

**HONESDALE BOROUGH  
WAYNE COUNTY, PENNSYLVANIA  
ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING CHAPTER 210 (ZONING) OF THE BOROUGH OF HONESDALE CODE TO ADDRESS UPDATING OF ANIMAL HUSBANDRY PROVISIONS, CEMETERY LOCATIONS, NORMAL MAINTENANCE AND REPAIR ACTIVITIES AND PERMIT REQUIREMENTS.

WHEREAS, the Borough of Honesdale (hereinafter Borough) has enacted certain and various ordinances governing land use and zoning matters regarding properties and uses within Honesdale Borough, including Chapter 210 the Code of the Borough of Honesdale; and,

WHEREAS, said Chapter 210 requires clarification and modification to address animal husbandry, cemetery locations, normal maintenance and repair activities and permit requirements.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Borough Council of Honesdale Borough, Wayne County, Pennsylvania, as follows:

**I. The definition of Stable (Private) in Section 210-4.1.A is hereby amended to read as follows:**

**STABLE/PRIVATE**

An accessory structure or use that involves the keeping of donkeys, horses, mules, cows, goats or sheep not for hire, remuneration or sale.

**II. Section 210-22, Stables and Kennels, is hereby amended to read as follows:**

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

- (1) A minimum of ten (10) acres shall be required for the residence and any structure necessary to accommodate the animal(s);

- (2) No more than two (2) equines or two (2) bovine or two (2) goats or sheep shall be kept at the residence, with a maximum of two (2) animals permitted.
- (3) Two-hundred (200) square feet of stable building area shall be required for each animal;
- (4) No stable building or corral shall be located within 50 feet of an adjoining property line and 50 feet from any public or private road. Manure storage shall be setback a minimum of 100 feet from any property line.
- (5) All animals permitted by this provision shall be restricted from grazing or intruding on an adjoining property, and any fences erected for the same shall be at least five feet from the property line or public or private road right-of-way line.

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

- (1) A minimum parcel of three acres shall be required.
- (2) No structure used for the keeping of dogs shall be located closer than 125 feet to any property line or 100 feet to any public or private road.
- (3) Adequate off-street parking shall be provided pursuant to this chapter with one space for each nonresident employee and one space per four dogs kept on the premises.
- (4) A noise barrier consisting of a solid fence not less than six feet in height or a dense vegetative planting of not less than six feet in height shall be provided at a distance not to exceed 15 feet and fully encircling all kennel areas not enclosed in a building.
- (5) Dogs shall be restricted from using kennel areas not fully enclosed in a building from 8:00 p.m. to 8:00 a.m.

C. 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

animals that are ordinarily kept inside the home, including house cats, dogs, other house pets confined to inside cages, aquariums and the like, but not including animals kept outside or in separate structures, but only as provided for herein. Poultry shall be limited to 10 birds per lot with a minimum lot size of one-half acre outside of agricultural districts. An additional 10 birds shall be permitted for each additional half-acre of lot area and shall be housed in an outside structure with fencing adequate to prevent the animals from encroaching on adjoining properties.

**III. Section 210-08, General District Regulations, is hereby amended to add Cemeteries as permitted Special Exceptions in A1, A2, R-1, R-2, R-3, R-4, R-5, R-6, C-1 and C-2 Districts on the Schedule of District Regulations.**

**IV. Section 210-20.1, Residential Lighting Regulations, is hereby added to read as follows:**

A. Purposes:

- (1) To set minimum standards for outdoor lighting.
- (2) To control lighting in outdoor public places where public health, safety, and welfare are potential concerns.
- (3) To protect drivers and pedestrians from the disabling glare of non-vehicular light sources.
- (4) To protect neighbors and neighboring property from nuisance glare, and light trespass from improperly selected and/or poorly aimed, placed, applied, maintained, or un-shielded light sources.
- (5) To promote energy-efficient lighting design and operation.
- (6) To protect and retain as much of the rural and small-town character of the Borough as possible.

B. Applicability: These regulations shall be enforced throughout the Borough for all residential uses in all zoning districts, provided that nothing herein is intended to limit, control, and or restrict over-sight, review, and control of lighting plans for commercial activities, conditional uses, special exceptions, variance situations, and sign permits.

C. Exemptions:

- (1) Lighting required for agricultural uses.
- (2) Lighting required for the performance of emergency services.
- (3) Seasonal decorative lighting at and about holidays, including November, December, and January; provided such lighting shall not cause any nuisance, glare, or trespass onto any adjoining or neighboring properties.
- (4) Lighting required for agricultural uses.
- (5) Borough street lights.

D. Definitions of Terms: Terms used in this section shall have such meaning as is defined by the Illuminating Engineering Society of North America (IESNA)

E. Lighting Criteria:

- (1) Illumination and other aspects of lighting shall comply with the current recommended practices of IESNA.
- (2) The recommended practices included in the current IESNA Regulations are incorporated herein by reference thereto as though the same or more fully set forth herein. A copy of the most current IESNA regulations is available at the Borough office.
- (3) Dusk to dawn lights shall not be permitted where they are visible from any other properties unless fitted with a reflector to render them full cutoff.
- (4) Any lighting 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 on public roadways, neighboring uses or property.
- (5) Floodlights and spotlights shall be so installed that they do not project their output into the windows of neighboring residences, adjacent

uses, past the object being eliminated, skyward, or onto a public highway.

- (6) Glare control of any lighting shall be achieved primarily through the use of cut-off fixtures, shields, baffles, or appropriate application in her positioning of fixtures by height, wattage, aiming angle, and fixture placement.
- (7) Vegetative screening shall not be used as a primary means of controlling glare on adjacent properties.
- (8) The intensity of illumination projected onto a residential use from another property shall not exceed 0.1 foot-candle, an insured vertically, line of sight, from any location on the receiving property.
- (9) Full cutoff lighting shall not be mounted in excess of 20 feet above finished grade of the surface being eliminated.
- (10) Use of white strobe lighting is prohibited.
- (11) Canopy lighting for uses such as gas/service stations, banks, fast food drive-throughs, and similar uses are limited to flat lands, full cut-off fixtures aim straight downward and shielded in such a manner that the lowest opaque edge of the fixture shall be level with or below the light source.
- (12) Safety and or security lighting for commercial and/or industrial operations shall be reduced by 75% from normal lighting output from 11:00 PM until dawn the next day.
- (13) Installation of any lighting system shall be approved by the Borough.
- (14) If the Borough determines a lighting installation creates a safety or personal security hazard, or produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from the regulations provided for herein, the recognized owner of the property and/or lighting system shall be notified in writing to take remedial action within ten (10) days.

**V. Section 210-26, Normal Maintenance and Repair Activities and Minor Additions is hereby amended to read as follows:**

- A. Normal maintenance and repair activities, such as painting 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.
- B. Safety and accessibility aspects, such as ramps, lifts, vestibules, canopies, and other entryway/exit changes, while considered accessory uses not subject to zoning approval, shall, nonetheless, require building permits to ensure compliance with ADA requirements.
- C. No building or property improvements, installations or modifications shall extend into any public right of way without prior approval of the governing body possessing such right-of-way.

**VI. Subsection 210-32.A, Permits, of Chapter 210, Zoning, is hereby amended to read as follows:**

Requirements of permits.

- (1) 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 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 nonconforming use. It shall be unlawful for any person to commence work for the land use until a permit has been duly issued therefor.
- (2) No zoning permit shall be required in cases of normal maintenance activities such as painting, siding replacement, minor repairs or alterations that do not structurally change a building, structure or change the use. Accessory uses not involving new construction or which are less than 100 square feet in size and portable shall also be exempt, but fences and other accessory structures permanently affixed shall require permits.
- (3) The above provisions for accessory uses and building attachments, shall not exempt any property owner from otherwise conforming with

the requirements of this Chapter. Ordinary permits ordinarily required by the Borough for building or construction shall be obtained for all specified activities.

- VII. Survival Clause: Any and all other provisions of Chapter 163 of the Code unaffected by this Amendment shall remain in full force and effect.**
- VIII. Inconsistencies: Any ordinance or part(s) thereof inconsistent herewith are hereby repealed or simultaneously amended.**
- IX. Savings Provisions: Should any section, subsection, clause, provision or other portion of this Ordinance or any other similar ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance, the Borough Council of Honesdale Borough having adopted this ordinance as if such invalid proportions had not been included therein.**
- X. Effective Date: This Ordinance shall become effective five (5) days after the adoption thereof.**

ENACTED AND ORDAINED into law by the Borough Council of Honesdale Borough, Wayne County, Pennsylvania, by a vote of \_\_\_\_\_ to \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2024.