

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

1. Add, delete or revise the following definitions within Section 210-4.1:

ACCESSORY BUILDING/STRUCTURES

A subordinate building or portion of the main 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.

ACCESSORY USE

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

~~**BOARDING OR TOURIST HOME**~~

~~*—Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally included as a part of the services rendered.*~~

BUFFER AREA

An area of land along a property line which is specifically designed and landscaped to limit the impacts, such as noise, light, stormwater runoff, or other adverse effects of one use upon another use in the same area.

FAMILY

Either an individual or two or more persons related by blood, or marriage, or adoption, or a group of not more than six persons, living together as a single housekeeping unit.

FOOD PROCESSING, BREWING AND DISTILLING

A commercial establishment where food is processed for human consumption on or off the premises, including brewing, wine-making and distilling together with ancillary activities such as tasting rooms and associated retail sales; but not including restaurants that incorporate limited brewing, wine-making or distilling on-site where the primary use remains a restaurant.

LIMITED LIGHT MANUFACTURED USES

Light manufacturing uses involving no outside storage other than legally parked light-duty delivery vehicles, and that are conducted entirely inside a building with no air emissions and entirely in conformance with commercial and industrial performance standards herein.

MIXED-USE DEVELOPMENT

A building used for up to three (3) upper story apartments combined with permitted commercial and/or non-residential uses on the ground floor.

MOBILE/MANUFACTURED 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

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

may be used without a permanent foundation. This is not intended to include modular construction housing.

MOBILE/MANUFACTURED 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/MANUFACTURED 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.

MODULAR CONSTRUCTION

Modular construction is the process where buildings are constructed off-site, under a controlled environment, using the same codes and standards of building as that of a conventional building where each individual step is performed entirely (or largely) on site.

RESEARCH OR CRAFT ENTERPRISE

An establishment or other facility for carrying on investigation and testing in the natural, physical or social sciences, including engineering and development as an extension of the same. Pilot plant production limited to 25% of the floor area may also be permitted, along with other craft production such as 3D printing operations, electronic assembly and similar low impact manufacturing conducted indoors and involving less than 5,000 square feet of floor area.

RETAIL AND SERVICE ESTABLISHMENTS

Retail stores and services including grocery stores, clothing shops, bakeries, pharmacies and the like, but excluding mobile home sales, shopping centers and vehicle/equipment sales and repair.

RESTAURANT

An eating and drinking place where food is prepared, served and consumed primarily within the principal building.

SHOPPING CENTER/MALL

A group of architecturally unified commercial establishments built on a site that is planned, developed, owned and managed as an operating unit with on-site parking sufficient for all its needs as provided herein.

YARD

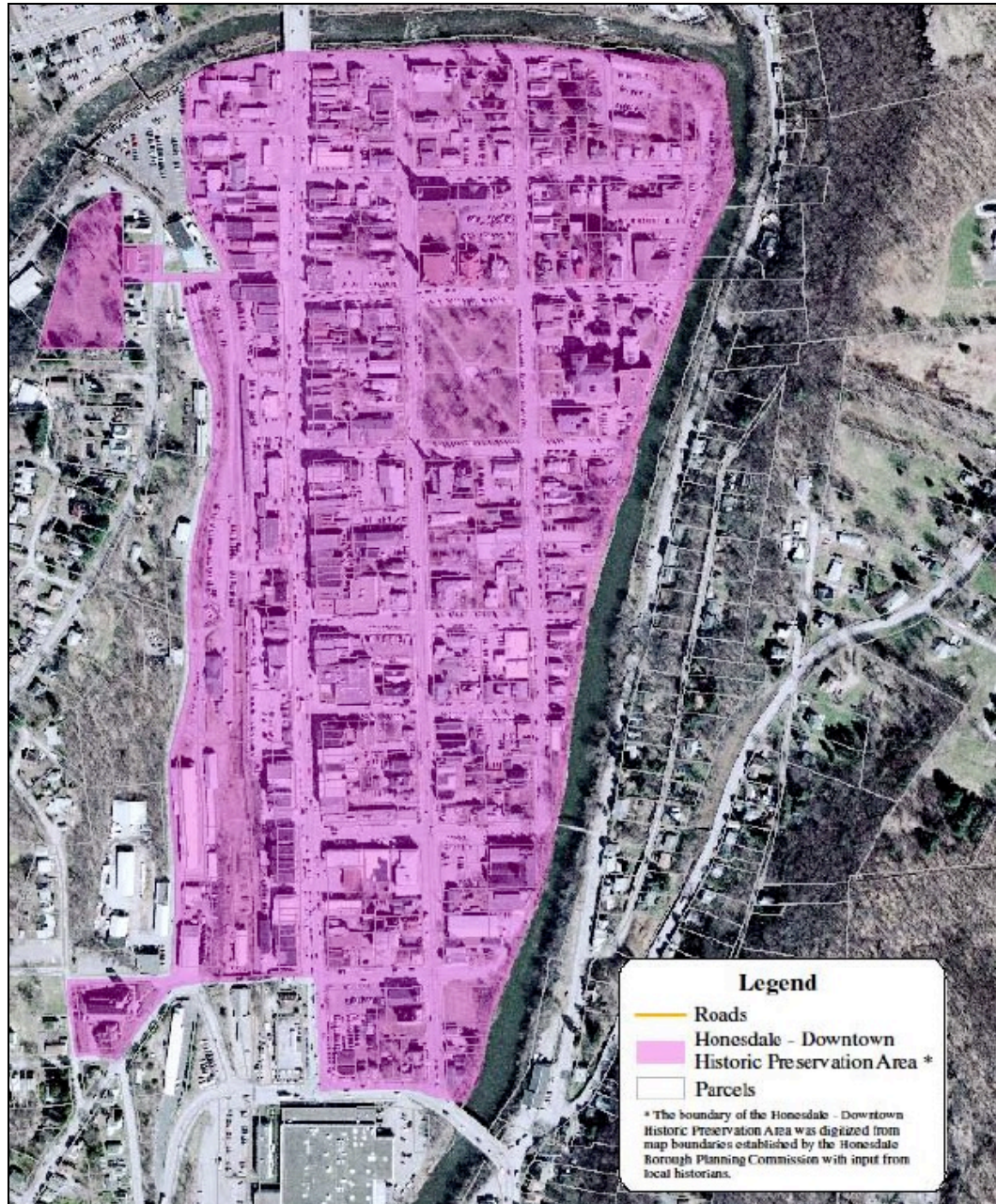
An open, unoccupied space which shall extend the full depth or width of a lot which shall not be occupied by any building. Front yards shall be measured from the edge of the highway right-of-way or curb if one exists and other yards from property lines. Where the highway right-of-way cannot be established it shall be assumed to be fifty (50) feet in width.

Honesdale Borough Zoning Ordinance - **Draft Amendment As Revised 7/15/21**

2. **Add Section 210-6.1 to read follows:**

210-6.1 Downtown historic preservation area.

There is hereby created a special zoning district, the boundaries of which are as follows:



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 Conditional Use applications shall be subject to the following additional review criteria:

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

A. Existing buildings.

1. *Important architectural features should be preserved wherever possible.*
2. *Window and door openings visible from the street should be maintained.*
3. *New materials such as siding should be similar to existing or original materials. Vinyl siding should not be applied over brick or stone and composite sheet siding such as plywood should not be used.*
4. *Additions should be of similar form, scale and materials to existing buildings and those adjacent wherever possible.*
5. *The Borough may also apply design guidelines promulgated under downtown improvement programs as may be appropriate given the circumstances of an existing building or block.*

B. New buildings.

1. *New structures should be compatible with the architectural style of existing historic buildings.*
2. *Setbacks should be in line with existing nearby buildings.*
3. *Building heights should be similar to those of existing nearby buildings.*
4. *Garages and accessory structures should be located in the rear of buildings wherever possible.*
5. *Parking lots should be located in the rear or side of buildings, with rear yards being required wherever feasible. Accesses to parking should be from alley or side streets wherever possible.*
6. *The Borough may also apply design guidelines promulgated under downtown improvement programs as may be appropriate given the circumstances of an existing building or block.*

3. Amend Section 210-8 to read as follows:

District regulations are of two 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. Both are detailed on the Schedule of District Regulations that follows:

Honesdale Borough Zoning Ordinance - Schedule of District Regulations					
District Intent	Principal Permitted Uses	Conditional Uses (Activities qualifying as Minor Impact Uses will be allowed as Principal Permitted Uses - see §27(0-9.D))	Special Exceptions (Activities qualifying as Minor Impact Uses will be allowed as Principal Permitted Uses - see §27(0-9.D))	Accessory Uses	Development Standards
<p>A1 Agricultural District: 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.</p>	<p>Agricultural operations Bed and breakfasts Forestry Short-term rentals Single-family detached dwellings</p>	<p>Agricultural service establishments Conservation subdivisions Health care facilities Junkyards Manufactured homes (individual) Nursing and convalescent facilities Private recreational facilities</p>	<p>Churches and places of worship Commercial stables Educational and/or religious uses Essential services Excavating Kennels Public and semi-public uses Quarrying</p>	<p>Fences Home occupations Private garages Sheds Signs Swimming pools Other customary uses associated with permitted uses (Principal, Conditional or Special Exception)</p>	<p>2 acres 200 feet 40 feet 25 feet 50 feet 15%</p> <p>Minimum lot area: Minimum average lot width: Minimum yards: Front Side/Rear Maximum building height: Maximum lot coverage:</p>
<p>A2 Agricultural and Low Impact Business District: The purpose of this district is to permit development of low impact agricultural and non-agricultural service business, including health care, professional offices, recreational, service and tourism enterprises.</p>	<p>Agricultural operations Bed and breakfasts Day-care facilities Professional offices Short-term rentals Single-family detached dwellings</p>	<p>Agricultural service establishments Health care facilities Nursing and convalescent facilities Private recreational facilities Research or craft enterprises Retail and service establishments</p>	<p>Churches and places of worship Educational and/or religious uses Essential services Public and semi-public uses</p>	<p>Fences Home occupations Private garages Sheds Signs Swimming pools Other customary uses associated with permitted uses (Principal, Conditional or Special Exception)</p>	<p>2 acres 200 feet 40 feet 25 feet 50 feet 15%</p> <p>Minimum lot area: Minimum average lot width: Minimum yards: Front Side/Rear Maximum building height: Maximum lot coverage:</p>
<p>R-1 Low Density Residential District: The purpose of this district is to provide for very low-density residential development in areas of the Borough that are largely rural in character.</p>	<p>Forestry Single-family detached dwellings</p>	<p>Bed and breakfasts Conservation subdivisions Day-care facilities Health care facilities</p>	<p>Churches and places of worship Educational and/or religious uses Essential services Professional services Public and semi-public uses Public parks and playgrounds</p>	<p>Fences Home occupations Private garages Sheds Signs Swimming pools Other customary uses associated with permitted uses (Principal, Conditional or Special Exception)</p>	<p>1 acre 150 feet 40 feet 25 feet 35 feet 15%</p> <p>Minimum lot area: Minimum average lot width: Minimum yards: Front Side/Rear Maximum building height: Maximum lot coverage:</p>

Honesdale Borough Zoning Ordinance - Schedule of District Regulations					
District Intent	Principal Permitted Uses	Conditional Uses (Activities qualifying as Minor Impact Uses will be allowed as Principal Permitted Uses - see §210-9.D)	Special Exceptions (Activities qualifying as Minor Impact Uses will be allowed as Principal Permitted Uses - see §210-9.D)	Accessory Uses	Development Standards
<p>R-2 Single-Family Residential District: The purpose of this district is to allow for the development of single-family housing appropriate to the existing patterns within already developing areas of the Borough.</p>	<p>Forestry Single-family detached dwellings Two-family dwellings</p>	<p>Bed and breakfasts Conservation subdivisions Day-care facilities Health care facilities</p>	<p>Churches and places of worship Educational and/or religious uses Essential services Professional services Public and semi-public uses Public parks and playgrounds</p>	<p>Fences Home occupations Private garages Sheds Signs Swimming pools Other customary uses associated with permitted uses (Principal, Conditional or Special Exception)</p>	<p>Minimum lot area: 10,000 sq. ft. Minimum average lot width: 60 feet Minimum yards: 25 feet Front 15 feet Side/Rear 35 feet Maximum building height: 30% Maximum lot coverage:</p>
<p>R-3 Multifamily Residential District: This district is intended to provide areas for development of multifamily housing and other moderate density residential activity, including residential conversions to apartments.</p>	<p>Conversion to apartments Forestry Single-family detached dwellings Two-family dwellings</p>	<p>Conservation subdivisions Day-care facilities Multi-family dwellings</p>	<p>Churches and places of worship Essential services Public and semi-public uses Public parks and playgrounds</p>	<p>Fences Home occupations Private garages Sheds Signs Swimming pools Other customary uses associated with permitted uses (Principal, Conditional or Special Exception)</p>	<p>Minimum lot area: 7,500 sq. ft. Minimum average lot width: 60 feet Minimum yards: 20 feet Front 10 feet Side/Rear 35 feet Maximum building height: 35% Maximum lot coverage:</p>
<p>R-4 High Density Residential District: This district is intended to provide areas within the Borough for the location of higher density housing, including mobile home parks.</p>	<p>Mobile homes (individual) Forestry Single-family detached dwellings Two-family dwellings</p>	<p>Campgrounds Conservation subdivisions Day-care facilities Mobile home parks Multi-family dwellings Private recreational facilities</p>	<p>Churches and places of worship Essential services Public and semi-public uses Public parks and playgrounds</p>	<p>Fences Home occupations Private garages Sheds Signs Swimming pools Other customary uses associated with permitted uses (Principal, Conditional or Special Exception)</p>	<p>Minimum lot area: 5,000 sq. ft. Minimum average lot width: 50 feet Minimum yards: 20 feet Front 10 feet Side/Rear 35 feet Maximum building height: 40% Maximum lot coverage:</p>

Honesdale Borough Zoning Ordinance - Schedule of District Regulations					
District Intent	Principal Permitted Uses	Conditional Uses (Activities qualifying as Minor Impact Uses will be allowed as Principal Permitted Uses - see §210-9.D)	Special Exceptions (Activities qualifying as Minor Impact Uses will be allowed as Principal Permitted Uses - see §210-9.D)	Accessory Uses	Development Standards
<p>R-5 Residential/ Professional District: This district is designed to permit a combination of uses appropriate to the productive use of existing structures in older sections of the Borough.</p>	<p>Conversion to apartments Forestry Professional services Public parks and playgrounds Single-family detached dwellings Two-family dwellings</p>	<p>Day-care facilities Health care facilities Multi-family dwellings</p>	<p>Churches and places of worship Essential services Public and semi-public uses</p>	<p>Fences Home occupations Private garages Sheds Signs Swimming pools Other customary uses associated with permitted uses (Principal, Conditional or Special Exception) - See also §210-25</p>	<p>Minimum lot area: 7,500 sq. ft. Minimum average lot width: 60 feet Minimum yards: Front: 20 feet Side/Rear: 10 feet Maximum building height: 35 feet Maximum lot coverage: 50%</p>
<p>R-6 Residential/ Institutional District: The purpose of this district is to provide single and two-family housing appropriate to existing patterns within already developed areas and at the same time provide areas of expansion and growth to existing schools, hospitals, and other medical related uses.</p>	<p>Conversion to apartments Forestry Professional services (non-medical) Single-family detached dwellings Two-family dwellings</p>	<p>Conversion to apartments Day-care facilities Health care facilities Multi-family dwellings Parking lots/structures Professional offices services (medical) Public and semi-public uses Public schools Research or craft enterprises</p>	<p>Churches and places of worship Essential services Public and semi-public uses Public parks and playgrounds</p>	<p>Fences Home occupations Private garages Sheds Signs Swimming pools Other customary uses associated with permitted uses (Principal, Conditional or Special Exception) - See also §210-25</p>	<p>Minimum lot area: 10,000 sq. ft. Minimum average lot width: 75 feet Minimum yards: Front: 20 feet Side/Rear: 10 feet Maximum building height: 35 feet Maximum lot coverage: 50%</p>

Honesdale Borough Zoning Ordinance - Schedule of District Regulations					
District Intent	Principal Permitted Uses	Conditional Uses (Activities qualifying as Minor Impact Uses will be allowed as Principal Permitted Uses - see §27(0-9.D))	Special Exceptions (Activities qualifying as Minor Impact Uses will be allowed as Principal Permitted Uses - see §27(0-9.D))	Accessory Uses	Development Standards
<p>C-1 Central Commercial District: 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.</p>	<p>Cultural facilities Fraternal clubs Health care facilities Mixed-use development Parking lots/structures Professional services Restaurant Retail and service establishments Short-term rentals Undertaking establishments</p>	<p>Automobile service stations Convenience stores Day-care facilities Fast-food establishments Nursing and convalescent facilities Research or craft enterprises Vehicle/equipment sales and repair</p>	<p>Churches and places of worship Essential services Public and semi-public uses</p>	<p>Fences Private garages Sheds Signs Other customary uses associated with permitted uses (Principal, Conditional or Special Exception)</p>	<p>Minimum lot area: 7,500 sq. ft. Minimum average lot width: 50 feet Minimum yards: Front: None Side: None Rear: 15 feet Maximum building height: 50 feet Maximum lot coverage: 80%</p>
<p>C-2 Highway Commercial District: 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.</p>	<p>All C-1 Principal Permitted Uses Automobile service stations Convenience stores Indoor theaters Lumberyards Mixed-use development Private recreational facilities Short-term rentals</p>	<p>Adult stores Car washes Day-care facilities Fast-food establishments Hotels and motels Limited light manufacturing uses Research or craft enterprises Shopping centers/malls Vehicle/equipment sales and repair Warehouses and wholesale uses</p>	<p>Churches and places of worship Essential services Public and semi-public uses</p>	<p>Fences Private garages Sheds Signs Other customary uses associated with permitted uses (Principal, Conditional or Special Exception)</p>	<p>Minimum lot area: 7,500 sq. ft. Minimum average lot width: 75 feet Minimum yards: Front: 20 feet Side/Rear: 20 feet Maximum building height: 50 feet Maximum lot coverage: 50%</p>
<p>ID Industrial District: The purpose of this district is to provide sufficient space in appropriate locations to meet future needs for light manufacturing activity.</p>	<p>Parking lots/structures Short-term rentals</p>	<p>Administration offices Bulk fuel storage/supply facilities Day-care facilities Distribution centers facilities/terminals Food processing, brewing and distilling Light manufacturing Mixed-use development Professional services Research or craft enterprises Retail establishments fronting on Rt. 6 Self-storage facilities Vehicle/equipment sales and repair Warehouses</p>	<p>Essential services Public and semi-public uses</p>	<p>Fences Private garages Sheds Signs Other customary uses associated with permitted uses (Principal, Conditional or Special Exception)</p>	<p>Minimum lot area: 15,000 sq. ft. Minimum average lot width: 100 feet Minimum yards: Front: 20 feet Side/Rear: 20 feet Maximum building height: 50 feet Maximum lot coverage: 50%</p>

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

4. Amend Section 210-9 to read follows:

- A. *Permits for principal permitted uses and accessory uses shall be issued as a matter of right, provided the standards contained in this chapter are otherwise met.*
- B. *Conditional uses and special exceptions shall be subject to additional review procedures as specified herein.*
- C. *Whenever any proposed use is neither specifically permitted nor denied under this chapter 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 chapter. The Borough 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.*
- D. *Minor Impact Uses*

Minor Impact Uses shall be processed as principal permitted uses, notwithstanding their classification on the Schedule of District Regulations as Conditional Uses or Special Exceptions. A Minor Impact Use shall be one that:

- 1. *Uses less than two-thousand (2,000) square feet of building floor area.*
- 2. *Does not involve the outside storage of materials or supplies except for minor incidentals.*
- 3. *Involves the parking of no more of two (2) vehicles on-site.*
- 3. *Complies with landscaping, parking, sign and other performance standards.*
- 4. *Generates no more than one hundred (100) vehicle trips per day, based on estimates provided by the Institute of Transportation Engineers.*

No Minor Impact Use, having once been permitted or established, shall be added to, expanded, enlarged or otherwise increased or changed substantially in character without complying with this Chapter. Any addition or expansion which takes a use above the upper limits established for a Minor Impact Use shall be processed as a conditional use.

5. Amend Section 210-10 to read as follows:

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 detailed in the Schedule of District Regulations. Supplementary regulations (Article IV) may establish additional or differing standards as they apply to specific uses.

6. Amend Section 210-15 to read as follows:

§ 210-15 Conservation subdivision option

Conservation design development is considered a conditional use and may be used at the developer's option in A1, A2, R-1, R-2 and R-4 Districts.

- A. *General regulations. The design of all new developments in the Conservation Design Development Overlay District shall be governed by the following minimum standards:*
- (1) Ownership. The tract of land shall be controlled by the applicant and shall be developed as a single entity.*
 - (2) Intersections and access. The number of driveways entering onto existing public streets shall be minimized.*
 - (3) Primary conservation areas. The design shall strictly minimize the disturbance of the following primary conservation areas, which are environmentally sensitive.*
 - (a) Wetlands.*
 - (b) Floodway.*
 - (c) Floodplain.*
 - (d) Slopes in excess of 25%.*
- B. *Minimum parcel size and use regulations. In all zoning districts where permitted, tracts of five acres or more may be developed in accord with this § 210-15 at the developer's option provided no less than 40% of any tract so developed shall be comprised of conservation open space. The following uses shall be permitted in conservation design developments at densities specified in their respective zoning districts provided that individual lot sizes and setbacks may be reduced:*
- (1) Single-family detached dwellings: single-family detached dwellings.*
 - (2) Two-family dwelling units or multifamily 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.*
 - (3) Conservation open space: conservation open space comprising a portion of the development, as specified above.*
 - (4) Retail and service establishment: In developments of 200 or more dwelling units, retail and service establishments, as defined by this chapter, may be permitted as a conditional use.*

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

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.

(5) *Agriculture and forestry uses.*

(6) *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.*

C. *Density factor. The number of permitted dwelling units is determined by dividing the adjusted tract acreage by the applicable density factor. 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:
<i>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</i>	1.00
<i>Land under existing private streets</i>	1.00
<i>Designated wetlands as determined by a delineation</i>	0.75
<i>Floodway (If not mapped by FEMA, assume 50 feet each side of top-of-bank of stream)</i>	1.00
<i>One-hundred-year floodplain (if not mapped by FEMA, area is included in floodway above)</i>	0.50
<i>Natural ground slopes exceeding 25%</i>	0.50
<i>Ponds, lakes and streams</i>	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.*

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

D. Design standards.

(1) 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.

(2) 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.

F. Conservation open space use and design standards. Protected conservation open space in all conservation design developments shall meet the following standards:

(1) Uses permitted on conservation open space. The following uses are permitted in conservation open space areas:

(a) Conservation of open land in its natural state.

(b) Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, excluding building. Specifically excluded are commercial livestock operations involving animals likely to produce highly offensive odors.

(c) Pasture land for horses used solely for recreational purposes, excluding buildings.

(d) Silviculture.

(e) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses.

(f) Active noncommercial recreation areas, such as previous playing fields, and playgrounds.

(g) Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation open space..

(h) Easements for drainage, access, sewer or water lines, or other public purposes.

(i) Underground utility rights-of-way..

(2) 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.

(3) Ownership. The conservation open space may be owned and maintained in accord with § 210-44 and Chapter 183, Subdivision and Land Development, of the Borough Code.

(4) Use by development residents. Not less than 15% of the conservation open space shall be free of wetlands, floodway, and slopes in excess of 25%.

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

- (5) *Access. Pedestrian and maintenance access shall be provided to conservation open space reserved for subdivision residents.*
- (6) *Permanent conservation open space. The required conservation open space shall be subject to permanent conservation easements.*
- (7) *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 Chapter 183, Subdivision and Land Development, of the Borough Code.*

7. Amend Section 210-17.A(1) to add the following:

The buffer may consist of either a solid fence, not less than six feet in height, or dense evergreen plantings, not less than six feet high and a minimum of five feet wide, or other designs which achieve the required results. All buffer areas required by this chapter 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.

8. Add Section 210-17.C to read as follows:

C. Sidewalk Dining

- (1) *All sidewalk dining areas shall be open for ingress and egress to the pedestrian path. Clear, continuous passage of the pedestrian path shall be provided through or adjacent to all sidewalk dining areas. The minimum required clear path shall be four feet (4') with passing areas. The clear area shall be free of any obstructions such as trees, landscaping, street furniture, signs and the like in order to allow adequate pedestrian movement.*
- (2) *Sidewalk dining areas shall also not interfere with any utilities or other facilities such as light poles, fire hydrants, signs, landscaping, mailboxes, or benches located on the sidewalk or public right-of-way. The sidewalk dining area may not impinge on any required clear distances for maneuvering around entrances or exits.*
- (3) *The use of removable umbrellas and other similar coverings may be permitted provided that no portion of the umbrella or other covering infringes on the clear pedestrian path. Umbrellas shall have weighted bases. No portion of an awning or other covering shall be less than eight feet (8') above the sidewalk. No permanently constructed non-retractable or non-removable awning, umbrella or other coverings shall be permitted.*
- (4) *Any lighting for sidewalk dining areas shall not cause a glare to passing pedestrians or vehicles. Outdoor heaters may also be used, provided they are placed a minimum of two (2) feet inside the designated sidewalk dining area (two feet away from the designated pedestrian path). Electrical wires and cords shall not be permitted in the sidewalk dining area.*

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

9. Amend Section 210-19.C to read as follows:

Parking spaces may be located on a lot other than that containing the principal use with the approval of the Borough Council, provided a written agreement, approved by Borough Council, shall be filed with the application for a zoning certificate. When proposed to be located on another lot to support a principal use, the parking spaces shall be considered an accessory use. Such parking spaces shall be located a maximum of three-hundred (300) feet driving distance from any commercial properties and two-hundred (200) feet from any residential properties they will serve, provided that Borough Council can modify this standard where there no properties available for this purpose or the use is such that minimal such off-site parking is demanded.

10. Amend Section 210-19.F to add the following to the table of parking requirements:

Residential (upper story apartments) 1 per unit located within 200 feet of the building

11. Amend the introduction to Section 210-22.C to read as follows:

Kennels. Kennels are permitted as a special exception in the AG District subject to § 210-38 of this chapter and the following conditions:

12. Add Section 210-22.D to read as follows:

Keeping of other animals. The keeping of animals other than those listed above and other than those used in conjunction with commercial agriculture as permitted herein within Agricultural Districts shall be limited to those that are ordinarily kept inside the home, including house cats, other house pets confined to inside cages, aquariums and the like, but not including animals such as chickens, goats, pigs, sheep or exotic animals kept outside or in separate structures.

13. Add Section 210-24.1 to read as follows:

210-24 .1 Communication structures.

A. *Special Definitions.*

Antenna - A device used to collect or transmit telecommunications or radio signals. This definition is not meant to include home television or amateur radio apparatus.

Telecommunications Facility - Consists of the equipment and structures involved in receiving or transmitting telecommunication or radio signals, but limited to those facilities with respect to which the State and Federal governments have not, under public utility laws, strictly pre-empted the Borough from regulating.

Tower - A structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures includes monopoles and lattice construction steel structures.

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

- B. *Design and location standards. The following design and location standards shall apply to all telecommunications facilities:*
- (1) *The location of the tower and equipment building shall comply with all natural resource protection standards of this ordinance.*
 - (2) *An evergreen screen consisting of a row of evergreen trees planted ten (10) feet on center maximum, shall be located around the perimeter of the security fence. The Borough may, however, modify or waive screening requirements if the site is entirely or partially wooded so as to provide existing screening.*
 - (3) *An eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.*
 - (4) *The tower and antenna shall be designed and constructed to all applicable standards of the American National Standards Institute.*
 - (5) *A soil report prepared by a Professional Engineer shall be submitted to the Borough to support the design specifications of the foundation for the tower, and anchors for the guy wires, if used.*
 - (6) *Telecommunications facilities shall be subject to the following subdivision and land development standards:*
 - (a) *Minimum lot size. Five (5) acres*
 - (b) *Minimum setback. Tower height plus twenty-five (25) feet*
 - (7) *A telecommunications facility shall be permitted on a property with an existing use subject to the following conditions:*
 - (a) *The telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.*
 - (b) *Minimum lot area. The five (5) acre minimum lot area shall apply to the area designated for tower use. Land remaining shall comply with the minimum lot size otherwise applicable*
 - (c) *Minimum setbacks. The minimum setback required above shall apply to the area designated for tower use.*
 - (d) *Access roads. The vehicular access to the facility shall, whenever feasible, be provided along the circulation driveways of the existing use and incorporate storm water management measures. All such roads shall be constructed to Borough specifications for new roads.*

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

- (8) *The applicant shall demonstrate the tower for the communications facility is the minimum height necessary for the service area and the site chosen is the one affording the opportunity to construct the lowest height tower possible, taking into consideration all lands available within a reasonable distance.*
- (9) *The applicant shall demonstrate that the proposed tower adequately addresses all aspects of aviation safety in view of known local aviation traffic as well as FAA requirements.*
- (10) *Proximity of the communications structure to existing or platted residential properties shall be considered in applying such requirements. Existing trees providing a natural buffer shall be preserved unless required to be removed for purposes of access or safety.*
- (11) *The applicant shall provide visual depictions or studies to indicate how the facility will appear once constructed in relation to the surrounding natural environment and from the perspective of adjacent or nearby residents.*
- (12) *Free-standing pole-type communications structures shall be given preference over towers supported by guy wires.*
- (13) *All communications structures shall be lighted for safety, if required, in a manner consistent with industry best practices and additional setbacks may be imposed to shield adjacent properties from the effects of such lighting.*
- (14) *Should any tower cease to be used as a communications facility, the owner or operator or then owner of the land on which the tower is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Borough to remove the facility and charge back the cost of removal to the foregoing parties. The Borough may also file a municipal lien against the land to recover the costs of removal and fees. A financial guarantee for the same shall be required to cover 115% the cost and shall be updated every three years with costs subject to review by the Borough Engineer and the form of the agreement subject to review of the Borough Solicitor, the agreement to be approved by the Borough Council.*
- (15) *An applicant for approval of a communications structure shall include with the application evidence of written contact with all wireless service providers who supply service within the Borough for the purpose of assessing the feasibility of co-located facilities and co-location shall be mandatory wherever physically feasible.*
- (16) *The Borough may require an applicant to provide accessibility to its facilities for emergency purposes by community organizations responsible for emergency communications.*
- (17) *The Borough may consider any other factor relative to public health, safety and welfare in reviewing an application and may impose conditions with respect to screening, noise generation, traffic, lighting or any other criteria contained herein and the Borough may, for these purposes, require full disclosure of the uses of the facilities and the specifications*

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

with regard to all apparatus and require updates as may be appropriate when equipment is added or modified.

(18) A 9-1-1 address verification letter provided by the Wayne County Department of Planning/ GIS shall be provided for locational documentation. The posting of that verified address at the tower site shall also be required.

14. Amend Section 210-26 to read as follows:

§ 210-26 Normal maintenance and repair activities and minor additions.

Normal maintenance and repair activities, such as painting, replacing a roof, etc., are permitted, as well as minor alterations and interior renovations that do not structurally alter the habitable portion of any principal building, or result in a different nature of use than currently existing. Improvements made for safety and accessibility, such as ramps, lifts, vestibules, canopies, and other entryway/ exit changes shall be considered such minor additions and improvements and may be permitted under accessory use standards.

15. Amend the Section 210-27 introduction to read as follows:

§ 210-27 Changes and additions.

All changes and additions to nonconforming uses, lots, or structures, excepting for accessory uses customary to the principal use and those minor additions and improvements identified in Section 210-26 and otherwise provided for 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:

16. Amend Section 210-27.C to read as follows:

C. Yards and setbacks. No addition, change or expansion of a nonconforming use or structure shall further violate setback and/or height regulations of the district in which it is located, except for minor additions and improvements as provided in Section 210-26 above, and further provided that front, rear and side yards of no less than five (5) feet shall be maintained, into which no such addition or improvement is extended.

17. Amend Section 210.29 to read as follows:

§ 210-29 Restoration or reconstruction.

Any nonconforming residential structure that is damaged or destroyed, may be restored or reconstructed within 36 months of the date of the damage or destruction. If less than 75% of the floor area of any other nonconforming structure or use is damaged, it may be restored or reconstructed within 36 months of the date of the damage.

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

18. Amend Section 210-30 to read as follows:

§ 210-30 Existing lots of record.

A structure may be erected on any existing nonconforming lot of record, providing the owner does not own adjoining property in which case the parcels shall be considered as one for purposes of building development and legally consolidated; no yard is reduced unless absolutely necessary and to no less than 50% of the requirement for the district in which it is located; and a sewage permit can be properly issued. All building development on such a lot shall otherwise comply with all zoning requirements.

19. Amend Section 210-38.A to read as follows:

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. The Borough Council shall hold public hearings for conditional use applications.

- (1) The proposed use shall be in harmony with purposes, goals, objectives and standards of the Honesdale Borough Comprehensive Plan, this chapter, and all other ordinances of Honesdale Borough.
- (2) 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 chapter, or any other plan, program, map or ordinance of Honesdale Borough or other government agencies having jurisdiction to guide growth and development.
- (3) 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 chapter and other ordinances of Honesdale Borough. The permit approval shall be so conditioned.
- (4) 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 §§ 210-9, 210-10, and Article IV, as well as other portions of this chapter, shall be met. In instances where the standards contained herein do not adequately protect the general

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

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.

20. Amend Section 210-39.A to read as follows:

- A. *Borough Council shall appoint a Zoning Hearing Board, which shall have the number of members of such powers and authority as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended. The duties of the Zoning Hearing Board shall be limited to the following:*
- (1) Substantive challenges to the validity of any land use ordinance except those brought before the governing body.*
 - (2) 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.*
 - (3) Appeals from a determination by a municipal 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.*
 - (4) Applications for variances from the terms of this chapter and Chapter 112, Floodplain Management, or such provisions within a land use ordinance.*
 - (5) Applications for special exceptions under this chapter or Chapter 112, Floodplain Management, or such provisions within a land use ordinance.*
 - (6) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this chapter.*
 - (7) Appeals from the Zoning Officer's determination.*
 - (8) Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development.*

21. Add Article VIII - Short Term Rentals reading as follows:

Article VIII - Short Term Rentals

§210-45. Intent.

This Article shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of residential structures and premises on a short-term and/or vacation basis.

§210-46. Applicability.

The provisions of this Article shall apply to all existing residential, conversions of nonresidential structures to residential dwellings, all existing premises and shall constitute the minimum requirements and standards for said premises for the occupancy, life safety, safety from fire and other hazards. The owner of the rental property shall be responsible for compliance with these provisions and failure of an owner, agent, managing agency, local contact person or short-term renting occupants to comply with this Article shall be deemed noncompliance by the owner.

§210-47. Definitions.

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

BEDROOM - Any room or space used or intended to be used for sleeping purposes.

CODE OFFICIAL - The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

HABITABLE SPACE - Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

LOCAL CONTACT PERSON - A local property manager, owner, or agent of the owner, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner authorized by owner to take remedial action and respond to any violation of this Article.

OPERATOR - Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER - Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in official government records as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

SHORT-TERM RENTAL - Any dwelling unit owned or managed by a person, firm or corporation which is rented or leased for a period of less than 30 days, not including hotel, motel or bed and breakfast units.

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

TENANT - A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM - A room containing a water closet or urinal but not a bathtub or shower.

§210-48. Local Contact Person.

Each owner of a long-term or short-term rental shall designate a local person, property manager or agent as a local contact person who has access and authority to assume management of the unit and take remedial measures. An owner who resides within 10 miles of premises may designate himself as the local contact person. The local contact person shall respond to the Code Official within one (1) hour after being notified by the Code Official or other Borough official of the existence of a violation of this Article or any disturbance requiring immediate remedy or abatement. If the local contact person is not the owner, the local contact person shall immediately advise the owner of any notification of a violation.

§210-49. License Required; Zoning.

A license under this Article shall be required when any dwelling unit is initially proposed to be used as a short-term rental. A license application for any property presently used as short-term rental shall be filed within ninety (90) days of the effective date of this Article. Each permit shall be renewed annually and at the time any of the conditions of the rental which are governed by this Article are changed through application to the Code Official who shall be authorized to grant or deny such renewals. Licenses shall be issued only in the name of the owner of the short-term rental.

§210-50. Application

An application for a short-term rental license shall be filed with the Code Official. The application shall contain the following information:

- A. The name, address, telephone number and email address of the owner. If the owner does not have a managing agency, agent or local contact person, then the owner shall provide a 24-hour telephone number.*
- B. The name, address, and 24-hour telephone number of the managing agency, agent or local contact person .*
- C. A diagram or photograph of the premises showing and indicating the number and location of designated on-site parking spaces and documentation detailing the number and location of available off-site parking spaces.*
- D. If not on a central sewer system, the location, approximate age and capacity (if known) of the sewage disposal system.*

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

- E. *Acknowledgment that the owner, agent, and/or local contact person have read all regulations pertaining to the operation of the short-term rental.*
- F. *Acknowledgment the owner, agent, or local contact person will post and maintain the short-term rental license along with the notice required under §210-51(A)(9) herein.*
- G. *A copy of a current Wayne County Room Rental Excise Tax Certificate and current Pennsylvania Sales Tax License if such Certificate and/or License is required by the applicable regulations.*
- H. *Any other reasonable information deemed necessarily by the Code Official.*

§210-51. Standards and Conditions.

- A. *All licenses issued pursuant to this Article are subject to the following standards:*
 - 1. *The owner shall limit overnight occupancy of the short-term rental to two (2) people per bedroom plus an additional two (2) people.*
 - 2. *Every bedroom shall contain not less than seventy (70) square feet and every bedroom occupied by more than one (1) person shall contain not less than one hundred (100) square feet. Bedrooms shall not be less than seven (7) feet in any plan dimension.*
 - 3. *The owner shall limit the number of all vehicles to the number of parking spaces designated in the license. All parking for overnight guests and day guests shall be designated in the license and shall be located on the short-term rental property or within 300 feet of such property. This may include spaces in the property's garage which can accommodate vehicles, but shall not include spaces in any private, community or public right-of-way.*
 - 4. *A minimum of one (1) parking space per bedroom shall be provided. All parking spaces shall be improved to a mud-free condition with paving, stone or similar material.*
 - 5. *If the short-term rental is accessed directly by a Borough or State road, all parking spaces shall be accessed from the driveway serving the short-term rental unless the unit is served by a common parking area.*
 - 6. *The owner shall use best efforts to assure that the occupants or guests of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Article or any state law pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding short-term rentals and responding when notified that occupants are violating provisions of this Article and/or other applicable laws and regulations regarding their occupancy.*

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

7. *The owner shall, upon notification that occupants or guests of the short-term rental have created unreasonable noise or disturbances, engaged in disorderly conduct or violated provisions of this Article or state law pertaining to noise, or disorderly conduct, promptly use their best effort to prevent a recurrence of such conduct by those occupants or guests. The total number of persons occupying a dwelling unit at a given time shall not exceed the maximum overnight occupancy under sub-section A.1 above plus 50%.*
8. *The owner shall post a copy of the license and a copy of the conditions set forth herein in a conspicuous place within the short-term rental.*
9. *Each short-term rental shall have a clearly visible and legible notice conspicuously posted within the unit containing the following information:*
 - (a) *The name of the managing agent, property manager, local contact, or owner of the unit and a telephone number at which such party may be reached on a 24-hour basis.*
 - (b) *The 911 address of the property, which shall be verified by the owner seeking a 911 Address Verification from Wayne County.*
 - (c) *The maximum number of occupants permitted to stay in the unit pursuant to sub-section A.1 above.*
 - (d) *The maximum number of all vehicles allowed to be parked on the property and the requirement that parking is not permitted in any public road right-of-way unless such designated right-of-way is not parking restricted.*
 - (e) *Notification that trash and refuse shall not be left or stored on the exterior of the property except in secure, water-tight metal or plastic cans or similar containers designed for such storage with a limit of three (3) secured containers.*
 - (f) *Notification that an occupant may be cited and fined for creating a disturbance or for violating other provisions of this Article; and*
 - (g) *Notification that failure to conform to the parking and occupancy requirements of the structure is a violation of this Article subject to a citation and fines.*
 - (h) *A map of the property boundaries and approved parking spaces provided.*

It shall be unlawful for any occupant or person to maliciously and willfully disturb the peace of any neighborhood, person, or family by loud or unusual noises or by

Honesdale Borough Zoning Ordinance - Draft Amendment As Revised 7/15/21

tumultuous and offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting.

- B. *The Code Officer shall with notice to Borough Council have the authority to impose additional reasonable conditions on any license or renewal in the event of any prior violation of the conditions of the license or the provisions of this Article to address any such past violations.*
- C. *The marketing of a short-term rental in which the advertised occupancy exceeds the maximum occupancy requirements permitted by this Article or which promotes any other activity which is prohibited by this Article shall be a violation of this Article subject to the penalties and costs in Article VI. The owner or local contact person shall provide to the Code Official a copy of all advertisements relating to the short term rental.*

§210-52. Appointment of Code Official(s).

The governing body may appoint one (1) or more Code Officials, who may be the Borough Zoning Officer or Code Enforcement Officer, local police or a contracted individual, firm or agency, to conduct inspections, make reports and administer this Article. All short-term rental units shall be subject to inspection and approval by the Code Official to verify registration, application, license, operating and/or occupancy requirements or if there is reason to believe that any provision of this Article is being violated. Prior to the initial letting of a short-term rental and prior to the license renewal, the owner shall arrange for an inspection annually by the Code Official to confirm that occupancy requirements herein are satisfied.

§210-53. Occupancy Requirements.

Each short-term rental, to be approved for letting, shall comply with the following:

- *Smoke detector in each bedroom,*
- *Smoke detector outside each bedroom in the common hallway,*
- *Smoke detector on each floor,*
- *Aluminum or metal exhaust from dryer,*
- *Carbon monoxide detector if open flame (oil or gas) furnace or gas fireplace,*
- *Carbon monoxide detector if garage is attached,*
- *Fire extinguisher in kitchen,*
- *Stairs (indoor and outdoor) in good condition,*
- *Covers on all outlets, and*
- *Any other occupancy requirements that may be added by resolution of governing body or that may be required by other regulations including building code requirements and Chapter 163 of this Code.*

§210-54. Short-Term License Revocation.

If an owner of a short-term rental commits two (2) or more offenses resulting in convictions within one year, the short-term rental license may be revoked.