costs - The costs of the preservation of use dedication and the cost of maintenance and operation of any open land conducted by the Borough in accord with this Section, including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the common areas. The assessment shall be made a lien on the properties, and the Borough Council shall, at the time of the notice specified above, file the required notice of lien against the properties.

§210-16 Special Lot Provisions

- A. All yards abutting a street line or corner lots shall meet district requirements for front yards.
- B. A clear-sight triangle of not less than 75 feet in either direction from the intersection shall be maintained on all corner lots. If this requirement conflicts with requirements in the CC-1, CC-2 or GC Districts to be consistent with the traditional setback patterns, Borough Council may grant relief from this requirement if it finds that adequate traffic control measures are in place at the intersection in question.

§210-17 Commercial and Manufacturing Performance Standards

Wherever a commercial or manufacturing or other non-residential use is proposed as either a conditional use or a special exception, the following performance standards shall apply and be an additional basis for review of the conditional use or special exception application:

- A. Yards and Buffers
Where a commercial or manufacturing use is contiguous to an existing residential use in a R-1, R-2, R-H, R-3, R-4, R-5, R-6 or RMU District, the minimum side and rear yards shall be increased to thirty (30) feet and a buffer area shall be maintained.
- B. Fire and Explosion Hazards
All activities involving, and all manufacturing, production or storage of, flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer. Minimum front, side and rear yards shall be increased to 150 feet. Gasoline service stations shall be exempt from these increased yard requirements, provided that the applicant can provide documentation that compliance is being made with Commonwealth of Pennsylvania regulations regarding the storage and dispersing of gasoline in underground storage tanks and equipment.

- C. Radioactivity or Electric Disturbance
No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance. All applicable Federal regulations shall apply.
- D. Noise
The outdoor day/night average sound level (DNL) in decibels at the property line shall not exceed sixty-five (65) decibels. The Zoning Officer in the investigation of a violation shall initially estimate DNL using the "Walk-Away Test" as described in the U.S. Department of Housing and Urban Development's 1979 Noise Assessment Guidelines. Should the test indicate a DNL exceeding 65 decibels the Officer shall notify the owner and any aggrieved party of his findings and the potential violation. He shall also recommend appropriate abatement measures. Should a subsequent investigation still indicate a problem, the Officer shall determine such average sound level by taking not less than three (3) measurements with a decibel meter, all of which shall occur within 72 hours but no less than 15 minutes apart.
- E. Vibration
No vibration shall be permitted which is detectable without instruments at the property line.
- F. Glare and Heat
No direct or sky-reflected glare or heat whether from floodlights or from high temperature processes such as combustion or welding or otherwise, shall be visible or detectable at the property line. This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance.
- G. Smoke
No emission shall be permitted from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954.
- H. Other Forms of Air Pollution
No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.
- I. Surface and Ground Water Contamination
All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. Details of the potential hazards (including the ground water characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer.

The Zoning Officer shall ensure these standards are met prior to issuing a Certificate of Use for the use and may require the applicant(s) to provide documentation from a Professional Engineer (PE) as to the same.

§210-18 Multi-Family Dwellings

A. Procedure

Multi-family dwelling projects shall be conditional uses subject to the provisions of this Ordinance and shall also be considered major subdivisions and land developments subject to the jurisdiction of the Honesdale Borough Subdivision and Land Development Ordinance. The “major subdivision” classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and approvals required shall be requested and acted upon concurrently as one subdivision. Application for preliminary approval of multi-family dwelling projects, accordingly, will be made to Honesdale Borough in the manner provided under the Honesdale Borough Subdivision and Land Development Ordinance. The developer shall also submit all information required by said Ordinance plus the following additional information:

1. An application for multi-family dwelling conditional use approval on a form to be supplied by the Borough or, in the absence of such form, by a letter or brief from the developer or the developer’s representative indicating how the development will specifically comply with or meet the conditional use criteria contained in Section 210-65 of this Ordinance.
2. A proposed lot plan showing the approximate (generally within five feet) location of all buildings and improvements including parking areas, planting strips (if any), signs, storm drainage facilities, water supply and distribution system, sewage treatment and collection systems and the specific areas provided as open space in connection with the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas (apart from the open space referenced below), lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in Honesdale Borough. Setbacks from property lines, improvements and other buildings shall also be indicated.
3. A schedule or plan, and proposed agreement(s) either with the Borough or a property owners’ association for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the recreation area and open space required by this Ordinance to the prospective dwelling owners or occupants. Such agreement may be incorporated in the applicant’s proposed covenants and restrictions, but shall, in any event, provide to the satisfaction of the Borough

that maintenance and use of the property, regardless of ownership, be restricted to either:

- a. Activities intended for the sole benefit of the occupants of the particular project proposed, or
- b. Permanent open space as hereinafter provided.

The application package shall be processed on a schedule identical with requirements for review and approval of other Preliminary Plans under the Subdivision and Land Development Ordinance, including providing the Wayne County Planning Commission with an opportunity to review copies of the entire package. The Borough Planning Commission, before recommending action to Borough Council, may also hold a public hearing pursuant to the Pennsylvania Municipalities Planning Code. The Honesdale Borough Planning Commission shall then report its findings together with a recommendation indicating whether the conditional use criteria contained in Section 210-65 will be met.

Borough Council shall act on the Preliminary Plan, conditional use, and "Planning Module for Land Development" concurrently, making the Preliminary Plan approval, if one shall be given, subject to approval by the Pennsylvania Department of Environmental Protection (DEP). No building permit shall be issued to the applicant, however, until all conditions attached to the approval of any Preliminary Plan, including DEP approval of the "Planning Module", shall have been satisfied and nothing herein shall be construed as permitting the issuance of a building permit prior to Preliminary approval. This requirement notwithstanding, the conditional use building permit application shall be made with the Preliminary Plan and shall, if granted, be valid for a period equal to that for Preliminary Plan approval. If the Preliminary Plan shall be rejected no conditional use building or zoning permit shall be granted.

Following Preliminary Plan approval, the developer shall provide for the installation of required or proposed improvements including, but not limited to, streets, parking areas, storm drainage facilities, recreational facilities and lighting. Building improvements shall similarly be completed or guaranteed prior to the applicant's request for Final Approval. No Certificate of Use shall, however, be issued until such time as:

1. Final Plan approval shall have been granted in accordance with the procedures and informational requirements of the Subdivision and Land Development Ordinance, and
2. Buildings have been completed and inspected by the Zoning Officer.

Complete final building plans shall also be submitted as part of the Final Plan application.

No person shall sell, transfer, lease or agree or enter into an agreement to sell or lease any land and/or building or interests in the individual dwelling units to be created, or erect any building thereon except in accord with the provisions of this Section, unless final approval has been granted and the Plan has been recorded in the Office of the Wayne County Recorder of Deeds.

B. Location

No multi-family development shall be permitted within one hundred (100) feet of any R-1 District or existing residential structure, unless there shall be a one hundred (100) foot setback of all buildings and improvements from the property lines of any adjacent parcels and 75 feet from any public right-of-way.

C. Density

Multi-family dwelling projects shall be granted a one hundred percent (100%) density bonus, above the number of dwelling units per acre which would be permitted within the district if the parcel on which the units are to be constructed were to be developed for single-family residential, deducting the following acreage and dividing by the number of proposed units:

1. Land contained within public rights-of-way
2. Land contained within the rights-of-way of existing or proposed private streets [where formal rights-of-way are not involved the width of the street shall be assumed as fifty (50) feet wide]; and
3. Land contained with the boundaries of easements previously granted to public utility corporations.

D. Open Space

All areas of a multi-family development not conveyed to individual owners, and not occupied by buildings and required or proposed improvements, shall remain as permanent open space or be dedicated to recreation area to be used for the sole benefit and enjoyment of the residents of the particular units being proposed. Such open space shall be part of the same parcel, contiguous, and shall be subject to the following regulations:

1. Recreation areas shall be immediately adjacent to the proposed units and freely and safely accessible to all residents of the development and shall not be used to fulfill open space requirements or provide recreational areas for residents of other units, excepting those provided for in sub-section 2. below. No less than 50% of the open space to be provided shall be dedicated to recreational area for the sole benefit and enjoyment of the residents of the particular units proposed.

2. Land designated simply as open space shall be maintained as open space and may not be separately sold, used to meet open space or recreation area requirements for other developments, subdivided or developed, excepting that a holding zone may be reserved for future development pursuant to density and other zoning requirements as they presently exist, provided such lands are specifically defined and indicated as “reserved for future development” on all plats. Such lands shall not be included in calculating permitted density for the proposed development. These provisions, however, shall not be construed as granting or reserving to the developer any rights or privileges to develop on the basis of a “pre-approved plan” if density or other zoning requirements shall have been modified to preclude such development.
3. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Such areas may be owned, preserved and maintained by either one or both of the following mechanisms:
 - a. Dedication to a property owners association which assumes full responsibility for maintenance of the open space.
 - b. Deed-restricted private ownership which shall prevent development of the open space, provide for its maintenance and protect the rights of owners or occupants of dwelling units to use and enjoy, in perpetuity, such portion of the open space as shall have been dedicated to recreation area for the project. This is intended to allow the owner/developer to retain ownership and use of a portion of the property (for hunting, fishing, etc.) provided the permanence of the open space is guaranteed.

Whichever mechanism(s) may be used, the developer shall provide, to the satisfaction of the Borough and prior to the granting of any Final Plan approval, for the perpetual maintenance of the open space and also the use and enjoyment of the recreation area by residents of the units being approved. No lots shall be sold nor shall any building be occupied until and unless such arrangements or agreements have been finalized and recorded.

4. At least fifty (50) percent of the designated recreation area shall be usable for active recreation activities and shall not include swamps, quarries, slopes over 24% in grade, or acreage used for improvements. Storm drainage facilities and sewage effluent disposal areas are considered improvements.
5. Developments of 50 units or more shall also provide one-half acre of parks and playgrounds per 50 units.

E. Design Criteria

The following design criteria shall apply to multi-family developments:

1. There shall be no more than ten (10) dwellings in each multi-family building.
2. No structure shall be constructed within fifty (50) feet of the edge of any access road to or through the development or within ten (10) feet of the edge of any parking area.
3. Access roads through the development shall comply with minor street requirements as specified in the Subdivision and Land Development Ordinance, and no parking space shall be designed such that a vehicle would be backing or driving out onto a through road. Instead, there shall be a defined entrance and exit to and from each parking area.
4. Parking shall comply with the parking provisions of this Ordinance excepting that, in addition to the 2.0 spaces per unit, there shall be specifically provided, for every two (2) units intended for rental or other transient occupancy, one (1) additional space to accommodate parking needs during sales and other peak visitation periods.
5. No more than sixty (60) parking spaces shall be provided in one lot, nor more than fifteen (15) in a continuous row, without being interrupted by landscaping. All off-street parking shall be adequately lighted and so arranged as to direct light away from residences.
6. No structure shall be erected within a distance equal to its own height of any other structure.
7. All multi-family structures in R-3 and R-4 Districts shall be a minimum of one hundred (100) feet from any of the exterior property or boundary lines of the particular project involved and seventy-five (75) feet from any public right-of-way.
8. Where a property line is not wooded, a planting strip of fifty (50) feet (25 feet in R-5, R-6 and RMU Districts) in width shall be required to buffer adjoining property owners and ensure privacy. A landscaping plan shall be prepared by the developer and approved by the Borough.
9. Multi-family developments shall be subject to the storm water management requirements of the Subdivision and Land Development Ordinance and the Honesdale Borough Storm Water Management Ordinance.

F. Non-Residential Use

Except in the case of the Gateway Commercial District where multi-family units are constructed above non-residential uses, non-residential uses shall not be permitted in a multi-family development. This, however, shall not preclude such ancillary facilities as laundry areas, service buildings, recreational facilities and the like. Except in the case of the Gateway Commercial District, where a developer proposes to construct multi-family units on property on which there are existing or proposed non-residential uses (other than ancillary facilities and open space uses) there shall be a minimum setback of the multi-family structures from such uses of two hundred (200) feet, and the parcels shall be clearly segregated.

G. Conversions of Existing Structures

Conversions of motels, hotels or other existing structures to multi-family dwelling use, regardless of whether such conversions involve structural alterations, shall be considered Land Developments, and moreover, be subject to the provisions of this Section 210-18 and subject to provisions of the Honesdale Borough Subdivision and Land Development Ordinance. If the proposed project involves structural alterations, the Preliminary Plan shall include a certification of a registered architect or engineer to the effect that the existing building is structurally sound and that the proposed conversion will not impair structural soundness.

§210-19 Off-Street Parking, Loading and Unloading Requirements

A. Intent

The regulations concerning parking are intended to insure that adequate, well-designed parking facilities are provided for all new, altered, or expanded buildings and uses. The general intent shall be to require off-street parking spaces, loading and unloading areas, driveway and accessways to (1) satisfy the minimum standards contained within this Section and (2) be designed to prevent overcrowding and congestion and impairment of traffic circulation and access.

B. Requirement for Off-Street Parking Facilities

Accessory off-street parking facilities, including access driveways and loading/unloading areas, shall be required in accordance with the provisions of this Section as a condition precedent to the occupancy of such building or use. Facilities shall be provided for the entire building or use as follows:

1. Whenever a structure is constructed or a new use established, or
2. Whenever the use of an existing structure is changed to a use requiring more parking facilities, or
3. Whenever an existing structure is altered or enlarged so as to increase the amount of parking spaces required under this Section.

4. In the event of a change of an existing use in an existing building, no additional off-street parking shall be required if the total floor space does not increase and if the new existing use does not require any more spaces under this Section than the use it replaces.
5. Off-street parking spaces are not required in the CC-1 District for use of an existing building when the Borough Council determines as a Conditional Use that such use will not result in a shortage of parking spaces accessible to that use in downtown Honesdale.
6. The Borough Council may modify the parking regulations for existing commercial and industrial buildings undergoing modification or expansion upon recommendation of the Borough Planning Commission after review of actual parking needs.

C. General Standards

1. Off-street parking areas shall have safe access to and from a street, alley, or access drive. In addition, appropriate driveways, aisles, and maneuvering space shall be provided as necessary to permit safe and convenient access to and use of the area provided for parking. Except as may be otherwise provided in this Ordinance, no portion of any street right-of-way shall be utilized for off-street parking.
2. Off-street parking spaces shall be designed to prevent maneuvering necessary to park a vehicle from intersecting any street, road right-of-way, alley or sidewalk. Parking spaces shall also be designed so that vehicles may have access to and from spaces without moving another vehicle.

Except in the case of parking areas for single and two family dwellings, the layout of any parking area shall be designed to allow vehicles to move forward when exiting onto a public street. No reverse exiting shall be permitted to Route 6 because of its high traffic volume.

3. Off-street parking spaces shall be on the same lot as the principal structure or use, or within 500 feet of the structure pursuant to Section 210-19.G. below.
4. All parking spaces shall be available to patrons, customers or visitors throughout the hours of operation of the structure or use for which the spaces are provided.
5. Parking spaces shall be improved and individually delineated. Additionally, special purpose spaces and areas such as “handicapped” parking, “visitor only” parking, “limited time” parking, and fire and police spaces shall be clearly labeled.

6. Parking spaces for a structure or use may not thereafter be reduced below the minimum requirements as long as the principal structure or use remains.
7. A parking space shall have minimum dimensions of 9 feet by 20 feet. When parking spaces are provided parallel to a driveway or aisle, the minimum dimension of the spaces shall be 10 feet by 22 feet.
8. The width of aisles in parking areas shall be no less than listed in the following table:

<u>Angle of Parking</u>	<u>Aisle Width</u>	
	<u>One Way</u>	<u>Two-Way</u>
90°	20'	24'
60°	18'	Not Permitted
45°	15'	Not Permitted
30°	12'	Not Permitted

9. In commercial and industrial districts, provisions for common parking facilities are encouraged in recognition of their increased flexibility and efficiency. When common parking facilities are approved, side and/or rear parking setback requirements may be eliminated by the Borough Council in order to establish unified and continuous parking areas; in such cases, access drives and sidewalks shall be so aligned as to maximize parking efficiency and minimize traffic congestion. Entrances and exits must have clear sight lines and good visibility so that, both going in and coming out, drivers can see and cars can be seen. The number of spaces provided shall not be less than the sum of the spaces required for each individual use, except in the case of shared parking pursuant to Section 210-19.F. below.
10. Maneuvering areas at least ten feet (10') in depth shall be provided to facilitate leaving the end spaces in parking areas.
11. Parking areas shall be designed with safe pedestrian access to destinations on the site.
12. Handicapped parking shall be provided in accordance with ADA requirements, shall be clearly identified, and shall be located as close to a handicapped accessible entrance as possible.
13. All parking areas, except those for single family and two family dwellings, loading areas, and access driveways shall have an asphaltic, bituminous, concrete, brick, or other surface approved by the Zoning Officer.

Parking areas for single family and two family dwellings shall have an all-weather surface and shall not be grass or otherwise landscaped areas. Parking shall occur in areas designated and constructed for parking, and landscaped yard areas shall not be used for parking.

14. Surface water shall not be permitted to discharge over the public sidewalks or roadways or onto other premises.
15. The grade of parking areas shall be at least one percent (1%) and not exceed six percent (6%).
16. Areas necessary to fulfill the off-street parking requirements of this ordinance shall be used solely for that purpose. They shall not be used for the sales, dead-storage, repair, dismantling, or servicing of vehicles.
17. Parking areas and access drives for uses shall be located a minimum of five feet (5') from a lot line, unless otherwise specified in this Ordinance, and the area between the parking area or access drive and the lot line or street right-of-way line shall be landscaped.

D. Parking Reserve Area

1. In order to prevent the establishment of a greater number of parking spaces than may actually be needed, the Borough Council may grant permission to reserve construction of a percentage of the total required number of parking spaces required by this Ordinance for future parking needs consideration.
2. The applicant shall provide documentation from a qualified professional transportation engineer supporting the request for a reduction in parking spaces.
3. In all cases where a percentage of the parking requirement will be held in reserve, the actual area needed to fulfill the parking space requirement shall be shown within the design on the land development plan. Reserve areas shall be restricted from development other than for parking purposes.
4. In no case shall the required number of parking spaces held in reserve be greater than twenty (20) percent of the total required number of parking spaces.
5. The parking reserve area shall not include areas for required buffer yards, setbacks, or yard areas, required common open space, or areas which would otherwise be unsuitable for parking spaces due to physical or environmental constraints of the area.

6. The Borough Council may require that additional parking spaces be constructed, in accordance with this Section, where the Borough Council determines that the spaces are necessary due to traffic congestion or parking overflow on the site.
7. In the event that the total number of parking spaces are not required by the Borough Council, land not used for parking areas shall remain as open space and shall be deed restricted if necessary.
8. Stormwater facilities shall be designed taking into account parking areas to be constructed initially and construction of reserve parking areas, unless otherwise recommended by the Borough Engineer.

E. Parking Lots in CC-1 District

Honesdale's development pattern of closely spaced buildings, often placed up against the street, give it the distinct neighborhood feel and identity it enjoys today. To retain that special feel, Honesdale needs to accommodate cars without demolishing buildings or otherwise destroying the character of its downtown.

1. Where it is physically possible, parking lots shall be located behind buildings, such that buildings separate parking areas from the street. In cases where this is not possible, parking may be located to the side of a building, but in no case shall the parking area be wider than 50% of the lot frontage, and in no case shall parking be located in front of a building. Parking shall not be placed to the side of a building adjacent to a street unless there is no other feasible alternative.
2. Parking garages shall be designed, to the greatest extent possible, to appear as if they are inhabited by humans, not cars. Like other buildings, their facades shall be compatible with traditional downtown Honesdale architecture. The first floor façade facing any street shall be used for retail or commercial uses. If in the judgment of the Zoning Officer this is not feasible, retail show windows to give the appearance of a traditional downtown shall be placed in the façade.
3. The access to parking lots shall be on a side street or at the rear of the property, no less than 40 feet from the corner, unless this is physically not possible.

F. Shared Parking Lots of Non-Residential Uses

1. Multiple buildings or uses may share parking lots to meet the required parking spaces of this Section, provided the lot is owned by one or more of the users.
2. Before a parking lot may serve multiple users, a formal written agreement shall be signed by all the parties containing a site plan and the number of spaces to be allocated to each user. A copy of this agreement shall be kept on file by the Zoning Officer, who may revoke the zoning permits of the users if the agreement is not maintained.

3. Parking spaces required for uses operated during evening hours or weekends, such as churches and theaters, may be made available to and shared with uses such as banks, offices, and some retail uses not normally in use, open or operating during evening hours (between 6:00 p.m. and 6:00 a.m. prevailing time). The Borough Council may also allow sharing of spaces between business uses if it can be demonstrated that the peak business hours for each use are substantially different. The Borough Council shall be satisfied that sufficient legal agreements are in place to assure the availability of parking in the future and that adequate parking will be available for all uses during all hours of the day. The applicant shall provide the necessary documentation to the Borough Council, which shall determine whether sharing may occur and to what extent it may occur.

G. Off-Premises Parking Lots

Parking lots as accessory uses to provide required parking spaces for non-residential uses may be located on a land parcel separate from but within 500 feet of the building or use it serves when the applicant can demonstrate to the satisfaction of the Borough Council that adequate off-street parking capacity is not feasible on the same lot as the building or use it serves.

When parking will be provided on another lot, the applicant shall demonstrate sufficient parking is available for all uses on both lots, an adequate pedestrian access is provided to the other lot, and sufficient legal arrangements have been made to assure the availability of those spaces.

H. Lighting of Parking Areas

All parking areas for more than 10 vehicles serving business uses and collective residential parking shall be adequately illuminated during the hours between sunset and sunrise when the use is in operation. Any lighting used to illuminate any off-street parking area, whether required or not, shall be so arranged or shielded to protect any adjacent residential premises from the glare of the illumination.

Fixtures shall be equipped with or be capable of being back fitted with light directing devices such as shields, visors or hoods when necessary to redirect offending light distribution. Lights shall be installed or aimed so that they do not project their output into the window of a neighboring residence, an adjacent use, directly skyward, or onto a roadway.

I. Approval of Parking and Loading Plans

Detailed, scaled drawings of off-street parking and loading areas (except for single and two-family dwellings) shall be submitted to the Zoning Officer for approval prior to their construction. The drawings shall show each space, dimensions of driveways, aisles and other features required under the provisions of this Section.

J. Landscaping of Parking Lots in C-2, C-3, I-1, WOC, and P-C Districts

1. Off-street parking lots containing more than four spaces for uses other than one and two family dwellings shall be landscaped.
2. Plant materials selected for landscaping in parking lots shall be of a species proven to be salt and dust resistant. Materials shall be planted and have root systems such that the root systems will not break up paved areas.
3. No one row of off-street parking spaces shall exceed 12 spaces and interior planting islands shall be at intervals not to exceed 12 spaces, unless alternative landscaping arrangements are approved by the Borough Council.
4. Interior planting islands shall be located at each end of a double loaded parking row.
5. Perimeter planting strips shall be provided around all parking areas. Such strips shall contain shade trees and shrubs. These strips shall be designed to accommodate snow storage.
6. There shall be a planting strip incorporated for every four (4) rows of parking spaces. Such planting strip shall run parallel to parking rows.
7. All parking areas shall have at least one tree of two-inch caliper minimum for every six parking spaces in single rows and one tree of two-inch caliper minimum for every 12 parking spaces in double-loaded rows of parking spaces. These trees shall be in addition to those required as buffer screening. Shrubs and other planting materials are encouraged to be used to complement the trees.
8. Surface treatment of planting islands and planting strips shall be grass, ground cover, low maintenance shrubs, or pervious materials such as stone screenings.
9. Landscaping shall be maintained to not interfere with required clear sight triangles and required sight distances.
10. In cases where it can be demonstrated that planting strips or islands are not feasible, planting diamonds, measuring 5 feet by 5 feet and placed in the center of four intersecting parking spaces, may be used.
11. All required plantings shall be maintained in good condition to present a healthy, neat and orderly appearance. Such plantings shall be kept free from refuse and debris. Plants damaged by insects, disease, vehicular traffic, acts of nature or vandalism shall be replaced by the next planting period.

K. Location of and Access to Parking Areas

1. Parking areas for nonresidential uses in C-2 Districts which are designed to contain more than four (4) vehicles shall be screened from the view of any lands zoned R-1 or R-2 which are adjacent to the land on which the nonresidential parking area is located.
2. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way consist of well-defined separate or common entrances and exits and shall comply with the following provisions:
 - a. Access drives shall not open upon any public right-of-way within eighty (80) feet of the nearest right-of-way line of any intersecting public street or highway or where the sight distance in either direction would be less than three hundred (300) feet.
 - b. There shall be no more than one entrance and one exit to any business or parking area on any one highway. Each entrance and exit shall be clearly defined with curbing, fencing or vegetative screening so as to prevent access to the area from other than the defined entrance and exits. In no case shall one entrance and exit be located within eighty (80) feet of any other on the same property or adjoining property along the same public right-of-way. Non-conforming lots, however, shall be exempt from this requirement.
 - c. Any subdivision of property within a R-4, CC-1, CC-2, C-3, I-1, G-C or P-C District shall provide no more than one common entrance and one common exit on any public right-of-way. Interior access drives shall be provided for movement of traffic to the public right-of-way.
 - d. All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least twenty (20) feet in depth.
 - e. Where a lot or multiple lots are created with frontage on more than one road, access shall only be permitted to the road with the lower functional classification according to the Comprehensive Plan, unless permission is given by the Borough to access the road of higher functional classification.
 - f. Where a development proposal creates lots with frontage along existing arterial roads, the proposed street pattern shall provide access to a road within the development, rather than access to the arterial road or utilize

existing access ways of adjacent properties through interconnection of interior drives, parking areas, or loading areas.

- g. The use of shared access points to an arterial road with adjacent non-residential uses shall be utilized to better facilitate the flow of traffic by increasing access coordination along road frontages and minimizing confusion caused by an excessive number of access points, unless permission is granted by the Borough to use individual access points.
- h. The applicant shall be held responsible for the construction of any necessary traffic control devices, signs and roadway safety improvements, including acceleration and deceleration lane(s) where required by the Borough or PennDOT.

L. Parking Requirements

- 1. When computing the number of required parking spaces, the Zoning Officer may exclude floor area of structures (e.g., storage, employee lounge, bathroom, etc.) which does not bear any relationship to the parking needs of the use.
- 2. Where parking requirements are determined by the number of seats and only temporary seats are provided, the number of parking spaces to be provided shall be based upon the capacity for temporary seats in normal usage unless otherwise required by the Borough Building Code. Twenty-four (24) lineal inches of benches, pews, or space for loose chairs or similar seating facilities shall equal one seat; spacing of rows shall be thirty inches (30") on center.
- 3. For industrial uses, the number of employees for which parking spaces are to be provided shall coincide with the number of employees provided for in permit applications.
- 4. The number of off-street parking spaces to be provided for each use shall be sufficient to accommodate all employee, visitor, and customer parking. One (1) parking space shall be provided per company vehicle to be parked on the premises. Minimum off-street parking requirements shall be as follows, unless otherwise established in this ordinance. Fractional number of spaces shall be increased to the next whole number.
 - (a) Residential Uses Two (2) parking spaces per dwelling unit.
 - (b) Restaurant, Tavern or Similar Use One (1) space for each three (3) seats plus one (1) space for each employee on the premises at any one time. For restaurants with no indoor seating,

		three (3) spaces for each employee on the largest shift.
(c)	Retail and Service Establishments	One (1) space for each two hundred (200) square feet of gross floor area of the ground floor; one (1) space for each three hundred (300) square feet of gross floor area of upper floors.
(d)	Office Buildings	One (1) space for each two hundred (200) square feet of gross floor area.
(e)	Medical and Dental Offices and Clinics	Five (5) spaces for each doctor.
(f)	Nursing Home, Personal Care Facilities, and Similar Uses	One (1) space per employee on the premises at any one time plus one (1) space for each four (4) beds.
(g)	Funeral Home	One (1) space for each three (3) seats plus one (1) space per employee on the premises at any one time.
(h)	Auditorium, Theater, Municipal Building, Place of Worship, Club or Lodge, or Other Place of Public Assemblage	One (1) space for each three (3) seats, plus one (1) space per employee on the premises at any one time.
(i)	Library or Museum	One (1) space per three hundred (300) square feet of gross floor area plus one (1) space per employee on the premises at any one time.
(j)	Nursery Schools and Day Care Centers	One (1) space per employee on the premises at any one time plus one (1) space for loading and unloading of children for each six (6) children accommodated in the school.
(k)	Elementary, Middle, Junior High and Senior High Schools	Two (2) spaces per each administrative staff member, plus one and two-tenths (1.2) spaces per each additional staff member, plus one quarter (.25) space

		per seat in the gymnasium.
(l)	Motel, Hotel, or Bed and Breakfast Inn, Boarding House	One (1) space for each rental unit, plus one (1) space for each employee on the largest shift.
(m)	Automobile Service Station or Repair Garage	Four (4) parking spaces per service bay, plus one (1) space per employee on the premises at any one time.
(n)	Bowling Alley	Five (5) spaces per alley, plus one (1) space for each employee on the premises at any one time.
(o)	Indoor Recreational Facility or Place of Amusement	One (1) space per fifty (50) square feet devoted to patron use.
(p)	Industrial, Wholesaling or Warehousing Establishment, Laboratory, Research Center	One (1) space per employee on the largest shift.
(q)	Barber Shop or Beauty Shop	One (1) space per employee on the premises at any one time, plus two (2) spaces for each licensed professional.
(r)	Other Public and Semi-Public Uses	One (1) space per 200 sq. ft. of floor area.
(s)	Housing for the Elderly	One (1) space for each housing unit.
(t)	Home Occupation	One (1) space per additional employee other than occupant.
(u)	Commercial School	One (1) space per employee on the premises at any one time, plus two-thirds (2/3) space per student.
(v)	Hospital	One (1) space per bed plus one (1) space per employee on the largest shift.
(w)	Golf Course	Three (3) parking spaces per tee.
(x)	Miniature Golf Course and Driving Ranges	Two (2) parking spaces per tee.

(y)	Health Fitness Center	One (1) space per fifty (50) square feet devoted to patron use.
(z)	Flea Market	Two (2) spaces per vendor space.
(aa)	Commercial Outdoor Recreation	One (1) space per every two (2) persons for whom playing area is provided.
(bb)	Financial Institutions	One (1) space for each two hundred fifty (250) square feet of gross floor area. Where a drive-in service window is provided, stacking space for at least 3 cars per drive-in window shall be provided.

For any building or use not covered above, the Zoning Officer shall apply the standard for off-street parking spaces in the above schedule deemed to most closely approximate the proposed use.

M. All off-street parking spaces shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the movement of any other vehicle. Stacked parking shall not be used to satisfy minimum off-street parking requirements in the case of multi-family dwelling units.

N. Loading Areas

1. Paved off-street loading and unloading spaces, with proper access from a street, access drive, or alley, shall be provided on any lot on which a building for trade, business, industry, warehousing, or other use similarly involving receipt of or distribution of materials or merchandise by motor vehicle is hereafter erected or expanded. All such areas for the loading and unloading of vehicles, and for the servicing of establishments by refuse collection, fuel and other service vehicles, shall be of such size, design and arrangement that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities and pedestrian ways. Loading areas shall not be located within required front yards and shall not be located within five feet (5') of any side or rear lot line. All loading and unloading shall be conducted within or adjacent to a building.
2. The number and size of loading spaces provided and their location shall be appropriate for the use to be conducted on the premises and sufficient to accommodate all vehicles serving the use. At least one (1) loading space shall be provided for each use unless demonstrated to the Zoning Officer that such space is not necessary. When a permit is applied for constructing, expanding, or

changing a structure or use, the application shall show all provisions for off-street loading and include supporting data (data on number, frequency and size of vehicles which will use the loading facilities) which justify the number and size of spaces provided. Number and size of spaces required shall be approved by the Zoning Officer unless otherwise indicated in this Ordinance.

3. All areas for off-street unloading and loading shall be physically separated from public streets or highways by a raised curb or planting strip to serve as a barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways for entrance to and egress from such loading areas. Ingress and egress of loading operations shall not require repeated movements into and out of streets to access a loading space. In no case where a building is erected, converted or enlarged for commercial, manufacturing, or business purposes, shall the public rights-of-way or a travel lane within the lot be used for loading or unloading of materials.

§210-20 Sign Regulations

A. Definitions

1. “Sign” shall mean any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Objects not included in this definition are national or state flags, window displays, graffiti, athletic scoreboards, or the official announcements or signs of government.
 - a. “Off-premises sign” shall mean any permitted sign not located on the land upon which the concern advertised by such sign is located. Off-premise signs are prohibited.
 - b. “Surface area” is the size of any sign computed by multiplying its greatest length by its greatest height. Structural members not bearing advertising material or not in the form of a symbol shall not be included in the computation of surface area. In the case of signs with no definable edges (e.g., raised letters attached to a façade), surface area shall be that area within the perimeter of a single line enclosing the extreme limits of the advertising material.

B. General Regulations

The following regulations shall apply to all permitted signs:

1. A sign shall be permitted only in connection with a permitted use.

2. All signs shall be removed when the reasons for their erection no longer apply.
3. Signs shall not be permitted on the roof or above the roofline of the building to which they are attached.
4. No part of any sign shall project above the top or beyond the ends of the wall surface upon which it is located.
5. Signs other than official traffic signs shall comply with side-yard setbacks as established for principal structures in the District where the sign is located.
6. No sign, except a public sign, visible from a public street, shall use the words "stop", "danger", or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.
7. No light shall be permitted that by reason of intensity, color, location, movement or direction of its beam may interfere with public safety.
8. No revolving sign or any other type of moving sign shall be permitted with the exception of barber poles.
9. No sign shall be attached to any tree, fence, utility pole or other object not intended for such use.
10. Off premises signs shall not be permitted.
11. Portable signs shall be considered as any other signs and shall be subject to all regulations contained in this Ordinance.
12. Signs exceeding a height of thirty (30) feet from the ground surface shall be considered special exceptions.

C. Business and Advertising Signs

1. The owner, lessee or occupant of any parcel of land in Honesdale Borough, may erect and maintain on such land not more than one (1) sign on each street which the property abuts for each dwelling or building to which it pertains, identifying the business, name or profession of such owner, lessee or occupant of the property. Nameplates and home occupation signs shall not exceed three (3) square feet in surface area.
2. Such signs may only be placed on and maintained by the owner, lessee or occupant of land upon which is located the main office or principal place of business or where a branch office, store or warehouse is maintained by the said owner, lessee or occupant of such land.

3. The signs actually physically attached to a business building shall not be counted in the number of signs permitted hereunder, but such signs attached to the business building as aforesaid shall not exceed a total surface area of sixteen (16) square feet and shall not endanger the traveling public. Such signs shall advertise only the business or profession in the building.

4. Signs may be placed subject to:
 - a. The owner, occupant or lessee of a business or profession in a CC-1, CC-2, C-2, C-3, G-C, P-C, RMU, WOC or I-1 District shall erect no more than two (2) signs on his own or rented land identifying such business or profession. The maximum surface area of such signs shall be as follows:

CC-1	50 square feet
CC-2	50 square feet
C-2	200 square feet
C-3	100 square feet
G-C	100 square feet
P-C	100 square feet
WOC	50 square feet
RMU	50 square feet
I-1	200 square feet, but not exceeding two (2) square feet per foot of lot frontage

 - b. Signs bearing the words “sold” or “rented” or similar phrases, together with the name of the person effecting sale or rental. Such signs shall be removed within fourteen (14) days after the sale, rental or lease.

 - c. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other person interested in such sale or development, provided:
 - i. The size of such sign is not in excess of twelve (12) square feet;
 - ii. Not more than two (2) signs are placed upon any property unless such property fronts upon more than one (1) street, in which event two (2) such signs may be erected on each frontage;
 - iii. Such sign is not illuminated.

5. Signs to provide for the normal and safe flow of traffic into and out of the place of business such as entrance, exit and parking signs. Such signs shall not be of a size greater than necessary for persons of normal visual acuity to observe.

6. Freestanding signs are not permitted in the CC-1, WOC and RMU Districts.

D. Multi-Family Project Signs

One (1) sign identifying a multi-family project is permitted on the premises of such project providing the sign does not exceed twenty (20) square feet in surface area. Signs identifying each building shall also be permitted. Such signs shall not exceed one (1) square foot and must be attached to the building façade.

E. Multi-use Commercial Signs

1. One (1) freestanding sign identifying a multi-use commercial project is permitted on the premises of such project provided the sign does not exceed forty (40) square feet in surface area.
2. One (1) sign identifying each business or profession located in the multi-use project is permitted provided the sign does not exceed ten (10) square feet in surface area. Such signs shall be attached to the same frame as the cluster commercial project sign provided for above.
3. One (1) additional sign identifying a business or profession in the project is permitted provided the business or profession has a separate public access to outside the building and provided the sign does not exceed one (1) square foot in surface area and the sign is attached directly to the façade of the structure housing the business or profession.

F. Location of Signs

1. Signs shall not project into, onto or over any public right-of-way and shall not be erected, installed, maintained or replaced so as to be a hazard to the users of a public right-of-way. Also, signs attached to any structure shall be attached flat against the structure and shall not hang, suspend or project outward more than eighteen (18) inches from the wall to which it is attached.
2. No signs shall be erected, installed or maintained in a location which will constitute an obstruction to vision or endanger the safety of the traveling public.
3. Portable, “sandwich board style” signs, no greater than 36 inches wide and 48 inches tall may be placed within the public right-of-way in the CC-1, CC-2 and C-2 Districts, provided that the sign structure projects no further than 54 inches into the public right-of-way along the frontage of the lot it services. In no case shall a “sandwich style” sign extend into a sidewalk more than 25% of the sidewalk’s width, or 30 inches, whichever is less. In any situation regarding portable “sandwich board style” signs, Section F.2. above will always take precedence in determining sign placement.

G. Temporary Signs

The following temporary signs shall be permitted in all Commercial or Industrial Districts: Special advertising or business identification signs or banners not exceeding forty (40) square feet in total surface area, including, but not limited to, signs announcing to the general public any special events such as commercial sales days, cultural or entertainment attractions, or charitable activities. These shall be permitted for the length of the activity, but in no case exceeding seven (7) days after the event. Political signs may be permitted on a similar basis.

H. Illumination

Where permitted, signs shall be illuminated only by a steady, stationary (excepting for indicators of time and temperature), shielded light source directed solely at the sign, without causing glare for motorists, pedestrians or neighboring premises. The illumination, if produced in such place or manner as may tend to make it resemble traffic signals, shall not be green, red or orange-yellow.

I. Application

An application for a permit to install or relocate a sign shall be made on a form obtained from the Borough Zoning Officer and filed with the Zoning Officer, together with the fee determined by the Borough Council. Permits shall be required for all signs excluding temporary signs.

J. Non-Conforming Signs

Existing non-conforming signs may be repaired on the same site, but shall not be relocated.

K. Penalties

1. No owner of any sign or lessee or owner of any land upon which the sign is located shall permit such sign to become unsightly or in disrepair so as to endanger the public or to become a public nuisance.
2. In the event such a sign is not repaired or properly restored or removed within thirty (30) days after written notice has been given to the owner of the sign or lessee of the land upon which the sign is located, the Borough Council may institute appropriate actions to prevent the violation or abate the nuisance.

§210-21 Floodplain Development Standards

There is hereby created a special zoning district, the boundaries of which shall be congruent with those areas identified as Special Flood Hazard Areas (Zone A, AE, and X) on the Flood Hazard Boundary Maps as issued and/or amended by the Federal Insurance Administration, or its successor agencies, for Honesdale Borough. This District shall be an overlay zone in which the normal provisions of the District indicated on the Official Zoning Map shall apply except

that no development shall be permitted which is not completely in accord with the provisions of the Honesdale Borough Floodplain Ordinance.

§210-22 Stables, Kennels and Animal Hospitals

A. Stables, Private

Private stables are permitted as an accessory use to a single-family residence in the A-1, R-1 and R-2 Districts subject to the following conditions:

1. A minimum parcel of two (2) acres shall be required for the residence and stable.
2. No more than two (2) equines shall be kept except that one (1) additional equine may be kept for each additional acre of land.
3. Two hundred (200) square feet of stable building area shall be provided for each equine kept on the property.
4. No stable building or corral shall be located within fifty (50) feet of an adjoining property line and fifty (50) feet from any public or private road.
5. All equines shall be restricted from grazing or intruding on an adjoining property and any fences erected for the same shall be at least five (5) feet from the property line or public or private road right-of-way line.

B. Stables, Commercial

Commercial stables are permitted as a special exception in the A-1 District subject to the applicable provisions of this Ordinance and the following conditions:

1. A minimum parcel of five (5) acres shall be required and a single-family residence for the owner or manager shall be permitted on the premises provided all other Sections of this Ordinance and other applicable standards are met.
2. No more than three (3) equines are kept with the exception that one (1) additional equine may be kept for each additional acre of land.
3. The stable building shall not be less than two hundred (200) square feet in size for one (1) equine, with an additional two hundred (200) square feet for each additional equine.
4. All equine shall be restricted from grazing or intruding on an adjoining property and any fences erected for the same shall be at least five (5) feet away from the property line or public or private road or right-of-way.

5. Adequate off-street parking shall be provided pursuant to Section 210.19 of this Ordinance with one (1) space provided for each non-resident employee and one (1) space per two (2) equines kept on the premises.
6. No stable building or corral shall be located within one hundred (100) feet of an adjoining property line and seventy-five (75) feet from any public or private road or right-of-way.

C. Kennels and Animal Hospitals

1. Kennels and Animal Hospitals are permitted as a special exception in the A-1 District subject to the applicable provisions of this Ordinance and the following conditions:
 - a. A minimum parcel of three (3) acres shall be required.
 - b. No structure used for the keeping of dogs shall be located closer than one hundred twenty-five (125) feet to any property line or one hundred (100) feet to any public or private road.
 - c. Adequate off-street parking shall be provided pursuant to this Ordinance with one (1) space for each non-resident employee and one (1) space per four (4) dogs kept on the premises.
 - d. A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas not enclosed in a building.
 - e. Dogs shall be restricted from using kennel areas not fully enclosed in a building from 8:00 p.m. to 8:00 a.m.

§210-23 Adult Stores and Adult Entertainment Establishments

- A. Adult stores and adult entertainment establishments shall not be located within one thousand (1000) feet of any residence, church or other place of worship, public or semi-public use or health facility.
- B. No materials sold, displayed or stocked on the premises shall be visible from the exterior of the building.
- C. Signs shall not be characterized by an emphasis on matter or activities relating to, depicting, describing or displaying sexual activity or conduct or drug use.

§210-24 Junkyards

Junkyards shall be allowed as a conditional use in the A-1 District only and shall be subject to the following restrictions, which shall apply to both proposed new junkyards, existing junkyards and any expansions of existing junkyards.

- A. Any junkyard located adjacent to a Federal Aid highway shall comply with all regulations of the Federal Highway Administration.
- B. No new junkyards created after the effective date of this Ordinance shall be located closer than one thousand (1000) feet to an existing public right-of-way.
- C. All junkyards must erect and maintain a six (6) foot high fence adequate to prohibit the entrance of children or others into the area and to contain within such fence the materials dealt in by the owner or operator. If such area is located adjacent to a public road or residential area, the fence shall be twenty-five (25) feet from the boundary line or right-of-way line thereof and be adequate to screen all portions of the junkyard from view from the public road or from residential areas.
- D. The area used for a junkyard shall not be used as a dump area nor as a place for the burning and disposal of trash.
- E. All junkyards shall post, with the Borough, a performance guarantee. The performance guarantee must be approved by the Council with advice from the Borough Solicitor and Engineer, and must:
 - 1. Be a corporate surety bond, certified check, or other security, provided the same is satisfactory to the Borough Council.
 - 2. Be payable to the Borough in which the junkyard is located.
 - 3. Be in an amount sufficient to bring the said junkyard into compliance with these regulations plus expected cost increases.
 - 4. In the case of cash or its equivalent, be held in an escrow fund in the name of the Borough.

When the junkyard is discontinued as a use and no longer meets the definition of a junkyard as defined herein, and brought into compliance with these regulations, the guarantee must be released.

In the event of default, the obligor and surety shall be liable thereon to the Borough for the cost of the improvement necessary to discontinue the junkyard use or the improvements necessary to bring the junkyard into compliance. If proceeds of such bond or other security are insufficient to pay the cost of making such corrections to all

the improvements covered by said security, the Borough Council may, at its option, install part of such improvements in all or part of the junkyard and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the obligor and surety, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purpose.

- F. Existing junkyards outside of the A-1 District shall be removed within six (6) months of the enactment of this Ordinance unless previously issued a permit for such purpose by the Borough or having existed as a non-conforming use prior to the adoption of the original Borough Zoning Ordinance.
- G. All junkyards shall be required to obtain an annual Certificate of Use permit from the Borough or for the operation of the said junkyard.

The Zoning Officer shall ensure these standards are met prior to issuing a Certificate of Use and may require the applicant(s) to provide documentation from a Professional Engineer (PE) as to the same.

§210-25 Health Facilities

A. Development Standards

Where health facilities and parking lots or parking structures accessory to health facilities are located in an R-6 Zoning District, the following Development Standards shall apply:

Minimum lot size	10,000 sq. ft.
Minimum average width	75 ft.
Minimum front yard	20 ft.
Minimum side/rear yard	15 ft.
Maximum lot coverage	75%

A waiver of the 75% maximum lot coverage may be granted to health facilities, and parking lots or parking structures accessory to these uses, by Borough Council if all the following conditions are met:

1. Storm water from the site after development can be controlled to levels required by Federal, State, or Local regulations, or as determined by the Borough Engineer to be adequate on a site-by-site basis. A Storm Water Management Plan and an Erosion and Sedimentation Control Plan shall be submitted by the applicant for the purpose of review and approval.
2. At the discretion of the Borough Planning Commission and Borough Council, no adverse effects on the community will result from the granting of the waiver.

B. Accessory Uses

Within a building devoted to the use as a health facility, the following accessory uses may be conducted for the convenience of the occupants and their clientele provided there are no window displays, advertisements, or signs advertising such business that shall be visible from the outside of the building. Such uses shall include:

1. Cafeteria
2. Coffee Shop
3. Gift Shop
4. News Stands
5. Recreational Facilities
6. Flower Shops
7. Book Stores
8. Libraries
9. Professional and administrative offices which directly support the operation of the public health facilities.
10. Parking lots of less than five (5) spaces or additions to existing parking lots of less than five (5) spaces.

The above listed uses shall be considered as accessory uses when the use is contained totally within an existing structure which is currently used for or has been approved under conditional use as a health facility provided that no exterior alterations or construction is required to accommodate the use.

C. Off-Street Parking, Loading and Unloading Requirements

Where parking lots or parking structures are accessory to health facilities in an R-6 Zoning District the requirements of Article IV, Section 210-19 shall apply except as modified herein. All parking, loading and unloading areas, circulation, and service lanes shall be located outside of any right-of-way but may occupy required yard areas of any parcel provided that a buffer area no less than five (5) feet wide is maintained along any property border which is not contiguous with another parcel in the same ownership and use.

Parking structures shall be required to maintain the required yard requirements as defined above except that the required front yard may be reduced to fifteen (15) feet from the road right-of-way provided a buffer area be provided.

§210-26 Intensive Agricultural Operations

- A. Intensive agricultural operations shall be located at least three hundred (300) feet from the boundary of any residential zoning district.
- B. A Nutrient Management Plan shall be prepared and approved under the guidelines of Title 25, Chapter 83, Subchapter D, Pennsylvania Code for all proposed intensive

agricultural operations. The approved Nutrient Management Plan shall be submitted with the conditional use application.

- C. A Stormwater Management Plan shall be prepared pursuant to the applicable Borough Ordinances and approved by the Borough engineer prior to issuance of any conditional use approval for all proposed intensive agricultural operations.
- D. A Conservation Plan shall be prepared and approved by the Conservation District for all proposed intensive agricultural operations. The approved Conservation Plan shall be submitted with the conditional use application.
- E. A Landscaping Plan shall be prepared for all proposed intensive agricultural operations, to include evergreen barriers that will aid in visibility, sound, and odor protection. The plan is to be submitted with the conditional use application.
- F. A site plan for buildings, manure structures, etc., to include sizes of structures, prevailing winds, distance to neighbor's buildings, boundaries, and vegetation shall be submitted for review with the conditional use application.
- G. The applicant shall show that they can meet any standards as may be set forth by the Pennsylvania Department of Agriculture or Department of Environmental Protection.
- H. No discharges of liquid wastes and/or sewage shall be permitted into a reservoir, sewage or storm sewer disposal system, holding pond, stream or open body of water, or into the ground unless the discharges are in compliance with the standards approved by the local, state and/or federal regulatory agencies.
- I. The applicant shall prepare and show the ability to comply with a malodor abatement plan. Recognition must be given that certain agricultural activities do produce malodors, but the applicant shall show that malodors can be reduced to a minimum or abated. The plan of the applicant shall show that such steps will be taken as may be necessary to abate malodors or to allow malodors at times that there would be minimal interference with neighbors.
- J. The applicant shall dispose daily of solid and liquid waste in the manner that will avoid creating insect or rodent problems or public nuisance. A fly abatement and control plan shall be prepared and the applicant shall demonstrate the ability to fully comply with that plan.
- K. The applicant shall show that the use of pesticides will be within standards as may be set by the federal or state regulatory agencies.
- L. All areas utilized for grazing shall be properly fenced.

- M. Composting and other farm waste storage shall not be permitted within 300 feet of any property line.

§210-27 Surface Mining Activities

- A. Surface mining activities are subject to:

1. The filing with the Borough of a copy of a complete and detailed plan for the reclamation of the land affected, which has been filed by the operator with and has received approval of any and all Commonwealth of Pennsylvania and federal governmental agencies having regulatory jurisdiction over such matters. All copies of amendments and supplements thereto shall thereafter be filed with the Borough. If required by the Department of Environmental Protection, said plans shall show or describe the following:
 - a. The use to which the land was put prior to the commencement of surface mining.
 - b. The use which is proposed to be made of the land following reclamation.
 - c. The manner in which topsoil and subsoil will be conserved and restored.
 - d. Where the proposed land use so requires, the manner in which compacting of the soil and fill will be accomplished.
 - e. A complete planting program.
 - f. A timetable for the accomplishment of each major step in the reclamation plan.
2. The periodic filing with the Borough of copies of any and all reports which set forth the current status of reclamation work performed and activities undertaken to implement Storm Water Management and Erosion and Sediment Control Plans which the operator is required to file with the aforesaid governmental agencies.

When verified in writing by the governmental agency or body having jurisdiction, a non-compliance with any approved Reclamation Plan, Erosion and Sediment Control Plan or Storm Water Management Plan shall be grounds for issuance of an Enforcement Notice under this Ordinance, until action is begun to correct the non-compliance.

3. An Erosion and Sediment Control Plan and a Storm Water Management Plan shall be submitted to and approved by the Borough Council. Such plans shall be designed to prevent adverse effects from water runoff, erosion and

sedimentation on adjoining streams, properties and streets and the stagnation of water. Any plans submitted to and approved by the aforesaid governmental agencies shall be received and approved in lieu of such plans if they have been prepared to cover such subject matter.

4. A plan indicating the location and proposed construction materials used on roadways within the property lines of the mining operation which will be used by trucks entering and leaving the site shall be submitted to the Borough Council. The plan shall state that:
 - a. All such roadways shall be maintained and constructed by the operator so that truck travel on them will not result in the spread of dust beyond the property lines of the mining operating.
 - b. All such roadways shall be maintained and constructed by the operator so that trucks leaving the mining operating will not deposit excessive or accumulating amounts of mining products, dirt, mud or other such substances on public roads.
5. No surface mining operating which will result in the creation of an elevation difference in excess of ten feet (10') between the surface of the mine and any adjacent property or public road shall be carried out within fifty feet (50') of such a property, nor within one hundred feet (100') of such public road.
6. No storage of products, by-products, overburden or cover material shall be permitted to reach a height in excess of fifty feet (50'). No such storage shall be permitted within fifty feet (50') of a property line of the mining operating or a public road.
7. All blasting operations shall conform with the regulations enforced by the aforesaid agencies of the Commonwealth of Pennsylvania and the federal government. Blasting shall not be permitted between 5:00 P.M. and 8:00 A.M. and shall not be permitted on Sundays and legal holidays.

Notice of all blasting operations shall be given to the Borough Secretary and the occupants of all property within a radius of three-quarters (3/4) of a mile of the location of blasting at least twenty-four (24) hours prior to the commencement of blasting.

8. All other State and Federal Requirements pertaining to surface mining activities, air pollution and noise shall be complied with. When a license is required from the State, a copy of such license shall be filed with the Borough along with evidence that any bond required for completion of the reclamation plan has been filed with the State.

9. The minimum lot size for any surface mining operation shall be ten (10) acres.
10. No operations shall be carried out on Sundays or legal holidays, nor between the hours of 7:00 P.M. and 7:00 A.M.
11. Where none exist, planting screens of a minimum height of six feet (6') to completely screen mining operations from adjoining residential properties shall be placed parallel to the mining operation setback lines ten feet (10') inside of and adjacent to the property boundary line(s). Said screens shall be planted along a minimum distance of one hundred feet (100') on each side of the centerline of the wall of a dwelling which faces the operation.
12. Removal of materials from the site shall be done in such a manner that undue amounts of spillage will not be deposited on any public road or other properties.
13. Crushing and processing operations of the minerals, rock and other products of the earth mined on the premises shall be permitted so long as the physical or chemical properties of same are not changed and so long as such crushing or processing operations do not involve the manufacture of cement or concrete, asphalt materials and products or any other form of manufacturing or fabrication.
14. No substances which can harm persons, animals, vegetation or other forms of property shall be dispersed beyond the property lines of the mining operation.
15. When required by the Department of Environmental Protection, a hydrologic study shall be submitted to the Borough, which shall indicate the impact of the surface mining activity on ground water supplies and quality in the area of the operations.

Surface mining activities shall not endanger ground water levels and quality in the area, nor adversely affect ground water supplies of nearby properties. Any surface mining operator who affects a public or private water supply by contamination or diminution shall restore or replace the affected supply with an alternate source of water adequate in quantity and quality for the purposes served by the supply.

§210-28 Adult Homes

Adult Homes are subject to:

- A. No more than one (1) Adult Home shall be located in any one dwelling.

- B. The premises where the Adult Home is located shall be owned or leased by the sponsoring agency sponsoring the Adult Home.
- C. A licensed physician, licensed psychologist, counselor or social worker in the employ of or under contract to the sponsoring agency shall be responsible for the assignment of residents to the Adult Home.
- D. By design and intent, the Adult Home shall provide for the long-term housing needs of its residents, not for the needs of transient individuals.
- E. No less than one (1) and no more than two (2) live-in supervisors shall reside in the Adult Home and at least one (1) of those supervisors shall be on the premises during all hours in which any resident of the Adult Home is on the premises.
- F. No Adult Home shall be located within five hundred feet (500') of another Adult Home.
- G. The Dwelling Unit shall not be altered in any manner that would change the single family dwelling character of the Adult Home.
- H. One (1) off-street parking space shall be provided for each supervisor assigned to the Adult Home.
- I. The sponsoring agency shall document to the Zoning Officer that all plumbing, heating, electrical, sanitary sewer storm sewer and similar facilities meet the applicable ordinances, rules, regulations and laws of the Borough and/or the Commonwealth of Pennsylvania.

§210-29 Flea Markets

Flea Markets are subject to:

- A. Flea markets are defined as businesses with short-term or daily rental of stalls, booths or selling spaces to individual persons for selling used and new consumer merchandise, antiques, art and craft items and collectibles at retail. Resale of merchandise is allowable, but not as a branch or outlet of a business with another location elsewhere outside the flea market. Such uses as junk sales, used car sales, thrift shops, and consignment shops are excluded from this definition.
- B. Vendor spaces shall not be located within required front, side and rear yards.
- C. A minimum of two (2) off-street parking spaces shall be provided for each vendor space.
- D. All vendor spaces, aisles and parking areas shall be mud-free, dust-free surfaces.
- E. Overnight lodging is not permitted on the premises

- F. Flea markets may be operated only during daylight hours.
- G. Goods for sale may be stored out of doors on the site overnight only between consecutive days of operation.
- H. Outdoor stands shall be portable, shall be maintained in good condition and shall be removed during days when items are not being offered for sale.
- I. When an outdoor flea market is located on a parking lot servicing another permitted use or uses the vendor spaces and associated parking spaces shall not reduce the number of parking spaces required for the other uses below the minimum required by this Ordinance.
- J. Each vendor shall be provided with a minimum area of four hundred (400) square feet to allow for the display of items for sale and to provide a parking space for the vendor's vehicle. The vendor spaces shall be arranged in such a manner to provide safe and convenient ingress and egress of the vendor's vehicle without disturbing adjacent vendors. The vendor spaces shall be improved and maintained to a mud free condition.

§210-30 Self Storage Units

Self Storage Units are subject to:

- A. Off-street parking spaces shall be provided at the rate of one (1) space per each employee, plus four (4) additional spaces if an office is provided.
- B. In addition to the parking spaces required by the preceding paragraph, parking shall be provided by parking/driveway lanes adjacent to the buildings. These lanes shall be at least twenty-four (24) feet wide.
- C. Required parking spaces may not be rented as, or used for, vehicular storage. However, additional external storage area may be provided for the storage of privately-owned travel trailers and/or boats, so long as such external storage area is screened from adjoining residentially-zoned land, parcels on which a residence exists, and adjoining local roads, and is located behind the minimum yard setback lines. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperative vehicles.
- D. All storage shall be kept within enclosed buildings. Storage of flammable, highly combustible, explosive, or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery or other apparatus relying upon such fuels shall only be stored in an external storage area as described above.

- E. Because of the danger from fire or explosion caused by accumulation of vapors from gasoline, diesel fuel, paint, paint remover, and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture is prohibited.
- F. No door openings for any self storage unit shall be constructed facing any adjoining residentially-zoned property, or any adjoining property on which a residence exists, unless such door opening is screened from view of the adjoining residentially-zoned property or adjoining property on which a residence exists. No such screen is required if the door openings will be a minimum of two hundred (200) feet from the property line of the adjoining residentially-zoned property or adjoining property on which a residence exists.
- G. Self storage units shall be used solely for the storage of property. The following lists examples of uses expressly prohibited upon the site:
 - 1. Auctions, wholesale or retail sales, or garage sales;
 - 2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
 - 3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;
 - 4. Commercial or industrial warehousing or distribution business; and,
 - 5. Any use which may be noxious or offensive because of odors, dust, noise, fumes, or vibrations.

The applicant shall adequately demonstrate that all self storage unit rental and/or use contracts specifically prohibit these uses.

- H. The minimum distance between buildings containing storage units shall be twenty-four feet (24').
- I. Any refuse area shall be screened from adjoining properties.
- J. All areas on the site not covered by paving or structures shall be planted with turf and with deciduous and/or coniferous plant materials. A landscaping plan, indicating the type and location of the proposed plantings, shall be included in the site development plan and shall be submitted to the Borough for review. All plantings shall be maintained in good condition by the property owner.

§210-31 Forestry

A. Intent

It is the intent of the following regulations to conserve forested open space and its environmental, economic, recreation, wildlife and amenity values by promoting good forest stewardship; protect the rights of adjoining property owners; and minimize the potential for adverse environmental impacts.

B. Applicability

Forestry activities, including timber harvesting, shall be a permitted use by right in all zoning districts. These regulations apply to all timber harvesting within the Borough where the project area exceeds two (2) acres for clear cutting operations and five (5) acres for selective cutting operations. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement. These provisions apply to privately and publicly owned property. These provisions apply to any site where there will be clearing of trees for any purpose, if lumber will be removed from the site.

C. Notification; Preparation of a Logging Plan

1. Notification of commencement or completion. For all timber harvesting operations with a project area exceeding two (2) acres for clear cutting operations and five (5) acres for selective cutting operations, the landowner shall notify the Zoning Officer at least ten (10) business days before the operation commences and within five (5) business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
2. Logging Plan. Every landowner on whose land timber harvesting is to occur shall have a written logging plan in the form specified by this ordinance. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Zoning Officer upon request. The plan shall incorporate Best Management Practices (BMPs) for forestry. As a minimum, the logging plan shall include the following:
 - a. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
 - b. Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
 - c. Design, construction, and maintenance of stream and wetland crossings;

- d. The general location of the proposed operation in relation to Borough and state streets, including any accesses to those streets;
 - e. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property;
 - f. Significant topographic features related to potential environmental problems;
 - g. Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
 - h. Location of all crossings of waters of the Commonwealth.
3. Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.
- D. Compliance with state law. The logging plan shall address and comply with the requirements of all applicable state regulations including, but not limited to, the following:
- 1. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. § 691.1 et seq.). An erosion and sedimentation plan shall be on-site and shall be approved by the Wayne County Conservation District when required.
 - 2. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.).
- E. Relationships of state laws, regulations, and permits to the logging plan. Any permits required by state laws and regulations shall be attached to and become part of the logging plan.
- F. Responsibility for road maintenance and repair: road bonding. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the operator shall be responsible for repairing any damage to public roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic, and may be required to furnish a bond to guarantee the repair of such damages. No mud/debris shall remain on public roads.

G. Enforcement

1. The Zoning Officer or other party designated by the Borough Council shall be the enforcement officer for this Section.

2. Inspections. The Zoning Officer or other designated party may go upon the site of any timber harvesting operation before, during, or after active logging to (1) review the logging plan or any other required documents for compliance with this section and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.

§210-32 Protection of Ridgelines and Ridgetops

To the maximum extent practicable, in the determination of the Borough Council, any wooded portion of the ridgelines or ridgetops located on a property proposed for subdivision or development shall be maintained in an undisturbed state. A photographic record and tree line profile of all such wooded ridgelines and ridgetops located on the property shall be made prior to all construction activities and shall serve as the base line condition to be restored by replacement plantings following any construction permitted by the Borough Council.

Any permitted structures should be sited away from ridgetops and ridgelines, at lower elevations. Structures should blend in with the natural surroundings through use of building materials and colors. Exterior lighting should be controlled in both height and intensity.

§210-33 Protection of Environmentally Constrained Areas

For any development not contained within a Conservation Design Residential Development, the following percentages of Environmentally Constrained Areas shall be protected from development, unless greater percentages are required to be protected by other Borough regulations:

Designated wetlands as determined by a delineation	95%
Floodway	100%
Other areas of 100-year floodplain	50%
Natural ground slopes exceeding 25 percent	80%
Ponds, lakes and streams	100%

Note: If a portion of the tract is underlain by more than one constrained area, that acreage shall be subject to the most restrictive percentage only.

Protected areas shall not be developed unless specifically permitted by this Ordinance or other Borough ordinance.

Protected Areas shall be identified on any subdivision, land development, or other plan as required by the Zoning Officer. Metes and bounds or other method acceptable to the Zoning Officer shall be used.

§210-34 Prohibited Uses

No building or structure may be erected, altered, or used, and no lot or premises may be used for any activity which is noxious, injurious, or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, effluent discharge, illumination, or similar substances or conditions.

No land or structures in any Zoning District shall be used or occupied in any manner that creates any nuisance in such manner or in such amount as to adversely affect the reasonable use or value of the surrounding area or adjoining premises or be dangerous to public health or safety.

§210-35 Fences, Walls and Hedges

- A. Except as otherwise provided in this Ordinance, fences, walls, and hedges may be placed within front, rear, and side yards.
- B. No fence, wall or hedge shall be erected or planted within the right-of-way lines of any street, nor shall they encroach upon any street right-of-way at any time.
- C. Fences, walls and hedges shall not be placed to interfere with required clear sight triangles at street intersections.
- D. Fences shall be constructed of wood, stone, chain link, plastic, or similar appropriate materials approved by the Zoning Officer, be of uniform construction, be constructed in a workmanlike manner, and maintained in good condition.
- E. Fences, walls, and hedges shall not be placed within easements or rights-of-way unless the holder of the easement grants permission for such encroachment in writing and holds the Borough harmless for any damage to such encroachment should such encroachment have to be removed in the future. This written documentation must be submitted to the Borough prior to issuance of any required permit.

In no case shall fences, walls, and hedges be placed in drainage easements, emergency access easements, and other similarly restricted easements.

§210-36 Woodland Controls

- A. Forestry may be practiced subject to Section 210-31 of this Ordinance.
- B. Timber Stand Improvement is permitted and dead and diseased trees may be removed. Trees may be removed for personal use.

- C. If woodland is removed from a tract of land prior to submission of a subdivision or land development plan after the date of adoption of this Ordinance, the woodland removed shall count towards the permissible removal under this Ordinance.
- D. Unless part of a forestry operation conducted pursuant to Section 210-31, no more than thirty (30) percent of the existing woodland on a tract may be removed.

§210-37 Erection of More than One Principal Structure or Building on a Lot

In the case of a lot to be used for a single family or two family dwelling, no more than one principal building shall be erected on that lot, except that in an A-1 District more than one principal building may be erected on such lot when the additional principal building is used for agricultural operations.

§210-38 Access to Structures

Every building and structure hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the Borough Council, or on a lot for which a legally recorded right of access to a public street or approved private street existed prior to the effective date of this Ordinance. After the effective date of this Ordinance, no lot shall be created unless it abuts a public street or a private street approved by the Borough Council, except that in the case of a structure related to public sanitary sewer and water systems, utilities and cell towers, such structure may be placed on a lot which is not adjacent to a public or private street as long as legally recorded access to such a street will exist.

§210-39 Storage of Vehicles and Recreational Equipment

- A. Major recreational equipment (including boats and boat trailers, travel trailers, pick-up campers or coaches designed to be mounted on automotive vehicles, motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not) shall not be parked or stored on any lot in an R-1, R-2, R-H, R-3, R-4, R-5, R-6 or RMU District except in a car port, enclosed building or rear yard, provided however that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. Additionally, no such equipment shall be parked for loading and unloading along public streets in any zoning district for a period of time exceeding twenty-four (24) hours.
- B. Automotive vehicles of any kind or type without current license plates shall not be parked or stored on any street or on any property, other than in completely enclosed buildings, unless the vehicle or vehicular dwellings are for sale at a sales agency dealing in automotive vehicles or vehicular dwellings or within a properly approved junkyard.
- C. No tractor or trailer from a tractor trailer truck, other than a vehicle used in conjunction with a lawful conforming or non-conforming use, shall be stored or parked within an R-

1, R-2, R-H, R-3, R-4, R-5, R-6 or RMU District unless it is stored within a completely enclosed building.

- D. The above subsections notwithstanding, moving vans, construction vehicles, delivery vehicles, and similar vehicles may be parked temporarily outside completely enclosed buildings during the conduct of business of serving lawful uses.
- E. Parking of vehicles and recreational equipment on streets shall be subject to applicable Borough ordinances.

§210-40 Keeping of Animals

- A. Customary household pets shall be permitted in any district; however, kennels, stables and uses involving animal husbandry shall be permitted only as indicated in the appropriate district regulations. The keeping of domestic farm animals such as a horse, pig, goat, cow, steer, sheep, pig or pot-bellied pig, buffalo, ostrich, or llama, or a chicken, duck, rooster, goose, pigeon, or other fowl shall not be considered a permitted accessory use.

§210-41 Outdoor Lighting

A. Applicability

- 1. Outdoor lighting shall be required for safety and personal security for uses that operate or have activity during hours of darkness where there is public assembly and traverse, including but not limited to the following uses: multi-family residential developments, commercial, industrial, municipal, recreational and institutional.
- 2. The Borough Council may require lighting be incorporated for other uses or locations or restrict lighting in any of the above uses, when deemed necessary to accomplish the purposes of this Ordinance.
- 3. The glare-control requirements herein contained apply to lighting in all above-mentioned uses as well as, but not limited to, sign, architectural, landscape, recreational and residential lighting.
- 4. Temporary decorative lighting for events, festivals and holidays may be exempted from the requirements of this Ordinance when approved by the Borough Council for periods of short duration.

B. Criteria

1. Illumination Levels

- a. Lighting, where required or permitted by this Ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook or separately in IESNA Recommended Practices, unless alternative lighting levels are approved by the Borough based upon acceptable justification and achievement of adequate glare control.
- b. Future amendments to said recommended practices shall become a part of this Ordinance without further action of the Borough.
- c. Examples of intensities for typical outdoor applications, as extracted from the Lighting Handbook, are presented on the next page but are not all inclusive.

Use/Task	Maintained Footcandle	Uniformity Ratio
(a) Parking, multi-family residential, <ul style="list-style-type: none"> • Low vehicular/pedestrian activity • Medium vehicular/pedestrian activity 	0.2 Min. 0.6 Min.	4:1 Avg:Min* 4:1 Avg:Min*
(b) Parking, industrial/commercial/institutional/municipal <ul style="list-style-type: none"> • High activity, e.g., regional shopping centers/fast food facilities, major athletic/civic/cultural events. • Medium activity, e.g., community shopping centers, office parks, hospitals, commuter lots, cultural/civic/recreational events • Low activity, e.g., neighborhood shopping, industrial employee parking, schools, church parking 	0.9 Min. 0.6 Min. 0.2 Min.	4:1 Avg:Min* 4:1 Avg:Min* 4:1 Avg:Min*
(c) Sidewalks, walkways, and bikeways <ul style="list-style-type: none"> • Commercial • Residential 	1.0 Avg. 0.5 Avg.	5:1 Avg:Min 5:1 Avg:Min
(d) Building entrances, commercial, industrial, institutional	5.0 Avg.	--
(e) Service Station Pump Islands	20.0 Avg.	4:1 Avg:Min
(f) Car Dealerships	20.0 Max.	5:1 Max:Min

- Notes: 1. Illumination levels are maintained horizontal footcandles on the task, e.g., pavement or area surface.
2. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio. e.g., for high activity commercial parking, the average illuminance shall not exceed 3.6 footcandles (0.9 x 4).
- * In no case shall the maximum to minimum uniformity ratio for parking be in excess of 20:1.

2. Lighting Fixture Design

- a. Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Borough Council.
- b. For the lighting of predominantly horizontal surfaces such as, but not limited to, roadways, areas of vehicular and pedestrian passage, loading areas, and parking areas, fixtures, whether free-standing, wall mounted, or any other type, shall be aimed straight down and shall meet IESNA full-cutoff criteria.
- c. Where the use of fixtures meeting IESNA full-cutoff criteria is not practical or possible, fixtures shall be equipped with aiming and/or light-redirecting devices such as shields, visors, baffles, skirts or hoods when necessary to direct or redirect offending light distribution.
- d. The use of floodlighting, spotlighting, non-cutoff wall-mounted fixtures, internally illuminated decorative globes and spheres, lanterns and other fixtures not meeting IESNA full-cutoff criteria, shall be permitted only with the approval of the Borough, based upon acceptable justification and achievement of adequate glare control.
- e. NEMA-head fixtures, a.k.a. “barn lights” or “dusk-to-dawn lights”, shall not be permitted where they are visible from other uses, unless fitted with a reflector or shield to render them full cutoff.

3. Control of Nuisance and Disabling Glare

- a. All outdoor lighting, whether or not required by this ordinance, on private, residential, commercial, industrial, municipal, recreational or institutional property shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- b. The use of floodlights and spotlights shall be so installed or aimed that they do not project their output beyond the boundaries of the property on which they are located.
- c. Unless otherwise permitted by the Borough Council, e.g., for safety or security or businesses that operate all night, lighting for commercial, industrial, municipal, recreational and institutional applications shall be

equipped with automatic switching devices such as time clocks or combination motion detectors and photocells, to permit extinguishing or dimming outdoor lighting fixtures between 11:00 p.m. or after normal hours of operation of a business, whichever is earlier, and dawn to mitigate light trespass, nuisance glare and sky-lighting consequences.

- d. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
- e. In no case shall the illumination cast by a source or sources onto an adjacent residential property exceed 0.1 *vertical* footcandle. The amount of illumination cast onto any non-residential property from another property shall not exceed one (1.0) vertical footcandle.
- f. Directional fixtures, e.g., floodlights or spotlights, shall be aimed so as not to project their output beyond the objects intended to be illuminated. Such lighting shall not project onto another property.
- g. The use of strobe lighting for tall structures such as smokestacks, chimneys and radio/communications/television towers is prohibited during hours of darkness, except as specifically required by FAA.

4. Installation

- a. Except as specifically approved by the Borough Council, fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade. Fixtures not meeting IESNA "cutoff" criteria, when specifically approved by the Borough Council, shall not be mounted in excess of sixteen (16) feet above grade.

5. Maintenance

- a. Lighting fixtures and ancillary equipment shall be maintained so as always to meet the requirements of this Ordinance.

6. Plan Submission

- a. For subdivision and land development applications where site lighting is required or proposed, lighting plans shall be submitted to the Borough for review and approval with any preliminary or final subdivision/land-development plan application and with any conditional use, special

exception, variance application or building permit where applicable, and shall include:

- (1) A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, and a layout of all proposed fixtures by location, mounting height and type. The submittal shall include in addition to area lighting, architectural lighting, building-entrance lighting, landscape lighting, etc.
- (2) When requested by the Borough, an illuminance-grid (point-by-point) plot of maintained footcandles, carried out to 0.0 footcandles, which demonstrates compliance with the light trespass, intensity and uniformity requirements as set forth in this Ordinance. The maintenance (light-loss) factor used in calculating the illuminance levels shall be documented on the plan.
- (3) When requested by the Borough, description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods.

b. When requested by the Borough Council, applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare and light trespass.

c. The following notes shall appear on the lighting plans:

- (1) Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Borough for review and approval.
- (2) The Borough reserves the right to conduct a post-installation nighttime inspection to verify compliance with the requirements of this Ordinance, and if appropriate, to require remedial action at no expense to the Borough.

7. Compliance Monitoring

a. Safety Hazards

- (1) If appropriate officers or agents of the Borough judge a lighting installation creates a safety or personal-security hazard, the person(s) responsible for the lighting shall be notified in writing and required to take remedial action within a specified time period.

(2) If appropriate corrective action has not been effected within the specified time period, the Borough may commence legal action as provided in this Ordinance.

b. Nuisance Glare and Inadequate Illumination Levels

(1) When appropriate officers or agents of the Borough judge an installation produces unacceptable levels of nuisance glare, direct skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, the Borough may cause written notification of the person(s) responsible for the lighting and require appropriate remedial action within a specified time period.

(2) If the appropriate corrective action has not been effected within the specified time period, the Borough may commence legal action as provided in this Ordinance.

§210-42 Day Care as a Home Occupation

Day Care as a home occupation is subject to:

- A. All State certification requirements shall be met.
- B. In addition to a minimum of two off-street parking spaces for the dwelling, one off-street parking space shall be provided for each non-resident employee.
- C. Provision shall be made for safe pickup and delivery of children.
- D. No sign for the day care facility shall be displayed.
- E. There shall be no alteration to the outside of the dwelling that will alter the single family character of the dwelling, be inconsistent with the basic architecture of the dwelling, or be incompatible with surrounding dwellings.
- F. A minimum of 50 square feet of usable outdoor play space on the premises and 40 square feet of usable indoor space must be provided for each child present at the facility, including resident children.
- G. Outside play shall be limited to the rear yard of such facility and shall be limited to the hours between 8:00 a.m. and 7:00 p.m.
- H. A buffer area of no less than 10 feet in depth shall be established along rear and side lot lines in accordance with the special yard, lot, and screening requirements of this

Ordinance. Said buffer area shall be provided in addition to required side and rear yards and shall not be included in determining usable outdoor play area.

- I. Day care shall not be provided for more than six (6) children who are not relatives of the operator.

§210-43 Design Guidelines and Standards in CC-1, CC-2, GC and RMU Districts and the Historic Overlays in the R-5 and R-6 Districts

The following design guidelines shall be used by the Borough when reviewing Subdivision and Land Development Plans and building and zoning permit applications. Where these standards are mandatory and more restrictive than other provisions of this Ordinance, these standards shall apply.

- A. New parking facilities shall be placed to the rear or side of buildings.
- B. Additions to traditional buildings shall be at the rear, in a very few cases the side, but not the front. Additions shall be similar in form, scale and materials to existing building.
- C. All mechanical and electrical equipment not enclosed in a structure shall be fully screened from view from any point in a manner compatible with the architectural and landscaping style of the lot.
- D. All buildings on the tract shall be designed as part of an integrated architectural scheme. Any building facade which faces a patron parking area, street or other space used or viewed by the general public shall have an architectural treatment consistent with this integrated scheme.
- E. Site models, three-dimensional graphic portrayals, and/or photographic treatment providing a clear perspective of the relationship of the proposed development to the site and its visual impact on adjacent properties, shall be submitted to the Borough.
- F. Developers shall make a good faith effort to restore and/or adaptively reuse historic structures and not remove historic structures. All proposals for demolition of structures shall be reviewed by the Planning Commission and any other review board asked to review by the Borough Council.
- G. Developers shall build upon the Borough's unique and desirable design characteristics and assets, respect the architectural tradition of the Borough and construct improvements that are compatible with the existing physical environment of the Borough. Buildings and landscaping shall be coordinated with other buildings and landscaping in the Borough to create cohesive streetscapes. This can be accomplished by:

- maintaining characteristic siting patterns, such as setbacks of buildings on lots, including principal and accessory buildings
- respecting the massing (volume created by sections of the building)
- using materials of similar appearance and texture to those on existing contributing buildings
- using similar architectural details as other contributing buildings
- utilizing similar windows and door treatments in the facade
- maintaining the scale and proportion of buildings near the building. Scale deals with the relationship of each building to other buildings in the area and proportion deals with the relationship of the height to the width of a building and with the relationship of each part to the whole.
- using compatible-roof shapes
- maintaining similar footprints of buildings and rooflines (matching facade masses with existing buildings)
- utilizing similar entry treatments to buildings
- using similar building heights
- utilizing paving materials typical to the area
- having store fronts, upper facades, and cornices of commercial buildings compatible with existing buildings

H. Developers shall enhance the appearance of their lots and buildings through the design of outdoor lighting, landscaping, window displays, signage, bicycle racks, sidewalks, benches, planters, bollards, trash receptacles, and graphics which are consistent with any design standards and streetscape plan prepared by the Borough.

For each seventy (70) feet or part thereof of frontage, a piece of street furniture shall be provided. Such furniture shall consist of a park bench, bicycle rack, trash receptacle, planter, or water fountain. When a Borough Plan for such furniture is not in place or where similar furniture has not been placed along a street, the Borough may require payment of a fee of equivalent value rather than the furniture, to be used for street furniture in the future.

- I. In order to maintain and enhance the walkability of the Borough developers shall construct sidewalks along all street frontages of their property. In addition, sidewalks shall connect these sidewalks to buildings on the lot. Safe pedestrian circulation shall be provided from parking areas to buildings on the lot by sidewalks along and/or within the parking areas. Pedestrian crossings at driveway intersections and aisles shall be facilitated through use of the minimum necessary cartway width and radii and crosswalks delineated by appropriate markings, pavers, or similar treatments.

Any property which abuts a Borough greenway shall provide a pedestrian connection to that greenway.

- J. Vending machines shall not be placed outside buildings.
- K. There shall be no visible outdoor storage of materials.
- L. Dumpsters shall be screened from view from all adjoining streets and properties and placed a minimum of ten (10) feet from adjoining properties.
- M. Loading areas shall be located to the rear of buildings and screened from adjoining properties and streets.
- N. Blank walls shall not be constructed on building facades facing streets.
- O. In the case of any building proposed to have a building facade greater than one hundred sixty (160) feet in length which faces a patron parking area, street or other space used or viewed by the general public, the building design shall be compatible with the character of architecture found in the vicinity of the site. In particular, the design shall give the impression of several different buildings. This can be accomplished by techniques such as giving areas within a use street frontage and separate access to the street; locating small uses along the front of a larger use, which larger use would have only limited frontage along the street; or designing the facade to have the appearance of several smaller buildings with characteristics similar to other buildings in the vicinity.
- P. Signs should be designed appropriate to the architectural characteristics of the Borough, be consistent with other signs in the Borough with regard to information presented, color, materials, size, shape, height, supports, and lighting, in order to present a unified image, and be consistent with any guidelines published by the Borough.
- Q. Street corners shall be anchored with buildings, not parking lots.
- R. Modifications of Design Standards

The Borough Council may, by Conditional Use approval, permit the modification of mandatory design standards in order to encourage the use of innovative design. Any

conditional use to permit a modification of the design standards shall be subject to the following standards:

Such modifications of design standards shall better serve the intended purposes of this Section;

Such modifications of design standards shall not result in adverse impact to adjoining properties, nor inhabitants within the District;

The extent of modification provides the minimum amount of relief necessary to serve the intended purpose of this Section.

§210-44 Performance Standards for Properties Fronting on Route 6 and Route 191 in the C-2, C-3, PC and I-1 Districts

- A. All open parking areas in a front yard shall be screened with mounded landscaping or evergreen shrubs of not less than three feet (3') in height whenever such parking faces a street right-of-way. Parking to the rear and side of buildings is encouraged.
- B. Along the frontage of every tract, except for area devoted to accessways and clear sight triangles, landscaping shall be provided. The landscaped area shall extend toward the interior of the lot for a minimum distance of twenty feet (20') from the street right-of-way line. In addition to low shrubbery and other landscaping, street trees shall be provided, planted at a minimum equivalent of fifty feet (50') on center outside the road right-of-way, with a minimum diameter of three inches (3") DBH at time of planting.
- C. A landscape plan shall be required, showing all buffer areas, frontage landscaping, interior parking lot landscaping and other landscaping required pursuant to this section and other sections of this Ordinance.
- D. Required plant material shall be maintained for the life of the project to achieve the required visual effect of the buffer or screen. It shall be the ultimate responsibility of successive property owners to ensure that the required plantings are properly maintained. Dead or diseased plant material shall be removed or treated promptly by the property owner and replaced at the next growing season.

All sight triangles shall remain clear and any plant material that could endanger safety such as unstable limbs shall be removed and the plant material replaced if necessary. It shall be the responsibility of the property owner to maintain all plantings and architectural elements to ensure a safe environment.

- E. Parking lots placed in the front yard shall be a minimum of twenty feet (20') from the street right-of-way line.

- F. When the side and/or rear yard of a commercial lot adjoins a residential district, a buffer area suitably landscaped to provide a screen, and in which no parking or structures are permitted, shall be provided in the side and/or rear yard adjoining a residential district. The buffer area and screen shall comply with the requirements of this Ordinance.
- G. Access to satellite uses shall be taken from the parking area intended for the primary use; access to parking for satellite uses shall not be taken directly from an abutting street without obtaining explicit permission from the Borough Council.
- H. There shall be integrated architecture, landscaping, and screening so as to insure a cohesive development with compatible architecture.

Any building façade which faces a patron parking area, street or other space used or viewed by the public shall be provided with decorative façade treatment, architecturally integrated with all other building faces.

A clear perspective of the relationship of the proposed development to the site and its visual impact on adjacent properties, shall be submitted to the Borough.

- I. The architectural style of the development shall be designed to avoid the massive scale and uniform appearance of a “big box” commercial center through façade ornamentation, building offsets, window treatments, variation in roof lines, entry treatments and building materials.

The architectural treatment of proposed buildings shall be submitted with all Land Development Plan submissions for review by the Planning Commission, the Borough Council or any other review board asked to review the treatment by Borough Council. The following additional guidelines shall be used in review of the architectural treatment unless determined by the Borough Council to not be applicable:

1. The architectural style of a building shall be continued on all sides of a building visible from a public street.
2. The front entrance to buildings shall be defined by architectural elements.
3. Variations in roofline shall be used to screen HVAC equipment, provide interest and reduce the scale of large buildings.
4. Light fixtures shall be in design, type and height appropriate to the building architecture and lighting application and shall be acceptable to the Borough Council. Decorative, aesthetically pleasing lighting fixtures will be expected.
5. Buildings shall be sited to form pedestrian oriented open spaces, or plazas, with visual as well as pedestrian connections between such spaces. Pedestrian

oriented spaces shall act as connectors of buildings and shall contain such amenities as changes in level, benches, water features, landscaping, opportunities for entertainment, and seating areas.

6. Vending machines shall not be placed outside buildings. Blank walls shall not be constructed on building facades facing streets.
- J. Loading facilities shall be screened.
- K. Outside storage, if permitted by other provisions of this Ordinance, shall not be visible from street rights-of-way.
- L. Developers shall restore and/or adaptively reuse historic structures and not remove historic structures.
- M. Dumpsters shall be screened from view from all streets and adjoining properties.
- N. Developers shall enhance the appearance of their lots and buildings through the design of outdoor lighting, landscaping, window displays, signage, bicycle racks, sidewalks, benches, planters, bollards, trash receptacles, and graphics, which shall be consistent with any design standards and streetscape plan prepared by the Borough.
- O. Freestanding signs shall be set back a minimum of twenty feet (20') from the street right-of-way line, except that the Borough Council may permit one directory sign at an entrance to the development.

§210-45 Historic Resource Protection

A. Purpose

1. To promote the retention of community character through preservation of the local heritage by recognition and protection of historic and cultural resources.
2. To establish a clear process by which proposed changes affecting historic resources are reviewed by the Honesdale Planning Commission and Borough Council and any other review board designated by Borough Council.
3. To mitigate the negative effects of proposed changes affecting historic resources.
4. To encourage the continued use of historic resources and facilitate their appropriate reuse.
5. To encourage the preservation of historic settings and landscapes.
6. To discourage the demolition of historic resources.

7. To implement the following sections of the Pennsylvania Municipalities Planning Code (MPC): Section 603(b)(5) which states that zoning ordinances may permit, prohibit, regulate, restrict and determine protection and preservation of natural and historic resources; Section 603(g)(2) which states that “zoning ordinances shall provide for protection of natural and historic features and resources; Section 604(1) which states that “the provisions of zoning ordinances shall be designed to promote protect and facilitate any or all of the following: . . . preservation of the natural, scenic and historic values . . .”; and 605 (2) (vi) whereby uses and structures at or near places having unique historical, architectural or patriotic interest or value may be regulated.

B. Applicability

1. Boundaries. The Historic Resource Protection Overlay District shall conform to the boundaries of the R-H and CC-1 Districts and designated overlays in the R-5 and R-6 Districts.

An inventory of historic resources shall be conducted and a map and list of those resources shall be maintained and available for public inspection at the Borough Hall. Until such time as the inventory is completed determinations will be made on a case by case basis by the Wayne County Historical Society.

- a. All of the provisions of the applicable underlying zoning districts shall continue to apply in addition to the provisions of this Section. In the event of a conflict between the provisions of this Overlay District and the underlying zoning district, the provisions of this Overlay shall apply.
 - b. Should the boundaries of this Overlay District be revised as a result of legislative or administrative actions or judicial decision, the underlying zoning requirements shall continue to be applicable.
2. It is not intended by this Section to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

C. Definitions

The following words and phrases shall have the meaning ascribed to them in this Section.

ADAPTIVE USE (REUSE): The process of converting a building to a use other than that for which it was designed.

ALTER OR ALTERATION: A change in the appearance of a building, structure, site or object.

ARCHAEOLOGY: The scientific study of material remains of past human and animal life and activities

ARCHAEOLOGIST: An individual with a degree from a recognized university in the science of archaeology.

ARCHITECTURE: The art/science of building design and construction; a method or style of building; the product of construction; the recognizable features for any kind of structure; the materials and methods used to produce a structure.

ARCHITECT: An individual with a degree from a recognized university and registered in the Commonwealth of Pennsylvania in the profession of design and construction of buildings and structures.

BUILDING OFFICIAL: As used in this section, it is the person designated by the Borough to enforce the rules and regulations that govern the design and construction of buildings in the Borough.

CULTURAL LANDSCAPE: A geographic area, including both cultural and natural resources associated with a historic event, activity or person.

CULTURAL PROPERTY: Association with cultural practices or beliefs of a living community that are 1) rooted in that community's history and 2) important in maintaining the continuing identity of the community.

CULTURAL RESOURCE: a building, site, structure, object, or district evaluated as having significance in history at the local level.

DEMOLITION BY NEGLECT: The absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building or structure.

DEMOLITION OR DEMOLISH: To tear down, raze, destroy, do away with.

EXTERIOR FEATURES: The architectural style, design and general arrangement of the various parts of a building, structure or object. This may include the color, nature and texture of building materials, and the type of style of all windows and doors, ornamental applications, etc.

HISTORIC BURIAL PLACE: See "HISTORIC CEMETERY" below.

HISTORIC CEMETERY: A tract of land that has been in existence as a burial place for 100 years or more.

HISTORIC CONTEXT: The geographical location, time period, and function(s) that existed within the period of significance of a historic resource.

HISTORIC PROPERTY: A parcel of land containing one or more historic resources.

HISTORIC RESOURCE: Any building, structure, site, object or district that is listed in the National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion of certification that the property is eligible to be listed on the National Register of Historic Places either individually or as a contributing resource to a historic district.

INTEGRITY: Historic integrity is the composite of seven qualities: location, design, setting, materials, workmanship, feeling, and association. All seven qualities do not need to be present as long as the overall sense of past time and place is evident.

The retention of integrity depends upon the nature and degree of alteration or change. It is not necessary for a property to retain all the physical features or characteristics that it had during its period of significance. However, the property must retain the essential physical features that enable it to convey its past identity or character and therefore its significance.

MAINTENANCE: To keep in its existing state, preserve from failure or decline, upkeep.

NATIONAL REGISTER of HISTORIC PLACES: the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture.

OBJECT: A construction primarily artistic in nature or relatively small in scale and simply constructed, such as a statue, mile-post, hitching-post, etc.

PRESERVATION or PROTECTION: When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use.

PRESERVATION PLANNING: A series of activities through which goals, priorities, and strategies of identification, evaluation, classification and protection of historic buildings, districts, sites and objects are developed.

RECYCLE or SALVAGE: When used in connection with historic resources shall mean retention of reusable building materials for reuse.

REHABILITATION: The act or process of making possible a compatible use for a property

through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

SCENIC RESOURCE (VIEWSHED): A geographic area composed of land, water, biotic, and cultural elements which may be viewed and mapped from one or more viewpoints and which has inherent scenic qualities and/or aesthetic values as determined by those who view it.

SITE: The location of a significant event, a historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical, cultural, or archaeological value regardless of the value of any existing structure.

D. General Provisions

1. Identification. The Inventory shall contain a listing of parcels within the overlay zone that contain one or more historic resources.

The Inventory data shall identify every historic resource by tax parcel number. The street address, owner's name, type of resource and category of each resource shall also be included in the list.

All parcels identified as containing one or more historic resource(s) shall be shown on a Historic Resource Map that shall be maintained, with the corresponding Historic Resource List, at the Borough Hall

2. Criteria for Determination. This criteria is used to determine if a building, structure, object, site, or district is historic or not historic thereby enabling appropriate classification on the local survey.

A building, structure, object, site, or district is historic if:

- a. it is associated with events that have made a significant contribution to the broad patterns of our local, state, or national history; **or**
- b. it is associated with the lives of people, local, state, or national, who were significant in our past; **or**
- c. it embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (a neighborhood or village for example); **or**

- d. it has yielded or may be likely to yield, information important in history or prehistory (archaeology).

3. Classifications

- a. Historic: A building, structure, object, site, or district that meets one or more of the criteria listed in item D.2., above, and that retains its integrity.
- b. Non-Historic: A building, structure, object, site or district that does not meet any of the criteria in item D.2., above, and/or has lost its integrity, or is less than 50 years old.

4. Revisions. The Resource Inventory List and Map may be revised from time to time by a resolution from the Borough Council with recommendations from the Planning Commission at a public meeting where the proposed changes shall be presented.

- a. Revisions are defined as additions to, deletions from the Resource Inventory List and Map, or changes in classification. Revisions do not include routine list maintenance to update ownership information or to add information about a change that occurred to the building unless the change alters the historic character of the building.

E. Demolition, Removal or Relocation of Historic Resources

- 1. General Requirements. Demolition, removal or relocation of a historic resource shall be regulated in accordance with this Section. No historic resource shall be demolished, removed or otherwise relocated without a permit obtained under this provision.
- 2. Application Procedures. When the zoning officer receives a complete application, that application shall be forwarded to the Planning Commission and any other review board designated by Borough Council for their review and recommendations to the Borough Council.
- 3. Criteria for Review. Applicants for a permit to demolish, remove, or relocate a historic resource in whole or in part must provide, as part of their application, a written statement as to whether the following statements are correct and provide detailed substantiation for each statement which is believed to be correct. In each instance the burden of proof is on the property owner to demonstrate that the property owner has been deprived of any profitable use of the relevant parcel as a whole. The recommendation of the Planning Commission and any other designated review board and the decision of the Borough Council shall be based upon a review of the information submitted by

the applicant against all criteria and not any one criterion. The goals and development objectives of the Borough shall also be considered.

- a. It is not feasible to continue the current use.
- b. Other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.
- c. Adaptive use opportunities do not exist due to constraints related to the building, structure or property.
- d. The building, its permitted uses, and adaptive use potential does not provide a reasonable rate of return, based on a reasonable initial investment. Such reasonable rate of return shall be calculated with respect to the property taken as a whole.
- e. The applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.
- f. The demolition will not adversely affect the character of the property, streetscape, neighborhood or community.
- g. A proposed new building, structure or use (if applicable) on or of the property will not adversely affect the character of the streetscape, neighborhood or community.
- h. The building is structurally unsound.
- i. The denial of demolition would result in unreasonable economic hardship to the owner.
- j. Sale of the building or structure is impossible or impractical.
- k. Denial of demolition will deprive the property as a whole of all beneficial use.

4. Review Procedure

- a. The applicant shall be provided an opportunity to present their proposal to the Planning Commission or any other designated review board at a scheduled meeting.

- b. The written recommendations of the Planning Commission and any other designated review board shall be forwarded to the Borough Council. The Borough Council shall consider the recommendations as well as the community goals set forth in the comprehensive plan. The applicant shall be invited to attend and speak to the issue if desired.
- 5. Associated Land Development Plan. If the application for a permit for Demolition, Removal or Relocation of a historic resource is being requested to facilitate future development of the land, the said permit shall not be issued until the following additional requirements have been satisfied.
 - a. approval of the land development plan by the Borough Council.
 - b. issuance of any necessary zoning approvals; and
 - c. the recording of the approved subdivision or land development plan for the parcel where the Demolition, Removal or Relocation is proposed.
- 6. Pre-demolition Requirements. In those instances where an application for demolition is approved, the building(s) to be demolished shall be historically and photographically documented. The extent of the documentation will be determined by the significance of the building(s). When documentation is complete the building should be dismantled and recycled to the greatest extent possible.
- 7. Denial of Demolition. If an application for demolition is denied, the applicant may challenge the decision through the Zoning Hearing Board.
- 8. Enforcement. In addition to the enforcement provisions found in this Ordinance the Borough Council *may* authorize action to withhold issuance of any and all zoning and building permits for a period of up to two years for any property that at the time of the enactment of these provisions, was occupied by a historic resource that was subsequently demolished, removed or relocated without obtaining a permit as provided for herein.

In addition, the Borough Council may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Section.

F. Demolition by Neglect

- 1. General Requirements. Demolition by Neglect is defined as the absence of routine maintenance and repair which leads to structural weakness, decay and deterioration in a building or structure to the point where the building or

structure meets the criteria for condemnation. Examples of such deterioration include:

Deterioration of exterior walls or other vertical supports.

Deterioration of roofs or other horizontal members.

Deterioration of exterior chimneys.

Deterioration of crumbling of exterior stucco or mortar.

Ineffective waterproofing of exterior walls, roofs, or foundations, including broken window or doors.

Deterioration of any feature so as to create a hazardous condition which could lead to the claim that a demolition is necessary for the public safety.

- a. Codes Violations: If the Codes Enforcement Officer has cited a property owner of a historic resource for conditions that has or could lead to structural weakness, decay or deterioration in a building or structure and the property owner fails to correct the condition(s) in the time specified, that property owner may be cited also for demolition by neglect under these provisions and be subject to the penalties contained herein.
 - b. The owner of unoccupied Principal or Accessory Buildings or Structures that have been cited for violations shall develop a written maintenance program for the protection of any and all unoccupied historic resources. A copy of the maintenance program shall be filed with the Codes Enforcement Officer and implementation begun in accordance with an established time-table.
 - (1) The maintenance program shall address measures to assure that structural components are protected and reinforced to stabilize and maintain the essential form of the building or structure. Structural features requiring stabilization include, but may not be limited to: roof; chimney(s), cornice, soffit, fascia, spouting, columns, beams, posts, as well as window and door sills, lintels and jambs.
 - (2) The exterior and interior of the building or structure shall be inspected no less than annually by the Codes Enforcement Officer with the owner or the owner's agent to determine code compliance with the established maintenance program.
2. Enforcement. In addition to the enforcement provisions found in this Ordinance, the Borough Council *may* authorize action to withhold issuance of any and all zoning and building permits for a period of up to two years for any property that at the time of the enactment of these provisions, was occupied by a Building or Structure that was subsequently demolished by neglect. Except that permits may

be issued for the abatement of any cited condition governed by Honesdale Borough.

In addition, the Borough Council may take other appropriate legal action, which may include equitable and injunctive relief, to enforce the provisions of this Ordinance.

G. Additions, Alterations, Rehabilitation and Reconstruction

1. General Requirements. No alterations, additions, reconstruction or rehabilitation, visible from a public way or street, on or to a historic resource shall be issued by the Zoning Officer without a permit obtained under these provisions.

Completed applications will be reviewed by the Planning Commission and any other designated review board. The applicant will have the opportunity to present the proposed project to the Borough Council. The Planning Commission and any other review board shall review the proposed alterations, additions, reconstruction or rehabilitation, based upon *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, which is set forth below. The Planning Commission and any other review board shall submit written recommendations to the Borough Council for their review and decision. Challenges to decisions go to the Zoning Hearing Board for review.

2. Standards for Historic Resources. Any proposed alteration, addition, reconstruction or rehabilitation of a historic resource shall be in substantial compliance with the ten standards below:
 - a. A property should be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.
 - b. The historic character of a property should be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property should be avoided.
 - c. Each property should be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, should not be undertaken.
 - d. Changes to a property that have acquired historic significance in their own right should be retained and preserved.

- e. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved.
- f. Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old.
- g. Chemical or physical treatments, if appropriate, should be undertaken using the gentlest means possible. Treatments that cause damage to historic materials should not be used.
- h. Archeological resources should be protected and preserved in place. If such resources must be disturbed, mitigation measures should be undertaken.
- i. New additions, exterior alterations, or related new construction should not destroy historic materials, features, and spatial relationships that characterize the property. The new work should be differentiated from the old and should be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- j. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

3. Application Procedures

- a. Applications for any proposed alteration, addition, reconstruction or rehabilitation of a historic resource shall comply with the provisions in this section. The completed application shall be submitted to the Zoning Officer and shall include:
 - (1) a written description of the proposed alteration, addition, reconstruction or rehabilitation; and, where applicable:
 - (a) A drawing or site plan at a scale designated by the Zoning Officer;
 - (b) Schematic architectural drawings of the proposed construction or alterations;
 - (c) Materials list and disposition of existing materials;
 - (d) Photographs;

4. Review Procedures

- a. Completed applications must be received ten (10) business days before the next regularly scheduled meeting of the Planning Commission to be placed on the agenda for review at that meeting.
- b. Applicant Notification. At the time the completed application is submitted, the applicant will be notified of the date, time and place at which the Planning Commission or other designated review board will review the application. The applicant will be encouraged to attend to explain the application.
- c. Criteria for Deliberation. The Standards as listed above shall be the criteria considered in the review. Any proposed work requiring a permit shall be in substantial compliance with the "Standards."
- d. The Planning Commission or other review board recommendations shall include findings of fact related to the specific proposal and shall set forth the reasons for the recommendation for approval, with or without conditions, or for denial.
- e. Within ten (10) business days of the meeting, the Planning Commission or other review board shall submit their written recommendations to the Borough Council for their decision to:
 - (1) Approve the permit.
 - (2) Deny the permit.
 - (3) Approve the permit subject to specified changes and/or conditions to bring the proposed activity into compliance.
- f. The zoning officer shall carry out the decision of the Borough Council.

H. New Construction

1. Design Guidelines – Basic Principles. New construction in a neighborhood of historic buildings or in an area near historic buildings or in a historic landscape has the potential to add to or detract from the surroundings. To retain community character new construction should achieve compatibility through appropriate massing shape, size, materials, orientation, set-back and the like:
 - a. Size, Scale, and Proportion. New construction should relate to the dominant proportions, size and scale of the buildings in the surrounding area.

- b. Shape and Massing. New construction should incorporate massing, building shapes, and roof shapes that are present in the surrounding area.
- c. Materials. Building materials should be compatible with those of buildings in the surrounding area. Traditional materials that are common to the area are preferred.
- d. Patterns and Rhythm. The rhythm of facades along the street and the components thereof should be maintained. Large buildings can be divided into bays to reflect rhythms exhibited by smaller structures.
- e. Cornice and Floor-to-Floor Heights. New construction should continue the floor-to-floor and cornice heights that are dominate in the surrounding area, or incorporate detailing to suggest those heights.
- f. Windows and Doors. New construction should use window and door openings of design and size typical of those in the surrounding area.
- g. Orientation. Principal facades of new construction should face the same direction as other existing buildings on the street or as indicated by predominant patterns in the surrounding area.
- h. Location. New construction should not be placed in a way that adversely affects a historic resource or viewshed because of proximity or visually.

2. Modifications to Area and Bulk Provisions

In the interest of preserving the Borough's Historic Resources and the historic context of these resources, and to encourage appropriate use/reuse of historic resource (s) and viewsheds, modifications to the Developmental Standards of the applicable zoning district may be approved as a conditional use.

a. Allowable Modifications

- (1) Setbacks: Setback and yard requirements may be modified if necessary to preserve the integrity of an historic resource to be retained or to maintain/create a traditional appearance.
- (2) Infill: When a new building is to be constructed in an existing neighborhood the lot size, set-backs, and yard requirements may be modified to conform with the lot size, set-backs and yards of the surrounding neighborhood.

§210-46 Solar Energy Systems

- A. Primary Purpose - The primary purpose of a residential solar energy system and/or non-residential solar energy system shall be to provide power for the principal use of the property whereon said system is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a residential solar energy system or non-residential solar energy system designed to meet the energy needs of the principal use. For the purposes of this ordinance, the sale of excess power shall be limited, so that in no event is an energy system generating more energy for sale than what is otherwise necessary to power the principal use on the property.
- B. Definitions
1. Non-Residential Solar Energy System - a solar energy system which is an accessory use to a lawful non-residential use in any zoning district.
 2. Residential Solar Energy System - a solar energy system which is an accessory use to a lawful residential use in any zoning district.
 3. Solar Energy System - a system and all associated equipment which converts solar energy into a usable electrical energy, heats water or produces hot air or other similar function through the use of solar panels.
 4. Solar Panel - a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy, heat water, or produce hot air or perform any other similar function by way of a solar energy system.
- C. Accessory Uses
1. A Residential Solar Energy System is allowed as an accessory use to any lawful residential use in any zoning district in the Borough, subject to the requirements of §210.13 and this section.
 2. A Non-Residential Solar Energy System is allowed as an accessory use to any lawful non-residential use in any zoning district, subject to the requirements of §210.13, the requirements of the Honesdale Borough Subdivision and Land Development Ordinance, and this section.
- D. Regulations for Accessory Uses
1. Residential Solar Energy System.
 - a. Solar panels shall be permitted as a rooftop installation. The solar panels shall not exceed the height of the roof line on a pitched roof. On a flat roof, the solar panels shall be angled such that they are not more than three feet above the roof line, and the height of the solar panels shall not

exceed the height requirement for the residential district in which the solar panels are located.

- b. Solar panels shall also be permitted as ground arrays for pool heater use, except in the R-H District, in accordance with the following:
 - (1) Ground arrays shall not be permitted in a front yard.
 - (2) Ground arrays shall be located such that any glare is directed away from an adjoining property.
 - (3) Ground arrays shall not exceed a height of 15 feet above the ground.
 - (4) Ground arrays shall not exceed the size of the swimming pool.
 - (5) Ground arrays are subject to the setback distances prescribed for the residential zoning district in which the ground array is constructed.
 - c. Solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacture or operator of the system. In no case shall any identification be visible from a property line.
 - d. The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the existing environment and neighborhood.
 - e. The installation of a solar energy system shall conform to the extent applicable, to the Pennsylvania Uniform Construction Code, as amended, regulations, if any, adopted by the Pennsylvania Department of Labor and Industry, and to applicable industry standards, including those of the American National Standards Institute. Manufacturer's data and certificates of compliance shall be submitted to the Borough at the time of submitting the building permit application.
2. Non-Residential Solar Energy System. A Non-Residential Solar Energy System shall be permitted as a rooftop installation and permitted as a ground array in the H-C and I-1 Districts, provided that the solar panels shall comply with any requirements set forth in the Honesdale Borough Subdivision and Land Development Ordinance.

E. Abandonment of Systems

If a ground array has been abandoned (meaning not having been in operation for a period of six (6) months) or is defective or is deemed to be unsafe by the Borough Code Official, the solar energy system shall be required to be repaired by the owner to meet federal, state and local safety standards, or be removed by the property owner within the time period allowed by the Borough Code Official. If the owner fails to remove or repair the defective or abandoned solar energy system, the Borough may pursue legal action to have the system removed at the owner's expense.

F. Mechanical Equipment

All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:

1. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species which provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of the Zoning Ordinance may be used.
2. Mechanical equipment shall not be located within the front yard.
3. Mechanical equipment shall comply with the setbacks specified for accessory structures in the underlying zoning district.

§210-47 Geothermal Energy Systems

A. Geothermal Terms

1. Closed Horizontal Loop Geothermal System: A mechanism for heat exchange which consists of the following basic elements: underground loops of piping; heat transfer fluid; a heat pump; an air distribution system. An opening is made in the earth. A series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a closed loop and are filled with a heat transfer fluid. The fluid is circulated through the piping from the opening into the heat exchanger and back. The system functions in the same manner as the open loop system except there is no pumping of groundwater.
2. Closed Vertical Loop Geothermal System: A borehole that extends beneath the surface. Pipes are installed with U-bends at the bottom of the borehole. The pipes are connected to the heat exchanger and heat transfer fluid is circulated through the pipes.
3. Geothermal Boreholes: A hole drilled or bored into the earth into which piping is inserted for use in a closed vertical loop geothermal system.

4. Geothermal Energy System: An energy generating system that uses the Earth's thermal properties in conjunction with electricity to provide greater efficiency in the heating and cooling of buildings.
 5. Open Horizontal Loop Geothermal System: Water is pumped from a water well or other water source into a heat exchanger located in a surface building. The water drawn from the Earth is then pumped back into the ground through a different well or in some cases the same well, also known as "re-injection". Alternatively, the groundwater could be discharged to a watercourse also known as a "pump and dump". In the heating mode, cooler water is returned to the Earth, and in the cooling mode, warmer water is returned to the watercourse or well.
- B. Geothermal systems shall be permitted in A-1, R-1, H-C and I-1 Districts subject to the following regulations:
1. The design and installation of geothermal systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), the International Ground Source Heat Pump Association (IGSHPA), the American Society for Testing and Materials (ASTM), the Air-Conditioning and Refrigeration Institute (ARI), or other similar certifying organizations, and shall comply with the Borough Building Code and with all other applicable Borough requirements. The manufacturer specifications shall be submitted as part of the application.
 2. Only the following types of geothermal energy systems shall be permitted:
 - a. Closed horizontal loop;
 - b. Closed vertical loop; and
 - c. Open horizontal loop systems relying upon injection wells or water courses.
 3. Unless otherwise specified, geothermal system shall be located a minimum distance of twenty-five feet (25') from any property line.
 4. For closed loop systems, the following shall apply:
 - a. For all closed loop geothermal systems relying upon circulating fluids, only nontoxic, biodegradable circulating fluids such as food grade propylene glycol shall be permitted.
 - b. All horizontal closed loop systems shall be no more than twenty (20) feet deep.
 5. For open horizontal loop systems, the following shall apply:

a. Water Extraction

- (1) Open loop systems may utilize a watercourse to the extent permissible under Federal, State, or Borough laws or regulations.
- (2) All open loop systems which extract water from groundwater sources shall comply with extraction limitations set for potable water wells under Federal, State, or Borough laws or regulations. Installation requirements for extraction wells shall be the same as those for potable water wells, with respect to those regulations designed to prevent aquifer contamination (grouting, etc.), or in conformance with IGSHPA standards, determined by the Borough Engineer.

b. Discharge of Water

- (1) Discharge of water from open loop systems into sanitary sewer systems shall be prohibited, except upon approval by the sanitary sewage system provider.
- (2) Discharge of water from open loop systems into storm sewers shall not be permitted.
- (3) Discharge of water from open loop systems into a watercourse shall require certification by a licensed professional engineer registered by the Commonwealth of Pennsylvania that the design of the watercourse is such that the watercourse can be expected to retain its capacity to meet the needs of the geothermal system over the lifetime of the system and of any other water discharges for which it is used.
- (4) Discharge of water from open loop systems into a watercourse, shall comply with all Federal, State, or Borough laws or regulations.
- (5) Underground injection of water discharge from an open loop system shall be subject to the following conditions:
 - (a) Returned water shall contain no treatment additives or other introduced chemicals.
 - (b) The return well shall be located a minimum distance of two hundred (200) feet from wells on adjacent properties.

- (c) The return well shall be located a minimum distance of one hundred (100) feet from the on-site well.
 - (d) The return well shall recharge the groundwater from which supply water is extracted.
 - (e) Because such return wells are included as “Class V Underground Injection Wells,” the applicant shall submit an “Inventory of Injection Wells” form, available from the U.S. Environmental Protection Agency and shall comply with all Federal, State, or Borough laws or regulations.
- (6) The use of open loop systems within identified wellhead protection areas is prohibited.

§210-48 Wind Energy Systems

A. Definitions

ON-GRID: An energy system connected to a Public Electric Utility.

OFF-GRID: An energy system not connected to a Public Electric Utility.

TURBINE HEIGHT: The distance measured from the highest point of the wind turbine rotor plane to the ground level.

WIND CHARGER: A wind energy system direct-current generator used for charging storage batteries.

WIND ENERGY SYSTEM: A device such as a wind charger, wind turbine and/or other electric generation facility designed to convert wind power into another form of energy such as electricity or heat.

WIND TURBINE: A device that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

WIND TURBINE TOWER: The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

- B. Accessory wind energy systems shall be permitted by conditional use as accessory uses and structures in all districts except the R-H District subject to the following regulations:

1. A system is considered an accessory wind energy system only if it supplies electrical power primarily for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company. The owner of the accessory wind energy system shall provide written confirmation that the public utility company has been informed of the customer's intent to install an interconnected customer-owned generator, and also approves of such connection. Off-grid systems shall be exempt from this requirement of written confirmation.
2. The design and installation of all accessory wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories, the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the Borough Building Code and with all other applicable fire and life safety requirements. The manufacturer specifications shall be submitted as part of the application.
3. No more than one (1) accessory wind energy system shall be permitted per property in R-1, R-2, R-3, R-4, R-5, R-6, RMU, CC-1, CC-2, C-3 and WOC Districts..
4. Accessory wind energy systems shall not generate noise which exceeds fifty-five (55) decibels nor ten (10) decibels above ambient noise in any one hour, whichever is higher. Noise is measured from the property line of any neighboring inhabited structures. The ambient sound measurement, known as "A-weighted sound level" is taken where the noise from the wind turbine cannot be heard, or with the wind turbine shut down. The fifty-five (55) decibel or ten (10) decibel level may be exceeded during short-term events such as utility outages and/or severe wind storms.
5. All on-site utility and transmission lines shall be placed underground.
6. No part of any accessory wind energy system shall be located within or above any front yard, along any street frontage, nor within any required setback of any property.
7. All accessory wind energy systems, except roof-mounted wind turbines, shall be located a minimum distance of one and one tenth (1.1) times the turbine height from any inhabited structure not located on the lot on which the accessory wind energy system is proposed, property line, street right-of-way, or overhead utility line.
8. No portion of any accessory wind energy system shall extend over parking areas, access drives, driveways or sidewalks.

9. The minimum height of the lowest position of the wind turbine shall be fifteen (15) feet above the ground. If the wind turbine proposed is a Vertical Axis Wind Turbine (also referred to as a 'helix type' turbine or VAT), the height between the lowest point of the turbine and the ground may be reduced to eight (8) feet.
10. Accessory wind energy systems shall not display advertising, except for reasonable identification of the accessory wind energy system's manufacturer.
11. When an accessory building is necessary for storage cells or related mechanical equipment, the accessory building shall not have a floor area exceeding two hundred (200) square feet, and shall comply with the accessory building requirements specified within the underlying zone, except as noted below.
12. Accessory buildings shall not be located within any front yard or along any street frontage, nor within any required setback of any property.
13. The applicant shall submit a plan for the removal of the accessory wind energy system when it becomes functionally obsolete or is no longer in use. The owner shall be responsible for the removal of the system within six (6) months from the date the applicant ceases use of the system or the system becomes obsolete. It shall be presumed that the wind turbine is obsolete or is no longer in use if no electricity is generated for a continuous period of six (6) months.
14. Batteries for the storage of electricity generated by wind energy systems shall be installed with adequate ventilation or other conditions to minimize fire or explosion hazards. Inspection of storage batteries shall be conducted by the Borough Code Enforcement Officer upon completion of the installation of the wind energy system.
15. The owner of the property where the wind energy system is located shall be responsible for maintaining the wind energy system in good operating condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the foundation and support structure, the wind turbine, and all associated parts and equipment.
16. Roof-mounted wind turbines hub height shall not exceed ten feet above the highest portion of the roof to which they are mounted.
17. Wind turbines shall not be climbable up to 12 feet above the ground surface.
18. Wind energy systems and associated facilities shall not be used for telecommunication antennas or telecommunication equipment.

19. The color of a wind energy system shall be white, off-white, gray, or other color approved by the Borough Council.
20. The height of a wind energy system shall be a maximum of 75 feet measured from the surface of the ground to the highest point of the system, including the apex of any rotor blade. The use of guy wires is prohibited.
21. No artificial lighting shall be provided unless required by the Federal Aviation Administration.
22. The applicant shall avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the wind energy system.
23. The design of wind energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the existing environment and neighborhood.
24. The owner of the wind energy system shall make reasonable attempt to minimize shadow flicker on any adjacent property.

§210-49 Oil and Gas Operations

A. Purpose

The purpose of this section is to provide for the reasonable development of oil and gas resources while providing health, safety and general welfare protections of the Borough's residents. It is necessary and appropriate to adopt reasonable requirements for oil and gas resource development that consider the potential impact on the residents of the Borough and accomplish the goals and objectives of the Central Wayne Regional Comprehensive Plan.

B. Definitions

For the purpose of this Section, the following terms shall be defined as provided below.

"Building" – An occupied structure with walls and a roof within which individuals live or customarily work.

"Derrick" – Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.

"Drilling pad" – The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.

"Gas" – Any of the following:

- (1) A fluid, combustible or noncombustible, which is produced in a natural state from the earth and maintains a gaseous or rarified state at standard temperature of 60 degrees Fahrenheit and pressure 14.7 PSIA.
- (2) Any manufactured gas, by-product gas or mixture of gases or natural gas liquids.

“Oil” – Hydrocarbons in liquid form at standard temperature of 60 degrees Fahrenheit and pressure 14.7 PSIA, also referred to as petroleum.

“Oil and Gas Operations” – The term includes the following:

- (1) Well location assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth;
- (2) Water and other fluid storage or impoundment areas used exclusively for oil and gas operations;
- (3) construction, installation, use, maintenance and repair of:
 - (i) oil and gas pipelines;
 - (ii) natural gas compressor stations; and
 - (iii) natural gas processing plants or facilities performing equivalent functions; and
- (4) construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in paragraphs (1), (2) and (3), to the extent that:
 - (i) the equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant; and
 - (ii) the activities are authorized and permitted under the authority of a Federal or Commonwealth agency.

“Oil or Gas Well” – A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.

“Oil or Gas Well Site” – The location where facilities, structures, materials and equipment, whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.

“Operator” – The person designated as the well operator on the permit application or well registration.

“Owner” – A person, who owns, manages, leases, controls or possesses an oil or gas well.

“Natural Gas” – A fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane, and possibly including ethane, propane, butane, pentane, carbon dioxide, oxygen, nitrogen and hydrogen sulfide and other gas species. The term includes natural gas from oil fields known as associated gas or casing head gas, natural gas fields known as nonassociated gas, coal beds, shale beds and other formations. The term does not include coal bed methane.

“Natural Gas Compressor Station” – A facility designed and constructed to compress natural gas that originates from a gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

“Natural Gas Processing Plant” – A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.

“Natural Gas Liquids” – Hydrocarbons in natural gas which are separated from the gas as liquids through the process of absorption, condensation, adsorption or other methods in gas processing of cycling plants.

C. Zoning Classifications

1. Oil and gas operations, other than activities at impoundment areas, compressor stations and processing plants are permitted uses in all zoning districts except that:
 - a. In R-1, R-2, R-H, R-3, R-4, R-5, R-6 and RMU Zoning Districts, wells and well sites are prohibited unless the wellhead is at least 500 feet from any existing building.
 - b. In R-1, R-2, R-H, R-4, R-4, R-5, R-6 and RMU Zoning Districts, a well site shall not be located so that the outer edge of the well pad is closer than 300 feet from an existing building.
 - c. In R-1, R-2, R-H, R-4, R-4, R-5, R-6 and RMU Zoning Districts, except as otherwise provided above in this subsection 1, permitted oil and gas operations, other than the placement, use and repair of oil and gas pipelines, water pipelines, access roads or security facilities, shall not take place within 300 feet of an existing building.
2. Impoundment areas used for oil and gas operations are permitted uses in all zoning districts, provided that the edge of any impoundment area shall not be located closer than 300 feet from an existing building.

3. Natural gas compressor stations are permitted uses in the A-1 and I-1 zoning districts and conditional uses in all other zoning districts, subject to the following standards:
 - a. Natural gas compressor stations shall be located 750 feet or more from the nearest existing building or 200 feet from the nearest lot line, whichever is greater, unless waived by the owner of the building or adjoining lot; and
 - b. The noise level shall not exceed a noise standard of 60dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is less.

4. Natural gas processing plants are a permitted use in the I-1 District and a conditional use in the A-1 District, subject to:
 - a. A natural gas processing plant building shall be located at the greater of at least 750 feet from the nearest existing building or at least 200 feet from the nearest lot line unless waived by the owner of the building or adjoining lot.
 - b. The noise level of the natural gas processing plant building shall not exceed a noise standard of 60dbA at the nearest property line or the applicable standard imposed by Federal law, whichever is less.

D. Applicability

This ordinance applies to all oil and gas operations that will be permitted or constructed after the effective date of this ordinance.

E. Permit Requirement

1. No oil or gas operations shall be conducted or located within Honesdale Borough unless a permit has been issued by the Borough to the owner or operator.
2. The permit application shall be accompanied by a fee as established in the Borough's schedule of fees.

F. Permit Application

1. The applicant shall provide to the Borough at the time of permit application:
 - a. A narrative describing an overview of the project including the number of acres to be involved, the number of wells to be drilled, and the location, and number and description of equipment and structures to the extent known.
 - b. A narrative describing an overview of the project as it relates to oil and gas operations.

- c. The address of the oil or gas operation as determined by the Borough or County for information of emergency responders.
- d. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas operation shall be provided to the Borough and all emergency responders. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Borough and all emergency providers.
- e. A location map of the oil or gas operation showing the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural and other surroundings. Included in this map shall be an area within the development site for the location and parking of vehicles and equipment used in the transportation of personnel and/or development and use of the site.
- f. A narrative and map describing the manner and routes for the transportation and delivery of equipment, machinery, water, chemicals and other materials and the weight of all vehicles used in the oil or gas operations.

The Borough shall impose restrictions on vehicular access routes for overweight vehicles only as authorized under 75 PA.CS. relating to vehicles or the Municipalities Planning Code.

- g. A certification or evidence satisfactory to the Borough that, prior to the commencement of any activity at the oil or gas well site, the applicant shall have accepted and complied with bonding for maintenance in excess of normal routine maintenance such as shaping shoulders, repairing crushed pipes, patching depressed road surfaces, repairing extensive potholes and performing base repairs, and any permitting requirements; and shall have entered into a Borough roadway maintenance and repair agreement with the Borough, in a form acceptable to the Borough solicitor, regarding the maintenance and repair of the Borough streets that are to be used by vehicles for oil and gas operations.
- h. A description of, and commitment to maintain, safeguards that shall be taken by the applicant to ensure that Borough streets utilized by the applicant shall remain free of dirt, mud and debris resulting from site

development activities; and the applicant's assurance that such streets will be promptly swept or cleaned if dirt, mud and debris occur as a result of applicant's usage.

- i. Verification that a copy of the operation's Preparedness, Prevention and Contingency Plan has been provided to the Borough and all emergency responders.
- j. A statement that the applicant, upon changes occurring to the operation's Preparedness, Prevention and Contingency Plan, will provide to the Borough and all emergency responders the dated revised copy of the Preparedness, Prevention and Contingency Plan while conducting oil or gas operations.
- k. A copy of all permits and approved plans from appropriate regulatory agencies or authorities issued in accordance with environmental requirements.
- l. The location of any of the following on or within 200 feet of the site on which oil or gas operations are conducted:
 - (1) Publicly owned parks, forests, game lands and wildlife areas.
 - (2) National or State scenic rivers.
 - (3) National natural landmarks.
 - (4) Habitats of rare and endangered flora and fauna and other critical communities.
 - (5) Historical and archaeological sites listed on the Federal or State list of historic places.
 - (6) Sources used for public drinking supplies.
- m. A copy of all permits and approved plans from the appropriate regulatory agencies or authorities issued in accordance with applicable laws and regulations for the proposed use.
- n. Assurance that the Borough Zoning Officer will receive an amended application for drilling of any well not identified in the initial application.

G. Design and Installation

1. Structure Height.

- a. Permanent structures associated with oil and gas operations shall comply with the height regulations for the zoning district in which the oil or gas operation is located for industrial uses or for other land development if industrial uses are not permitted in the applicable zoning district.

2. Construction.

- a. Construction of oil and gas operations shall comply with the conditions, requirements and limitations imposed on construction activities for other industrial uses within the Borough.

3. Setbacks.

- a. Permanent oil and gas operations shall comply with all setback and buffer requirements of the zoning district in which the oil or gas operation is located applicable to industrial uses, or other land development if other industrial uses are not permitted, unless greater requirements are established in this Section under Zoning Classifications above.

Oil and gas operations shall further be subject to any additional setback requirements imposed on industrial uses within the Borough provided such setbacks are not inconsistent with Pennsylvania regulations on oil and gas operations.

4. Screening and Fencing.

- a. Permanent oil and gas operations shall comply with all screening and fencing requirements of the zoning district in which the oil or gas operation is located applicable to industrial uses, or other land development if other industrial uses are not permitted.

5. Lighting.

- a. Lighting associated with permanent oil and gas operations shall comply with all lighting requirements of the zoning district in which the oil or gas operation is located applicable to industrial uses, or other land development if other industrial uses are not permitted.

6. Noise.

- a. Permanent oil and gas operations shall comply with all noise requirements of the zoning district in which the oil and gas operation is located applicable to industrial uses, or other land development if other industrial uses are not permitted in the district, provided that such requirements are not inconsistent with noise requirements under the Zoning Classifications section above.

H. Review Period

1. The review period for applications for uses permitted by right shall not exceed thirty (30) days for complete submissions and not exceed 120 days for conditional uses.

§210-50 Regulations for Communication Towers and Antennas

A. Purpose

The purpose of this Section is to establish general guidelines for the setting of telecommunications towers and antennae. The goals are to: (1) protect residential areas and land uses from potential adverse impacts of telecommunications towers and antennae; (2) minimize the total number of telecommunications towers throughout the community; (3) strongly encourage the joint use of new and existing telecommunications tower sites as a primary option rather than the construction of additional single-use telecommunications towers; (4) encourage users of telecommunications towers and antennae to locate them, to the extent possible, in areas where the adverse impact to the community is minimal; (5) encourage users of telecommunications towers and antennae to configure them in a way that minimizes the adverse visual impact of telecommunications towers and antennae through careful design, setting, landscape screening and innovative camouflaging techniques; (6) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; (7) consider the public safety of telecommunications towers; and (8) minimize potential damage to adjacent properties from tower failure through engineering and careful siting of telecommunications tower structures. In furtherance of these goals, the Borough shall give due consideration to existing land uses and environmentally sensitive areas in approving sites for the location of telecommunications towers and antennae.

- B. All new towers and antennae shall be subject to these regulations, except as provided herein. This Section shall not govern any radio tower, or the installation of any radio antenna that is less than forty (40) feet in height.

Preexisting towers and preexisting antennae shall not be required to meet the requirements of this Ordinance, other than as provided herein.

- C. For purposes of determining whether the installation of a tower, antenna or communications equipment building complies with district regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennae or towers may be located on leased parcels within such lot.

D. Inventory of Existing Sites

Each applicant for an antenna and/or tower shall provide to the Borough an inventory of its existing towers, antennae, or sites approved for towers or antennae, that are either

within the jurisdiction of the Borough or within five miles of the border thereof, including specific information about the location, height, and design of each tower. The Borough may share such information with other applicants applying for approvals under this Ordinance or other organizations seeking to locate antennae within the jurisdiction of the Borough; provided, however, that the Borough is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

- E. Towers and antennae shall meet the following requirements:
1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color so as to reduce visual obtrusiveness, or colored to blend into the natural setting and surroundings.
 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 4. Towers shall not be artificially lighted, unless required by the FAA, the Borough or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall be approved by the Borough and conform to FAA regulations.
- F. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state and federal government with the authority to regulate towers and antennae. If such standards and regulations are changed, then the owners of the towers and antennae governed by this Ordinance shall bring such towers and antennae into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennae into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- G. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electrical Industry Association, as amended from time to time. If, upon inspection, the Borough

concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

- H. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Borough irrespective of municipal and county jurisdiction boundaries.
- I. Towers and antennae shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- J. Owners and/or operators of towers or antennae shall certify that all franchises required by law for the construction and/or operation of a communication system in the Borough have been obtained and shall file a copy of all required franchises with the Borough.
- K. No signs shall be allowed on an antenna or tower, except where required by law or approved by the Borough.
- L. All towers must meet American National Standards Institute, Electrical Industry Association, and Telecommunications Industry Association tower specifications requirements. Further, the tower must be built to withstand one hundred (100) MPH sustained winds with a uniform loading of fifty (50) pounds, or short duration gusts of up to one hundred fifty (150) MPH. The Tower shall be constructed with consideration of seismic conditions in the Borough. An independent structural engineer registered in Pennsylvania shall attest to the proposed tower's ability to meet these requirements, certify proper construction of the foundation and erection of the tower, and certify the tower can structurally accommodate the proposed users of the tower.
- M. The maximum height of a communication tower shall be two hundred feet (200') for two or more systems or users and one hundred fifty feet (150') for a single system or user.
- N. There shall be no overhead electrical transmission lines within a two hundred foot (200') radius of the tower. The following tower and antenna separation requirements shall apply from off-site uses/designated areas. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified below:

OFF-SITE USES/DESIGNATED AREA

SEPARATION DISTANCE

Residential dwelling units

250 feet

Vacant residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired.

250 feet

Vacant unplatted residentially zoned lands

100 feet or 1.25 times the height of the tower, whichever is greater

Inhabitable non-residential structures

250 feet

Non-residentially zoned lands

100 feet or 1.25 times the height the tower, whichever is greater

Each new tower or antenna shall have a fall zone free of structures except for accessory communications facilities equivalent to the height of said tower or antenna, which area shall be measured from the location of said tower or antenna in a three hundred sixty degree (360°) radius equal to the height of the same, which area shall be under the control of the applicant constructing said tower or antenna through ownership, lease, easement or agreement.

- O. The tower shall be lighted as necessary to prevent interference with air traffic and shall comply with any applicable Airport Zoning Ordinance.
- P. The owners of the communication tower shall secure the tower base, including any support structures, with a chain link fence which shall be a minimum of eight feet (8') in height and topped with barbed wire. In addition to boundary security, all communication towers shall have means to prevent unauthorized climbing of the tower.
- Q. All communication tower owners shall provide the Borough with evidence that the emission of radio waves emanating from the antenna will neither cause harm to an individual by its operation or cause measurable radio interference to the reception or operation of AM radios, TV and FM reception, car, cellular or portable phones, heart pacemakers, garage door openers, remote control units for models, and other radio dependent devices in general use within the Borough and is in compliance with all Federal Communications Commission regulations.

- R. If measurable radio interference does result from the installation and use of the communication antenna, the owner of that tower shall be required to cease operation immediately, until the problem is corrected, or if the problem is not correctable to abandon the operation entirely.
- S. The owner of any communication tower shall be required to routinely submit to the Borough, proof of an annual inspection and tower maintenance program. Any structure faults thus noted shall be immediately corrected by the owner. Failure to provide proof of certified inspection will result in notification to the owner to cease operation and dismantle the tower.
- T. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Borough of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at owner's expense. If there are two (2) or more users of a single tower, then this provision shall not be considered to be complied with until all users cease using the tower. When required by the Borough, the applicant shall post a financial security in a form acceptable to the Borough to cover the cost of removing the antenna or tower.
- U. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Borough Council that no existing tower, structure or alternate technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Borough Council related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
1. No existing towers or structures are located within the geographic area, which meet applicant's engineering requirements.
 2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 4. The applicant's proposed antenna would cause electromagnetic interference with the antennae on the existing towers or structures, or the antennae on the existing towers or structures would cause interference with the applicant's approved antenna.

5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- V. Any applicant proposing construction of a new communications tower shall present evidence of the following:
1. That the tower must be in that location to function properly within the applicant's existing and already constructed grid;
 2. That, despite the best efforts of applicant, it is not possible to co-locate the proposed antennas on an existing tower, building, or structure.
 3. That the proposed height of the tower is the minimum required to properly function in the applicant's grid.
- W. One off-street parking area shall be provided within the fenced area. The parking area need not be paved, lighted, or striped unless the surrounding area is also paved, lighted, or striped, or unless the Borough Council determines that paving, lighting, or striping is required to keep in character with the neighborhood.
- X. Access shall be provided to the communications tower and communications equipment building by a public or private street, easement or right-of-way. In the case of an easement or right-of-way, the easement or right-of-way shall be minimum of twenty (20) feet of width.
- Y. The applicant shall submit a Certificate of Insurance evidencing general liability coverage of at least \$1,000,000 per occurrence and property damage coverage of at least \$1,000,000 per occurrence covering the communications tower, communications antennas and communications equipment buildings. Such liability coverage shall not be cancelable without at least thirty (30) days prior written notice to the Borough. Annual policy renewal certifications shall be submitted to the Borough; if coverage lapses or is canceled, the Borough shall have the right to order the demolition or removal of the tower and any associated structures.
- Z. The following requirements shall apply to antennae and related equipment:
1. Antennae Mounted on Structures or Rooftops. The equipment or structure used in association with antennae shall comply with the following:

- (a) The cabinet or structure shall not contain more than one hundred (100) square feet of gross floor area or be more than ten (10) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over one hundred (100) square feet of gross floor area or ten (10) feet in height, shall be located on the ground and shall not be located on the roof of the structure.
 - (b) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten percent (10%) of the roof area.
 - (c) Equipment Storage buildings or cabinets shall comply with applicable building codes,
2. Antennae Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennae shall be located in accordance with the following:
- (a) The equipment cabinet or structure shall be no greater than ten (10) feet in height or one hundred (100) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of at least eight (8) feet and a planted height of at least thirty-six (36) inches. In all other instances, structures or cabinets shall be screened from view of all residential properties, which abut or are directly across the street from the structure or cabinet by a solid fence eight (8) feet in height or an evergreen hedge with an ultimate of at least eight (8) feet and a planted height of at least thirty-six (36) inches.
3. Communications antennae shall not exceed the height of the existing structure by more than fifteen (15) feet; omnidirectional or whip communications antennae shall not exceed seven (7) inches in diameter; directional or panel communications antennae shall not exceed five (5) feet in height or width with a maximum surface area of fifteen (15) square feet.
- AA. Antennae or towers located on property owned, leased, or otherwise controlled by the Borough, provided a license or lease authorizing such antenna or tower has been approved by the Borough, shall not require conditional use approval.
- BB. Applicants for a tower shall submit the following in addition to any other information required to be submitted by applicable Borough regulations:
- 1. A scaled site plan clearly indicating the location, type and height of the proposed tower, onsite land uses and zoning, adjacent land uses and zoning (including

when adjacent to other municipalities), all properties within the applicable separation distance set forth in this Ordinance, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information necessary to assure compliance with this Ordinance.

2. Legal description of the parent tract and leased parcel (if applicable).
3. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties, inhabitable non-residential structures and no-residential zoned land. The required fall zone and any structures in the vicinity of the fall zone.
4. The separation distance from other towers described in the inventory of existing sites submitted shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and owner/operator of the existing tower(s), if known.
5. Method of fencing, finished color and, if applicable, any method of camouflage and illumination.
6. A description of compliance with all applicable subsections and all applicable federal, state and local laws.
7. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
8. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
9. A description of the feasible location(s) of future towers or antennae within the Borough based upon existing physical, engineering, technological and geographical limitations, in the event the proposed tower is erected.
10. Certification from a Pennsylvania registered engineer certifying that a proposed antenna will not exceed the structural capacity of the building or other structure.

Detailed construction and elevation drawings indicating how the antenna(ae) will be mounted on the structure or building for review and for compliance with any applicable State, county or local building code or other law or ordinance.

Agreements and/or easements showing access to the building or structure on which the antenna(ae) is to be mounted in order that installation and

maintenance of the communications antenna(ae) and any communications equipment building can be accomplished.

§210-51 Riparian Corridor Conservation District

A. Intent

1. Reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses through subsurface and surface flow pathways.
2. Moderate stream temperature and protect fish habitat.
3. Provide for stream bank stability and reduce the potential for severe bank erosion.
4. Conserve natural features important to the character of the community.

B. Definition of Riparian Corridor Conservation District Overlay

1. The Riparian Corridor Conservation District Overlay shall extend 30 feet from each defined edge of the Lackawaxen River, Dyberry Creek, Bunnell Pond, Freethy Pond and Carley Brook at normal flow or level if such an area will not be protected by Section 210-33 of this Ordinance.

C. Permitted Uses

1. No land disturbance shall be permitted within any Riparian Corridor Conservation District except for the following:
 - a. Vegetation management, selective cutting of trees and reforestation and lawn areas;
 - b. Regulated activities permitted by the Commonwealth of Pennsylvania (i.e., permitted stream or wetland crossing or other encroachment such as recreational trails, roads, sidewalks, railroads, centralized sewer and/or water lines, storm water management facilities, and public utility transmission lines);
 - c. Streambank stabilization;
 - d. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, boating areas, passive and active areas of public and private parklands, golf courses, Borough and state roads, and trails, when permitted by the underlying zoning district;

§210-52 Steep Slope Protection

The following controls shall apply in all areas where the slope of the land at the site of earth moving exceeds twenty-five percent (25%) over an area of more than 5,000 square feet of land, except for the construction within a man-made slope. The determination of what constitutes man-made slopes will be made by the Zoning Officer.

- A. Prior to any earth moving, the establishment of any building, structure, driveway or use, and the issuance of a zoning permit, a Special Exception shall be obtained from the Zoning Hearing Board.
- B. Prior to any alteration of the existing grade, and before the issuance of a zoning permit, a grading plan shall be approved by the Borough and an erosion and sedimentation control plan shall be approved by the County Conservation District. The grading plan shall indicate existing and proposed contours at intervals of no more than two feet (2') in elevation. On the grading plan all existing and proposed structures, other impervious surfaces, storm drainage facilities and utilities, retaining walls, and vegetation and other natural features shall be shown. The percentage of tree clearance and impervious coverage in the Steep Slope Areas shall be indicated.
- C. The applicant shall indicate the methods whereby any structural and foundation problems caused by slope conditions will be overcome. Such methods shall be approved by the Borough prior to the issuance of a zoning permit.
- D. No more than twenty percent (20%) of Steep Slope Areas on the lot existing at the time a zoning permit is applied for shall be disturbed. Existing trees and shrubs shall be preserved whenever possible and desirable as determined by the Zoning Hearing Board. The location of trees must be considered when developing the site. The applicant shall indicate the means whereby trees and other natural features shall be protected during construction.
- E. No more than twenty percent (20%) of the areas subject to Steep Slope Protection shall be covered by impervious surfaces.
- F. Natural features and important visual qualities of the site such as topsoil, hilltops, ridgelines, rock outcroppings and scenic views shall be preserved and incorporated into the final landscaping of the site whenever possible and desirable as determined by the Zoning Hearing Board.
- G. The applicant shall provide architectural plans, elevations and sections for proposed buildings and the plan, profile, and typical cross-section of impervious surfaces.

ARTICLE V – NON-CONFORMING USES AND STRUCTURES

It is the purpose of this Section to limit the injurious impact of non-conforming uses, lots and structures on other adjacent properties within a particular district and the community as a whole, while recognizing that alterations, continuations and extensions of non-conforming uses and/or structures may not be contrary to the public interest or the general purpose of this Zoning Ordinance, when failure to allow such alteration, continuation or extension would itself lead to neighborhood or district deterioration. It is further the purpose of this Section to prescribe those standards which are to be applied by the Borough in determining the reasonableness of a proposal to alter, continue or extend a non-conforming use, lot, or structure. The following are regulations which shall apply to the alteration, continuation or extension of non-conforming uses, lots or structures.

§210-53 Normal Maintenance and Repair Activities

Normal maintenance and repair activities, such as painting, replacing a roof, etc., are permitted, as well as alterations and interior renovations that do not structurally alter the buildings or area, or result in increased use of the building or area, or a different nature of use than that existing at the present time, or otherwise create more incompatibility with the surrounding permitted uses.

§210-54 Changes and Additions

All changes and additions to non-conforming uses, lots, or structures, excepting those identified above, shall be considered conditional uses, and permits for alterations, changes in use or additions, shall be granted only after a determination by the Borough Council that the following conditions have been, or will be, satisfied:

A. Storage of Materials

There shall be no increase in the amount of materials, supplies and/or products that are stored outside a non-conforming structure or lot, or a non-conforming use, excepting those types of uses outlined in Section 210-54.B. below.

B. Screening

Where the non-conforming use is one which necessarily results in the storage of large quantities of material, supplies or products outside (such as a wood products manufacturer, vehicle and equipment sales or similar operation), the use may only be expanded if a solid fence of wood and/or a dense evergreen screen, not less than six (6) feet in height, is present on all sides of the immediate area in use. Stored material shall not exceed the height of the screening material and nine (9) feet at the maximum.

C. Yards and Setbacks

No addition, change or expansion of a non-conforming use or structure shall further violate setback, coverage and/or height regulations of the district in which it is located.

- D. Stormwater
Stormwater management must be in compliance with Honesdale Borough Stormwater Management Ordinance.
- E. Parking and Traffic
In no case will a change, addition or expansion of a non-conforming use or structure be allowed which would result in the diversion of traffic, or relocation of a driveway on the site to any point nearer a residential property, or result in violation of any of the parking and unloading requirements of this Ordinance. If the total number of parking spaces for the site is to be increased more than 25% over those available as of the date of this Ordinance, the Borough may require vegetative screening of the parking area from nearby residential areas.
- F. Extension Onto Other Properties
The non-conforming use or structure may only be expanded or extended onto another property of record if: that property is immediately adjacent to the lot on which the original structure or use was located as of the effective date of this Ordinance or amendments hereto; the owner has clearly exhausted the alternatives available for expansion on the existing property; the use is not one which has been altogether prohibited as a new use under this Ordinance and the owner has combined the affected properties into one larger lot and recorded a new deed for same by way of the Honesdale Borough Subdivision and Land Development Ordinance.
- G. Prohibited Expansions
Should the use proposed for expansion or extension be one which is specifically prohibited as a new use in the Borough or is a use judged by Borough Council, with the advice of the Planning Commission, to be one similar to such a use or of such a nature as to impose health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this Ordinance, the requested expansion or extension shall be denied.

§210-55 Re-establishment

A non-conforming use may be re-established within a period of twelve (12) months after it has been discontinued or vacated, with an extension in time allowable, granted by Council, where proven necessary.

§210-56 Restoration or Reconstruction

If less than 75% of the floor area of any non-conforming structure or use is damaged, it may be restored or reconstructed within twelve (12) months of the date of the damage.

§210-57 Existing Lots of Record

A structure may be erected on any existing non-conforming lot of record, providing the owner does not own adjoining property, no yard is reduced to less than fifty (50) percent of the requirement for the district in which it is located, a sewage permit can be properly issued and height and coverage requirements applicable to the property can be met unless Borough Council approves exceeding coverage requirements as a Conditional Use.

ARTICLE VI – ADMINISTRATION

§210-58 Zoning Officer

It shall be the duty of a Zoning Officer, appointed by Borough Council, to enforce the provisions of this Ordinance. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents and make such reports as the Borough Council may require. Permits for construction and uses which are conditional uses, shall be issued only upon written order of the Borough Council. Permits for construction, and uses which are a special exception or a variance to requirements of this Ordinance, shall be issued only upon written order of the Zoning Hearing Board. The Zoning Officer shall administer this Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.

§210-59 Permits

A. Requirements of Permits

A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or portion thereof (including accessory buildings of one hundred (100) square feet or more in size), prior to the use or change in use of a building or land, and prior to the change or extension of a non-conforming use. It shall be unlawful for any person to commence work for the land use until a permit has been duly issued therefore. No zoning permit and/or building permit shall be required in cases of normal maintenance activities (such as painting or replacement of siding), minor repairs or alterations which do not structurally change a building, structure or use. Accessory uses not involving new construction or which are less than one hundred (100) square feet in size and portable shall also be exempt, but fences, signs and other accessory structures permanently affixed shall require permits. In the case of accessory uses and building attachments, however, this shall not exempt one from otherwise conforming with the requirements of this Ordinance.

B. Applications for Permits

All applications for permits shall be accompanied by a plot sketch in duplicate, drawn to show the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate, and such information as may be necessary to determine compliance with this Ordinance and all other pertinent ordinances. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied. Applications for uses, which also necessitate approvals under the Honesdale Borough Subdivision and Land Development Ordinance, shall be processed in the manner provided for plat approval under that ordinance. Such applications shall also contain all

information or data normally required for a submission under the Honesdale Borough Subdivision and Land Development Ordinance.

C. Issuance of Permits

No permit shall be issued until the Zoning Officer has certified that the proposed building, addition or alteration, complies with all the provisions of this Ordinance. A permit issued hereunder shall become void twelve (12) months after the issuance date.

D. Temporary Permit

A temporary permit may be authorized by Borough Council for a non-conforming structure or use which it deems necessary to promote the proper development of the community, provided that such non-conforming structure or use shall be completely removed upon expiration of the permit for a specified period of time.

§210-60 Fees

It shall be the responsibility of the applicant to pay for all costs incurred by the Borough for the review and processing of applications filed for approval under this ordinance, which include, but are not limited to, reasonable office expenses, advertising, stenographer services, mailings, professional reviews, county reviews, or property posting.

Borough Council shall establish a schedule of fees and collection procedures for zoning permits, special permits, and other permits as required by this Ordinance. Said schedule of fees shall be posted in the office of the Borough Secretary.

Permits, special exceptions, conditional uses, variances, and other approvals required by this Ordinance will not be issued until fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until charges have been paid in full.

§210-61 Inspections

A. Inspection by the Zoning Officer

It shall be the duty of the Zoning Officer, or his duly appointed representative, to make the following minimum number of inspections on property for which a permit has been issued:

1. At the beginning of construction: A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the building. If the actual construction does not conform to the application, a written notice of the violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.
2. At the completion of construction: A record shall be made indicating the time and date of the inspection and the findings of the Zoning Officer in regard to the issuance of Certificate of Use Permit.

§210-62 Certificate of Use

- A. A Certificate of Use shall be a statement issued by the Zoning Officer setting forth either that a building, structure or parcel of land complies with the provisions of this Ordinance, or that a building or structure lawfully may be employed for specified uses under the provisions of this Ordinance, or both.
- B. No vacant land shall be occupied or used, and no structure or part of a structure hereafter erected, structurally altered, or changed in use shall be occupied or used, until a Certificate of Use shall have been issued therefore by the Zoning Officer.
- C. A Certificate of Use, either for the whole or part of a new building or for the alteration of an existing building, shall be applied for concurrently with the application for a building permit, and shall be issued within fifteen (15) days after the erection or alteration of such building or part thereof if the work shall have been completed in conformity with the provisions of this Ordinance and the permit.
- D. A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, shall be applied for and issued before any such land shall be occupied or used or such land or building is changed in use, and such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed use is in conformity with the provisions of this Ordinance.
- E. A Certificate of Use for changing or extending a non-conforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such non-conforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed change or extension is in conformity with the provisions of this Ordinance.
- F. A record of all Certificates of Use shall be kept on file in the administrative offices of the Borough and a copy shall be furnished on request.

§210-63 Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedures. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that

there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Borough.

§210-64 Enforcement Notice

- A. If it appears to the Borough that a violation of this Zoning Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided for in the Pennsylvania Municipalities Planning Code, as amended.

- B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

- C. An enforcement notice shall state at least the following:
 - 1. The name of the owner of record and any other person against whom the Borough intends to take action.
 - 2. The location of the property in violation.
 - 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 - 4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 - 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

§210-65 Conditional Uses

The following section is written with respect to the processing of conditional uses but shall be equally applicable to special exceptions, excepting the Honesdale Zoning Hearing Board shall, in the latter instance, be responsible for those actions assigned to the Borough Council under the conditional use procedure. The Zoning Hearing Board shall carry out such responsibilities pursuant to the Pennsylvania Municipalities Planning Code.

- A. Uses specified as conditional uses under District Regulations shall be permitted only after public notice, review by the Honesdale Borough Planning Commission, and approval by the Honesdale Borough Council, pursuant to the express standards and criteria set forth below.

An application for a conditional use shall be made in writing to the Borough Council and shall be accompanied by the written material and data required by this Ordinance for a Zoning Permit along with such other written and graphic material as may be required by the Borough Council in order to adequately make the decisions and determinations required by this Ordinance, and the names and addresses of all adjacent land owners. All applications, along with the written material and data required by this Ordinance, shall be submitted in quadruplicate, and shall be accompanied by such fees as shall be set forth in a resolution of the Borough Council.

1. The proposed use shall be in harmony with purposes, goals, objectives and standards of the Central Wayne Regional Comprehensive Plan, this Ordinance, and all other ordinances of Honesdale Borough.
2. Borough Council shall, in making its decision, also evaluate the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use.
3. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the Comprehensive Plan, this Ordinance, or any other plan, program, map or ordinance of Honesdale Borough or other government agencies having jurisdiction to guide growth and development.
4. The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities and services of the Borough, whether such services are provided by the Borough or some other agency. The applicant shall be wholly responsible for providing such improvements, facilities, utilities or services as may be required to adequately serve the proposed use when the same are not available or adequate to service the proposed use in the proposed

location. As part of the application and as a condition to approval of the proposed conditional use permit, the applicant shall be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this and other ordinances of Honesdale Borough. The permit approval shall be so conditioned.

5. No application for issuance of a conditional use permit shall be approved unless the Planning Commission and Borough Council shall find that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in Sections 210-9, 210-10, and Article IV, as well as other portions of this Ordinance, shall be met. In instances where the standards contained herein do not adequately protect the general health, safety and welfare of parties affected, the Borough shall be obligated to impose such conditions in issuance of a permit. Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans, setbacks, special measures addressing sales/period activities and other measures which can be effectuated to remove any potential adverse influence the use may have on adjoining uses.
- B. Certain types of uses shall require the application of additional review criteria. These include those uses covered by Article IV and V.
 - C. The Borough Council shall hold public hearing upon an application for a conditional use within sixty (60) days after the filing of said application unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Borough Council shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Borough Council shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal. At least thirty (30) days prior to said hearing, the Borough Council shall submit one (1) copy of the application, together with the written material and data required by this Ordinance, to the Borough Planning Commission to provide the Planning Commission the opportunity to submit its recommendations with regard thereto.
 - D. The Planning Commission shall report its findings, together with a recommendation indicating whether the criteria listed above and any applicable performance standards have been met.

- E. The Borough Council shall give written notice of any public hearing upon an application for a conditional use to the applicant, to the zoning officer, to any person who has made timely request for the same, and shall give public notice of any such public hearing in accordance with the provisions of the Pennsylvania Municipalities Planning Code.
- F. The parties to the hearing shall be the applicant, any person affected by the application who has made timely appearance of record before the Borough Council, and any other person including civic or community organizations permitted to appear by the Borough Council. The Borough Council shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Borough Council for that purpose.
- G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to present evidence and argument and to cross-examine adverse witnesses on all relevant issues.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- I. The Borough Council shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of the graphic or written material received in evidence shall be made available to any party at cost.
- J. The Borough Council shall render a written decision upon application for a conditional use within forty-five (45) days after the last public hearing before the Borough Council. In authorizing or approving any such conditional use the Borough Council shall have power to attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. Where the application is contested or denied, each such written decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. Where the Borough Council has power to render a decision and fails to render the same within the period required by this section, or fails to commence, conduct or complete the required hearing as provided for in this section, within sixty (60) days from the date of the applicant's request for a hearing or fails to complete the hearing no later than 100 days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. When a decision has been rendered in favor of the applicant because of the failure of the Borough Council to meet or render a decision as hereinabove provided,

the Borough Council shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Borough Council shall fail to provide such notice, the applicant may do so.

A copy of the written decision shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Borough Council not later than the date of the last public hearing before the Borough Council, the Borough Council shall provide, by mail or otherwise, brief notice of the decision and the statement of the place at which the full decision may be examined.

- K. When an application for either a special exception or a conditional use has been filed with either the Zoning Hearing Board or Borough Council, as relevant, and the subject matter of such application would ultimately constitute either a “land development” or a “subdivision” as defined in the Honesdale Borough Subdivision and Land Development Ordinance, no change or amendment of the Zoning, Subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by either the Zoning Hearing Board or Borough Council, as relevant, applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months or as may be approved by either the Zoning Hearing Board or the Borough Council following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before either the Zoning Hearing Board or Borough Council, as relevant. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of the Honesdale Borough Subdivision and Land Development Ordinance, and specifically to the time limitation, which shall commence as of the date of filing such land development or subdivision plan.

§210-66 Zoning Hearing Board

Borough Council shall appoint a Zoning Hearing Board, which shall have the number of members of such powers, authority and jurisdiction as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended, including:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code (MPC).
- B. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the

issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

- C. Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
- D. Applications for variances from the terms of the Zoning Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 910.2 of the MPC.
- E. Applications for special exceptions under the Zoning Ordinance or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the MPC.
- F. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.
- G. Appeals from the Zoning Officer's determination under Section 916.2 of the MPC.
- H. Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII of the MPC applications.

The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in or amendment to the Zoning Map or to allow any use of property substantially different from those permitted under the Schedule of Use Regulations for the particular district.

In all its actions, the Zoning Hearing Board shall follow procedures as provided in Articles IX and X-A of the Pennsylvania Municipalities Planning Code as amended. The Board may, pursuant to the Municipalities Planning Code, promulgate rules and regulations governing its proceedings.

The Zoning Hearing Board may issue only such special exception as it is authorized to issue by this Ordinance. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as It may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended, which conditions may include but are not limited to planting and maintenance of shrubbery or trees as a sight and/or sound barrier and the minimizing of potentially noxious, offensive or hazardous elements.

§210-67 Appeals and Notices

Proceedings for securing review of any ordinance or of any decision, determination or order of the Borough Council, its agencies, the Zoning Hearing Board, Borough Engineer, or Zoning Officer issued pursuant to this Ordinance shall be in accordance with the Pennsylvania Municipalities Planning Code, amended, found in Articles IX and X-A of such Code. Any appeal to the Zoning Hearing Board shall be made in writing to the Chairman of the Board and shall state:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by a proposed special exception, or variance.
- C. A brief description and location of real estate to be affected by such proposed change.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the section of this Ordinance under which a variance, or special exception requested, may be allowed, and reasons why it should be granted.
- F. Any reasonably accurate description of the present improvements, and the additions intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for building permits, indicating the location and size of the lot, and size of improvements now erected, and proposed to be erected thereon.
- G. If the Zoning Hearing Board finds the appeal or request outside its scope of jurisdiction, it shall return the application for the same to the Zoning Officer for proper processing. Appeals shall be processed in conformance with the requirements of Articles IX and X-A of the Pennsylvania Municipalities Planning Code. Notices shall be required to be given by the petitioner, in the case of all variances, special exceptions, conditional uses, zoning changes, interpretations or other appeals, to all owners of property within five hundred (500) feet of the nearest line of the property for which the action is sought, and to such other property owners as the Chairman of the Zoning Hearing Board or President of Council may direct. Said notice is to be given by certified mail, return receipt requested, or by personal service to each and every owner.

§210-68 Variances

The Zoning Hearing Board shall have the right to authorize such variances from this Ordinance as are permitted under the Pennsylvania Municipalities Planning Code. The Board may grant a variance provided the following findings are made, where relevant, in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor to be detrimental to the public welfare; and
- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of Article VI of the Pennsylvania Municipal Planning Code and the Zoning Ordinance.

This authority shall not include the right to grant a use variance that would, in fact, alter the Zoning Map and thus constitute a re-zoning.

§210-69 Amendments

The Borough Council may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code, as enacted or hereafter amended.

A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a challenge pursuant to Section 916.1 of the Pennsylvania Municipalities Planning Code, as enacted and hereinafter amended.

ARTICLE VII - ENACTMENT

This Honesdale Borough Zoning Ordinance is hereby enacted into law this _____ day of _____, 2012, pursuant to the authority granted under the Pennsylvania Municipalities Planning Code, to be effective five days hereafter.

Section 3. Effective Date.

This ordinance shall become effective _____, 2012.

Honesdale Borough Council