
HONEY BROOK TOWNSHIP
CHESTER COUNTY, PA
ORDINANCE #148 - 2009

AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK AMENDING THE HONEY BROOK TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2004, AS AMENDED, TO CODIFY SUBMISSION DEADLINES FOR THE SUBMISSION OF SKETCH PLANS, PRELIMINARY PLANS, AND FINAL PLANS FOR REVIEW; AND AMENDING THE HONEY BROOK TOWNSHIP ZONING ORDINANCE OF 2003, AS AMENDED, TO REVISE STANDARDS FOR CEMETERIES, KENNELS, KEEPING OF ANIMALS ON RESIDENTIAL LOTS, AND VETERINARY OFFICES, CLINICS, OR ANIMAL SHELTERS.

SECTION 1. Section 22-403.3 shall be amended to read as follows:

3. Where a sketch plan is submitted, 13 copies of the plan shall be submitted to the Subdivision Officer for distribution a minimum of seven (7) business days prior to the public meeting at which the plan will be presented.

SECTION 2. Section 22-405.3 shall be amended to read as follows:

3. Copies of the preliminary plan and all required supplemental data initially shall be submitted to the Subdivision Officer, together with the required fees and escrow deposit established in accordance with the terms of this Chapter, a minimum of fourteen (14) business days prior to the public meeting at which the plan will be presented. The Subdivision Officer shall note the date of receipt of the application, fees, and escrow deposit.

SECTION 3. Section 22-407.4 shall be amended to read as follows:

4. Copies of the final plan and all required supplemental data initially shall be submitted to the Subdivision Officer, together with the required fees and escrow deposit established in accordance with the terms of this Chapter, a minimum of fourteen (14) business days prior to the public meeting at which the plan will be presented. The Subdivision Officer shall note the date of receipt of the application, fees, and escrow deposit.

SECTION 4. Part 2, Definitions, shall be amended as follows:

1. The definition for "Kennel" shall be amended to read as follows:

Kennel – The use of land, building or structure for the purpose of breeding, training or grooming customary household pets for compensation, or the maintenance of more than five (5) dogs that are more than six (6) months old. For regulatory purposes, "Kennel" shall also include nonprofit animal shelters and boarding kennels. Kennels shall conform to the regulation set forth in §27-1604.M.

2. The following definitions shall be added:

Animal Hospital - A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use. Such uses shall comply with the regulations set forth in §27-1602.Y.

Animal Shelter - The keeping of more than five (5) dogs or more than ten (10) cats which are lost, strays, unwanted, unlicensed or unowned, whether or not the shelter is for the purpose of eventual adoption of the animals or whether the shelter is run as a for-profit or non-profit operation, but not intended for the breeding of animals. Animal Shelters shall include animal rescue shelters or wildlife rehabilitation centers and shall comply with the regulations set forth in §27-1604.M.

Boarding Kennel – The use of land, building or structure for the purpose of boarding customary household pets owned by any number of persons other than the owners or operators of the Boarding Kennel. Boarding of hunting or breeding dogs customarily kept together for extended periods of time shall be excluded from the definition of Boarding Kennel. Boarding Kennels shall conform to the regulation set forth in §27-1604.M.

Veterinary Office/Clinic – The use of land, building or structure which involves the care of ill or injured animals on an in-patient or out-patient basis. Such use may accommodate the boarding of animals which are not patients. Such use shall not accommodate the breeding of animals.

SECTION 5. Part 4, A – Agricultural District, shall be amended as follows:

1. Section 27-402.1 shall be amended to add new subsection .Q, which states:

Q. Veterinary office or clinic, or animal hospital, when in accordance with the standards in §27-1602.Y.

2. Delete Section 27-402.2.B. and renumber Sections 27-402.2.C through 402.2.E as 27-402.2.B through 402.2.D, respectively.

3. Add Section 27-402.3.I, which shall state as follows:

I. Kennels, boarding kennels, and animal shelters, when in accordance with the standards in §27-1604.M.

SECTION 6. Part 5, RC – Resource Conservation District, shall be amended as follows:

1. Delete Section 27-502.2.B. and renumber Sections 27-502.2.C through 502.2.E as 27-502.2.B through 502.2.D, respectively.

2. Add Section 27-502.3.E, which shall state as follows:

E. Kennels, boarding kennels, and animal shelters, when in accordance with the standards in §27-1604.M.

SECTION 7. Part 9, C – Commercial District, shall be amended as follows:

1. Section 27-902.1.A(20) shall be amended to read as follows:

(20) Medical or dental office or clinic

2. Section 27-902.1 shall be amended to add new subsection 27-902.1.N which states:

N. Veterinary office or clinic, or animal hospital, when in accordance with the standards in §27-1602.Y.

SECTION 8. Part 10, I – Industrial District, shall be amended as follows:

1. Renumber Section 27-1002.3.I as 27-1002.3.J.

2. Add Section 27-1002.3.I, which shall state as follows:

I. Kennels, boarding kennels, and animal shelters, when in accordance with the standards in §27-1604.M.

SECTION 9. Section 27-1602.D shall be amended as follows:

D. *Keeping of Animals.* Except as otherwise noted, the following standards shall apply to the keeping of animals on residential properties containing no greater than 10 acres, with specific terms applying to the various zoning districts as indicated herein. However, these standards shall not apply to animal shelters, animal hospitals, or veterinary offices/clinics.

SECTION 10. Section 27-1602.D(1)(a) shall be amended as follows:

(a) A maximum of five dogs and five cats is permitted without restriction.

SECTION 11. Section 27-1602.Y shall be amended to read as follows:

Y. *Veterinary Office or Clinic; Animal Hospital*

(1) All activities shall be provided within a fully-enclosed building.

(2) The owner/operator of the veterinary office, veterinary clinic, or animal hospital shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. The noise level at lot lines shall not exceed 55 dBA continuously for 10 minutes as measured at the property line.

(3) Activities including the boarding of animals not specifically for health-related care or monitoring of ongoing medical conditions, such as the temporary boarding of animals, shall comply with the requirements of Section 27-1604.M, including the procedural requirements described in that Section.

(4) The minimum lot area for a veterinary office or veterinary clinic shall be as follows:

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| (a) without animal housing capability | see minimum lot area of zoning district or see Part 24, where applicable |
| (b) with animal hospital | 3 acres |
| (c) with boarding kennel/animal shelter | see Section 1604.M |

(5) The veterinary office, veterinary clinic, or animal hospital shall comply with the minimum setback requirements of the applicable zoning district. Such facilities incorporating boarding kennel or animal shelter operations shall comply with the setback requirements in Section 27-1604.M.

(6) All deceased animal or animal waste disposal shall comply with all applicable state and federal regulations.

SECTION 12. Section 27-1604.F shall be amended as follows:

1. Section 27-1604.F(3)(a) shall be amended to read as follows:

(a) No burial ground or plot or any structure related to the cemetery operation shall be located within:

- 1) Ten feet of any property line or street line.
- 2) One hundred feet of any existing well.
- 3) Ten feet of the cartway of any private vehicular accessway within the tract or any parking area.

2. Section 27-1604.F(3)(b) shall be amended to read as follows:

(b) In no case shall any structure, burial ground or burial plot be located within the FH-Flood Hazard or RCC-Riparian Corridor Conservation overlay districts.

SECTION 13. Section 27-1604, Uses Permitted as Conditional Uses, shall be amended as follows:

1. Renumber Sections 27-1604.M through 1604.S as Sections 27-1604.N through 1604.T.

2. Add Section 27-1604.M which shall read as follows:

(a) Minimum Lot Area. The minimum net lot area shall be ten (10) acres for each kennel, boarding kennel, or animal shelter. Where the kennel, boarding kennel, or animal shelter is an additional principal use on an agricultural property, the minimum net lot area shall be twenty (20) acres. In the C-Commercial District, the minimum net lot area shall be five (5) acres for each kennel, boarding kennel, or animal shelter, or for any veterinary office/clinic that also offers a boarding service with outdoor kennels or runs.

(b) Minimum setbacks. All buildings, exercise areas, outdoor runs, structures and other appurtenances in which animals are housed or allowed to move about shall be located at least 300 feet from all lot lines or street right-of-way lines. Where the kennel is provided as part of a veterinary office, veterinary clinic, or animal shelter, the building housing the kennel shall have a setback of at least 150 feet from all lot lines or street right-of-way lines, unless the property on which such building is proposed or located is at least 10 acres in size, in which case such setbacks shall be 300 feet. Accessory buildings and structures not housing animals shall comply with the required standards in the applicable zoning district.

(c) All kennels, boarding kennels, or animal shelters shall comply with all applicable state statutes and regulations relative to kennels and the boarding of dogs, cats and other pets and sale and/or the breeding of dogs.

(d) No dog shows or competitions shall be permitted.

(e) Outdoor exercise areas and runs shall be entirely fenced, and used only between the hours of 7:00 a.m. and 8:00 p.m. Dogs shall be permitted outdoors only under caretaker supervision. At all other times, dogs shall be kept indoors. The number of dogs permitted in such outdoor areas at any point in time shall be limited such that applicable noise regulations can be met.

(f) The owner/operator of the kennel shall be responsible to exercise suitable control over the animals and shall not allow a nuisance condition to be created in terms of excessive noise, dirt, or odor. The noise level at lot lines shall not exceed 55 dBA continuously for 10 minutes as measured at the property line between the hours of 7:00 a.m. and 8:00 p.m. At all other times, the noise level at the property line shall not exceed the limits as specified in §6-103.4 of the Township Code.

(g) All structures housing animals shall be adequately soundproofed, including but not limited to wall insulation and ceiling insulation, so that sound generated within the structure cannot be heard beyond the lot lines of the property containing the kennel.

(h) All kennels, boarding kennels, and animal shelters shall comply with all applicable provisions of this Chapter and, prior to any such use being established in

M. *Kennels, Boarding Kennels, and Animal Shelters.*

(1) *Purpose.* The intent of these regulations is to provide for the operation of kennels in compliance with State laws (including the Municipalities Planning Code and Dog Law) that are compatible with the enjoyable use of properties by adjoining and neighboring residents and property owners.

(2) *Applicability.* Kennels, boarding kennels, and animal shelters must meet the following minimum conditions.

(a) A kennel shall be deemed a principal use of a property. Where such use is located on a property containing a residential or agricultural use, it shall be considered a second principal use. A boarding kennel may be considered an accessory use where co-located within an animal hospital or veterinary office/clinic. An animal shelter may be considered as either a principal or accessory use, subject to the approval of the Zoning Hearing Board.

(b) Only one kennel, boarding kennel, or animal shelter shall be permitted on any eligible property.

(c) A kennel, boarding kennel, or animal shelter does not require the deed restricting of a parcel of land; however, any further subdivision of the parcel shall be permitted only as long as the use continues to meet all criteria outlined in this Chapter or any subsequent amendment to this Chapter.

(3) *Application and Site Plan Required.* The applicant shall set forth in his application that he will comply with all rules and regulations of all government authorities having jurisdiction over the applicant's kennel, boarding kennel, or animal shelter.

(a) The applicant shall provide all information necessary to demonstrate compliance with the requirements contained in this Chapter.

(b) *Site Plan.* A full site plan shall be required and shall accompany the application for special exception for any kennel, boarding kennel, or animal shelter, showing the location of all buildings intended for primary enclosures, locations for disposal of waste, outdoor exercise areas, employee and customer parking, supply deliveries, fencing, buffering, and ingress and egress locations.

(4) *Permits Required.* A use and occupancy permit is required prior to beginning operation of a kennel, boarding kennel, or animal shelter. Such permit shall be authorized after compliance with the standards of this Section, and the approval of the Zoning Hearing Board, has been verified.

(5) *Use and Design Standards.* The following standards shall apply to the operation of a kennel, boarding kennel or animal shelter.

the Township, a land development plan shall be submitted for review and approval in accordance with the Subdivision and Land Development Ordinance.

(i) Outdoor storage of materials or supplies shall not be permitted.

(j) No kennel, boarding kennel, or animal shelter shall house more than 50 breeder dogs at any time. The applicant shall demonstrate compliance with the requirements for provision of indoor primary enclosures as specified in the State Dog Law.

(k) Any kennel, boarding kennel, or animal shelter not within a completely enclosed building shall enclose the entire operation with a fence at least 6 feet in height. Materials and construction of the fence shall be specified at the public hearing for the special exception.

(l) The perimeter of the kennel, boarding kennel, or animal shelter use shall be bordered by a single row of evergreen trees at least 8 feet in height at the time of planting. Said evergreen trees shall be located outside of any fence required for the kennel use. All aspects of the planting shall comply with §22-629 of the Township Code.

(m) All loading of animals and/or supplies shall be off-street and within either a building or the area enclosed by the fence and bufferyard area.

(n) All deceased animal or animal waste disposal shall comply with all applicable state and federal regulations.

SECTION 14, SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Honey Brook Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 15, REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

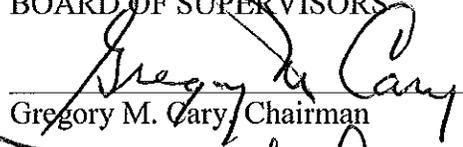
SECTION 16, EFFECTIVE DATE. This Ordinance shall become effective five days after enactment as provided by law.

SO IT IS ENACTED AND ORDAINED this 12th day of December, 2009.

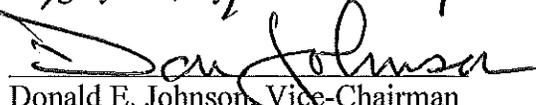
ATTEST:

HONEY BROOK TOWNSHIP
BOARD OF SUPERVISORS

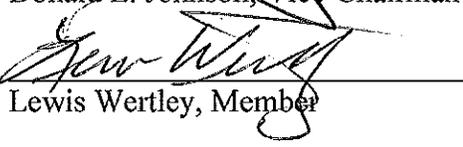
Secretary



Gregory M. Cary, Chairman



Donald E. Johnson, Vice-Chairman



Lewis Wertley, Member