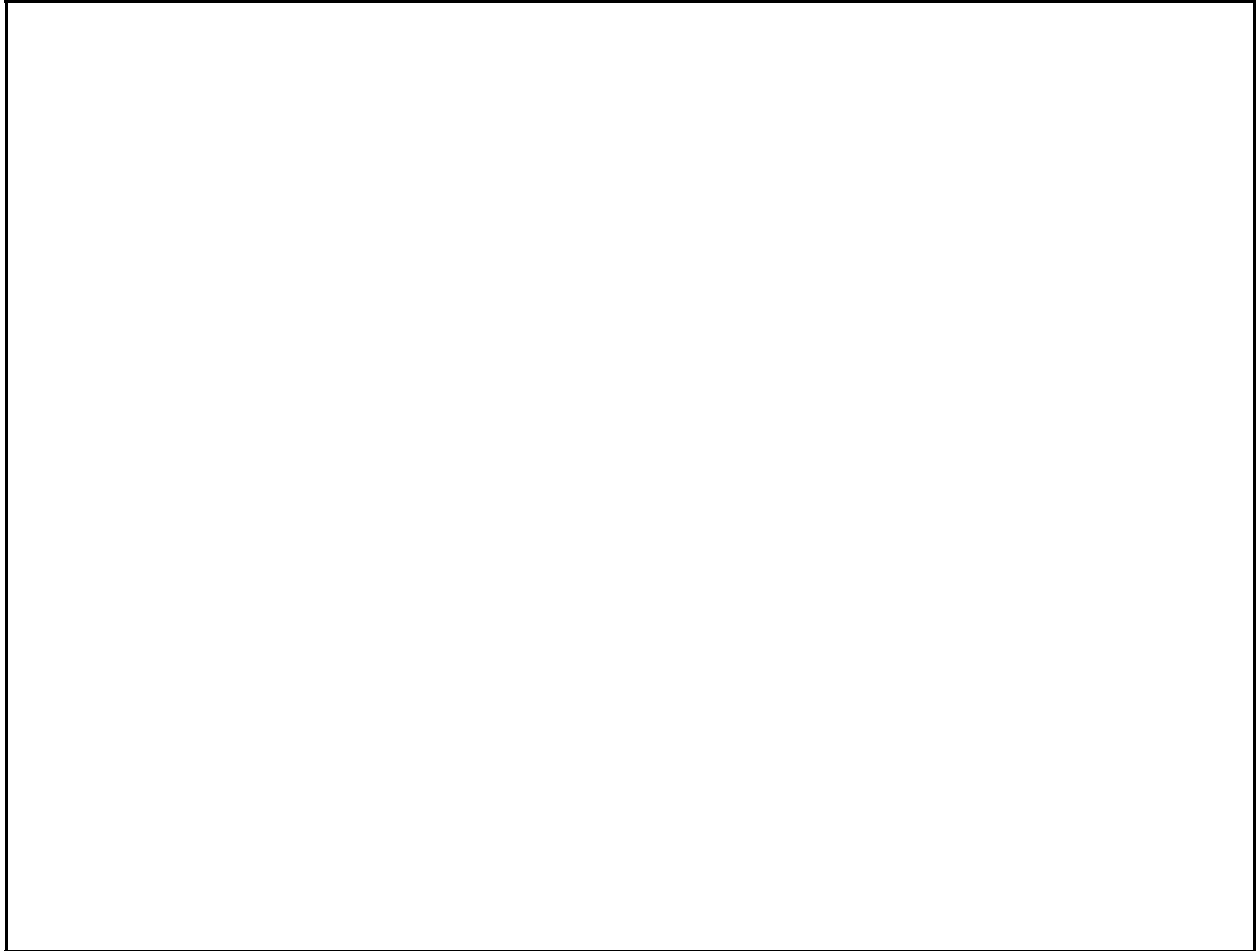


# **LYKENS TOWNSHIP ZONING ORDINANCE**



**Prepared for the  
Lykens Township Board of Supervisors**

**by the  
Lykens Township Planning Commission**

**Assisted by the  
Tri-County Regional Planning Commission**

## **LYKENS TOWNSHIP BOARD OF SUPERVISORS**

Mr. Ray Deppen, Jr., Chairman  
Mr. Albert Morgan  
Mr. Clayton Sitlinger

Mrs. Jean M. Deppen, Secretary/Treasurer

## **LYKENS TOWNSHIP PLANNING COMMISSION**

Mr. Allen A. Shade, Chairman  
Mr. Clair Hartman  
Mr. Ernest Klinger

## **TRI-COUNTY REGIONAL PLANNING COMMISSION**

Mr. Michael D. Rimer, Planner III

## **ORDINANCE NO.**

## **AN ORDINANCE**

Permitting, prohibiting, regulating, restricting and determining the use of land, watercourses, size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; areas and dimensions of land to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; providing for repeal, variances, special exceptions, conditional uses, for the administration and enforcement of the ordinance; and such other provisions as may be necessary to implement the purposes of this Ordinance.

## **ARTICLE 1**

### **TITLE, AUTHORITY, PURPOSE, COMMUNITY DEVELOPMENT OBJECTIVES**

#### **Section 101. SHORT TITLE**

This Ordinance shall be known as and may be cited as the "LYKENS TOWNSHIP ZONING ORDINANCE."

#### **Section 102. AUTHORITY**

This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Pennsylvania Municipalities Planning Code", July 31, 1968, as reenacted and amended by Act 170, December 21, 1988 and Act 165, December 18, 1996.

#### **Section 103. PURPOSE**

This Ordinance is enacted for the following purposes:

1. To promote, protect, and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness, disaster evacuation, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers, and flood plains.

2. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic, or other dangers.
3. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
4. To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements.
5. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

#### **Section 104. COMMUNITY DEVELOPMENT OBJECTIVES**

This Ordinance is to render a legal basis and administrative framework to the community development goals and objectives and future land use plan established in the Lykens Township Comprehensive Plan (herein referred to as "Comprehensive Plan") as prepared by the Planning Commission and adopted by the Board of Supervisors. The goals of the Township promote the provision of adequate public services; a healthy environment; a variety of sound and affordable housing; energy conservation considerations; recreation opportunities; a pattern of compatible land uses; a safe and efficient transportation system; and, a healthy economic base. This ordinance is in accordance with the goals and objectives of the Comprehensive Plan.

#### **Section 105. INTERPRETATION**

In interpreting and applying this Zoning Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals, and general welfare of the Township. Any use permitted subject to the regulations prescribed by the provisions of this Zoning Ordinance shall conform with all regulations and is not intended to interfere with, abrogate, annul supersede or cancel any reservations contained in deeds or other agreements, but that if the Ordinance imposes more stringent restrictions upon the use of buildings and land than are contained in the deeds or agreements, the provisions of this Ordinance shall control.

#### **Section 106. APPLICATION**

The provisions, regulations, limitations and restrictions of this Ordinance shall apply to all structures, buildings, uses, signs and land and their accessory structures, buildings, uses and signs.

## **LYKENS TOWNSHIP ZONING ORDINANCE AMENDMENT #1**

### **ADD THE FOLLOWING DEFINITIONS TO ARTICLE 2, Section 203**

#### **Section 203. LIST OF DEFINITIONS**

**BEST MANAGEMENT PRACTICE (BMP):** a practice or combination of practices determined by the PA State Conservation Commission to be effective and practicable (given technological, economic and institutional considerations) to manage nutrients to protect surface and ground water taking into account applicable nutrient requirements for crop utilization. Best management practices include, but are not limited to (1) conservation tillage, (2) crop rotation, (3) soil testing, (4) manure testing, (5) diversion, (6) manure storage facilities, (7) storm water management practices, and (8) nutrient application.

**COMMERCIAL LIVESTOCK AND POULTRY OPERATION** (Also known as Concentrated Animal or Feeding Operations): Agriculture operations meeting the criteria established under the Nutrient Management Act of 1993, Act No. 1993-6, approved by the General Assembly of the Commonwealth of Pennsylvania, criteria established by the Dauphin County Animal Waste Storage and Nutrient Management Ordinance as adopted and/or revised, and/or Federal Government regulations governing the development and operation of Concentrated Animal Operations and/or Concentrated Animal Feeding Operations.

**NUTRIENT:** a substance or recognized plant nutrient, element or compound which is used or sold for its plant nutritive content or its claimed nutritive value, including, but not limited to livestock and poultry manures, compost as fertilizer, commercially manufactured chemical fertilizers, sewage sludge or combination thereof.

**NUTRIENT MANAGEMENT PLAN:** A written site-specific plan which incorporates best management practices to manage the use of plant nutrients for crop production and water quality protection consistent with the criteria established in the Nutrient Management Act of 1993, Act No. 1993-6, approved by the General Assembly of the Commonwealth of Pennsylvania.

## ARTICLE 3

### DESIGNATION OF DISTRICTS

#### **Section 301. ZONING DISTRICTS**

For the purpose of this Ordinance, the Township is hereby divided into districts which shall be designated as follows:

"C"	CONSERVATION DISTRICT
"A"	AGRICULTURAL DISTRICT
"A-R"	AGRICULTURAL-RESIDENTIAL DISTRICT
"R"	RESIDENTIAL DISTRICT
"V"	VILLAGE DISTRICT
"C-B"	COMMERCIAL-BUSINESS DISTRICT
"L-I"	LIGHT-INDUSTRIAL DISTRICT
"F-P"	FLOOD PLAIN PROTECTION OVERLAY DISTRICTS
"E-P"	ENVIRONMENTAL PROTECTION OVERLAY DISTRICTS

#### **Section 302. ZONING MAP**

- A. The boundaries of the C, A, A-R, R, V, C-B, and L-I Districts shall be as shown, upon the map attached to and made a part of this Ordinance which shall be designated "Zoning Map". The said map and all the notations, reference and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein.
- B. The boundaries of the Flood plain Protection Overlay Districts (F-P), containing those areas identified as Zone A on the Flood Insurance Rate Map (FIRM) prepared for the Township by the Flood Insurance Administration (FIA) shall serve as overlays to the underlying Districts as shown on the Official Zoning Map. Zone A designations illustrate areas of one hundred (100) year flood for which one hundred (100) year base flood elevations and flood hazard factors have not been provided.
- C. The boundaries of the Environmental Protection Overlay Districts (E-P), containing the Stream Protection Overlay (SPO), Hill and Slope Protection Overlay (HSPO), Lake and Pond Protection Overlay (LPPO), and Wetlands Protection Overlay WPO), shall serve as overlays to the underlying zoning districts as shown on the Official Zoning Map. These overlays shall be

delineated in accordance with the standards and provisions set forth in Article 12 of the Zoning Ordinance.

**Section 303. BOUNDARIES BETWEEN THE C, A, A-R, R, V, C-B, AND L-I DISTRICTS**

- A. The boundaries between these districts are, unless otherwise indicated, either the center lines of streets, alleys, rights-of-way, lot lines, or such lines extended, or lines parallel thereto.
- B. Where figures are shown on the Zoning Map between a street, alley, right-of-way, or lot line, and a district boundary line, they indicate that the district boundary line runs parallel to that line at a distance therefrom equivalent to the number of feet so indicated.
  - 1. The Conservation District boundaries which parallel specific streams segments between property lines as indicated on the Zoning Map shall be construed to extend one-hundred (100') feet from the stream edge.
- C. Boundaries indicated as approximately following the Lykens Township municipal lines shall be construed to follow such municipal lines.
- D. Where district boundaries are not clearly fixed by the above methods they shall be determined by the use of the scale of the Zoning Map.

**Section 304. INTERPRETATION OF BOUNDARIES**

- A. When a zoning district boundary line divides a lot held in single and separate ownership, the regulations of each zoning district shall apply.
- B. Where physical or cultural features existing on the ground are different than those represented on the Zoning Map in circumstances not covered in Section 303, the Zoning Officer is required to make an interpretation and administer the ordinance.
- C. Where the Zoning Officer's interpretation of the Zoning Map is challenged by an applicant, an interpretation hearing or variance hearing shall be conducted by the Zoning Hearing Board in accordance with the processes and procedures outlined in Article 24.

## **AMENDMENT #1 - ARTICLE 2 - Definitions**

*The following terms are proposed to be revised added to Article 2. Section 203.*

ADD: BEST MANAGEMENT PRACTICE (BMP): a practice or combination of practices determined by the PA State Conservation Commission to be effective and practicable (given technological, economic and institutional considerations) to manage nutrients to protect surface and ground water taking into account applicable nutrient requirements for crop utilization. Best management practices include, but are not limited to (1) conservation tillage, (2) crop rotation, (3) soil testing, (4) manure testing, (5) diversion, (6) manure storage facilities, (7) storm water management practices, and (8) nutrient application.

ADD: COMMERCIAL LIVESTOCK AND POULTRY OPERATION (Also known as Concentrated Animal or Feeding Operations): Agriculture operations meeting the criteria established under the Nutrient Management Act of 1993, Act No. 1993-6, approved by the General Assembly of the Commonwealth of Pennsylvania, criteria established by the Dauphin County Animal Waste Storage and Nutrient Management Ordinance as adopted and/or revised, and/or Federal Government regulations governing the development and operation of Concentrated Animal Operations and/or Concentrated Animal Feeding Operations.

ADD: NUTRIENT: a substance or recognized plant nutrient, element or compound which is used or sold for its plant nutritive content or its claimed nutritive value, including, but not limited to livestock and poultry manures, compost as fertilizer, commercially manufactured chemical fertilizers, sewage sludge or combination thereof.

ADD: NUTRIENT MANAGEMENT PLAN: A written site-specific plan which incorporates best management practices to manage the use of plant nutrients for crop production and water quality protection consistent with the criteria established in the Nutrient Management Act of 1993, Act No. 1993-6, approved by the General Assembly of the Commonwealth of Pennsylvania.

## **ARTICLE 4**

### **C-CONSERVATION DISTRICT**

#### **Section 401. PURPOSE**

The Conservation District is established to protect Lykens Township's most environmentally sensitive areas and provide a regulatory mechanism through which development can occur with minimal environmental impact. This zoning district is applied to lands that have significant limitations to development based on their physiographic, geologic, hydrologic soil, slope, and vegetative characteristics. The district is intended to implement policies established in the Lykens Township Comprehensive Plan by 1) discouraging high intensity land uses in sensitive areas; and 2) encouraging natural resource protection and conservation. The Conservation District is based on studies found in the Comprehensive Plan. The district identifies sensitive lands and distinguishes them from other areas appropriate for farming and urban development.

#### **Section 402. PERMITTED USES**

A building may be erected and a lot may be used or occupied for any of the following purposes:

- A. Agricultural Uses
- B. Boarding Stable
- C. Cemetery
- D. Commercial Greenhouse
- E. Communication Facilities
- F. Electric Substation
- G. Electric Transmission and Distribution Facilities
- H. Farm
- I. Government Uses
- J. Nature Preserve
- K. Nursery, Horticulture
- L. Public Stable
- M. Public Utility Facilities
- N. Recreation, Private
- O. Recreation, Public
- P. Silviculture
- Q. Wildlife Preserve
- R. Wildlife Propagation
- S. Any use determined by the Zoning Officer to be of the same general character as the above listed permitted uses.

### **Section 403. ACCESSORY USES**

The following accessory uses are permitted. Specific standards and requirements for accessory uses are outlined in Article 19.

- A. Animal Grazing and Containment
- B. Antenna
- C. Antenna, Satellite Dish
- D. Fences
- E. Garden Structures
- F. Home Occupations
- G. Irrigation Facilities
- H. Ornamental Ponds and Wading Pools
- I. Private Garage
- J. Private Greenhouse
- K. Private Stable
- L. Private Swimming Pools
- M. Private Wells
- N. Roadside Stand
- O. Storage Buildings
- P. Wind Energy Conversion Systems
- Q. Any accessory use determined by the Zoning Officer to be of the same general character as the above listed accessory uses.

### **Section 404. CONDITIONAL USES**

When authorized by the Lykens Township Board of Supervisors, the following conditional uses are permitted in accordance with the specific standards and requirements set forth in Article 20.

- A. Campground
- B. Dwelling, Industrialized Housing
- C. Dwelling, Manufactured Home
- D. Dwelling, Mobile Home
- E. Dwelling, Seasonal
- F. Dwelling, Single-Family Detached
- G. Mining
- H. Timber Harvesting

#### **Section 405. HEIGHT REGULATIONS**

The height of a principal building shall not exceed thirty-five (35') feet. No accessory building shall exceed twenty-four (24') feet in height, except that accessory buildings used for agricultural uses shall be exempt from height restrictions.

#### **Section 406. LOT AREA AND LOT WIDTH REGULATIONS**

The minimum lot area and width shall be established by the following standards:

- A. The minimum lot area shall be three (3) acres when the average slope of the site before grading is less than ten (10%) percent. The minimum lot width shall be not less than two hundred fifty (250') feet along the street right-of-way line.
- B. The minimum lot area shall be five (5) acres when the average slope of the site before grading is ten (10%) percent to fifteen (15%) percent. The minimum lot width shall be not less than two hundred fifty (250') feet along the street right-of-way line.
- C. The minimum lot area shall be ten (10) acres when the average slope of the site before grading is fifteen (15%) percent to twenty (20%) percent. The minimum lot width shall be not less than three hundred fifty (350') feet along the street right-of-way line.
- D. Where the average slope of the site exceeds twenty (20%) percent development is prohibited.
- E. The average slope of a lot shall be determined in accordance with the mathematical formula for "Average Slope" provided in Article 2. (See Average Slope).

#### **Section 407. YARD REGULATIONS**

Each lot shall have front, side and rear yards of not less than the depth and width indicated below.

- A. Front yard depth: forty (40') feet from any major collector street as defined in the Lykens Township Comprehensive Plan.
- B. Front yard depth, all other streets: thirty (30') feet.
- C. Side yard width: fifteen (15') feet each, on interior lot. On a corner lot, the side yard abutting the street shall be not less than thirty (30') feet in width.

D. Rear yard depth: twenty-five (25') feet.

#### **Section 408. COVERAGE REGULATIONS**

The building(s), structure(s), and impervious surface coverage shall not be more than four (4%) percent.

#### **Section 409. FLOOD PLAIN PROTECTION OVERLAY**

Development proposed for areas within or adjacent to flood plain areas shall conform to the requirements of Article 11.

#### **Section 410. ENVIRONMENTAL PROTECTION OVERLAY**

Development proposed for areas within or adjacent to critical areas or environmentally sensitive areas shall conform to the specific requirements of Article 12.

#### **Section 411. DEVELOPMENT STANDARDS**

Construction, developments, and improvements shall meet the requirements and standards set forth in Article 14.

#### **Section 412. PERFORMANCE STANDARDS**

All developments and uses shall meet the performance standards set forth in Article 15.

#### **Section 413. MOTOR VEHICLE ACCESS**

Where motor vehicle access is provided from a public or private road to a lot or development, the motor vehicle access requirement shall apply, as set forth in Article 16.

#### **Section 414. OFF-STREET PARKING**

Off-street parking shall be provided in accordance with the provisions of Article 17.

#### **Section 415. SIGNS**

Signs shall be provided in accordance with the standards set forth in Article 18.

## ARTICLE 5

### A - AGRICULTURAL DISTRICT

#### **Section 501. PURPOSE**

Agricultural land is considered a special non-replaceable resource within the Township which, if lost, is not reclaimable once developed. Agricultural activities are an integral part of the culture and economy of Lykens Township and are therefore deserving of preservation. The Agricultural District is established to permit, protect, and encourage the continued use of land for agricultural purposes. This district is applied to those areas having productive soils, agriculture security protection, and predominantly agricultural uses as delineated in the Lykens Township Comprehensive Plan. The regulatory mechanisms for the Agricultural District are designed to: 1) protect and stabilize the essential characteristics of agricultural areas; 2) minimize conflicts resulting from the encroachment and mixing of residential and other incompatible uses that may be detrimental to agricultural enterprises; 3) limit development that may require public facilities and roads in excess of those needed for agricultural purposes; and 4) maintaining agricultural land parcels and farms at sizes which will permit efficient farm operation.

#### **Section 502. PERMITTED USES**

A building may be erected and a lot may be used or occupied for any of the following purposes:

- A. Agricultural Services
- B. Agricultural Uses
- C. Animal Hospital
- D. Animal Services
- E. Auction House
- F. Bed and Breakfast
- G. Boarding Stable
- H. Breeding Farm
- I. Cemetery
- J. Church
- K. Commercial Greenhouse
- L. Communication Facilities
- M. Day Care, Home
- N. Dog Kennel
  
- O. Dwelling, Manufactured Home
- P. Dwelling, Single-Family Detached
- Q. Electric Substation
- R. Electric Transmission and Distribution Facilities

- S. Farm
- T. Feedlot
- U. Fish Farm
- V. Forestry
- W. Government Uses
- X. Nature Preserve
- Y. Nursery, Horticulture
- Z. Public Stable
- AA. Public Utility Facilities
- BB. Recreation, Private
- CC. Recreation, Public
- DD. Recycling Collection Facility
- EE. Repair Services
- FF. Riding Academy
- GG. Saw Mill
- HH. School Facility
- II. Silviculture
- JJ. Veterinary Hospital
- KK. Veterinary Services
- LL. Wildlife Preserve
- MM. Wildlife Propagation
- NN. Unattended Self-Service Fuel Facility
- OO. Any use determined by the Zoning Officer to be of the same general character as the above listed permitted uses.

### **Section 503. ACCESSORY USES**

The following accessory uses are permitted. Specific standards and requirements for accessory uses are outlined in Article 19.

- A. Accessory Apartment
- B. Animal Grazing and Containment
- C. Antenna
- D. Antenna, Satellite Dish
- E. Common Open Space
- F. Concession Stand
- G. Fences
- H. Garage/Yard Sales
- I. Garden Structures
- J. Home Occupations
- K. Irrigation Facilities
- L. Off Street Parking
- M. Ornamental Ponds and Wading Pools
- N. Personal Motor Vehicle Repair

- O. Private Garage
- P. Private Greenhouse
- Q. Private Stable
- R. Private Swimming Pools
- S. Private Wells
- T. Roadside Stand
- U. Signs
- V. Storage Buildings
- W. Wind Energy Conversion Systems
- X. Any accessory use determined by the Zoning Officer to be of the same general character as the above listed accessory uses.

#### **Section 504. CONDITIONAL USES**

When authorized by the Lykens Township Board of Supervisors, the following conditional uses are permitted in accordance with the specific standards and requirements set forth in Article 20.

- A. Airport
- B. Agriculture Commodities Processing
- C. Commercial Livestock and Poultry Farming
- D. Dwelling, Industrialized Housing
- E. Dwelling, Mobile Home
- F. Dwelling, Seasonal
- G. Golf Course
- H. Slaughter House
- I. Timber Harvesting

#### **Section 505. HEIGHT REGULATIONS**

The height of a principal building shall not exceed thirty-five (35') feet. No accessory building shall exceed twenty-four (24') feet in height except that accessory buildings devoted for farm use shall be exempt from height restrictions.

#### **Section 506. LOT AREA AND LOT WIDTH REGULATIONS**

The minimum lot area and lot width shall be established in accordance with the following standards:

- A. The minimum lot size for a farm and agriculture tracts shall be thirty-five (35) acres.

- B. The minimum lot size for permitted residential dwelling units and accessory uses shall be one (1) acre.
- C. The maximum lot size for permitted residential uses shall be one (1) acre, unless the requirements of Section 509 are met.
- D. The minimum lot size for non-farm and non-residential permitted uses shall be one (1) acre.
- E. The density of any residential development shall not exceed one (1) dwelling unit per acre.
- F. The lot width at the street right-of-way line shall be not less than one hundred and fifty (150) feet.

#### **Section 507. YARD REGULATIONS**

Each lot shall have front, side, and rear yards of not less than the depth and width indicated below.

- A. Front yard depth: forty (40') feet from any major collector street as defined in the Lykens Township Comprehensive Plan.
- B. Front yard depth, all other streets: thirty (30') feet.
- C. Side yard width: fifteen (15') feet each, on interior lot. On a corner lot, the side yard abutting the street shall be not less than thirty (30') feet in width.
- D. Rear yard depth: twenty-five (25') feet.

#### **Section 508. COVERAGE REGULATIONS**

The building(s), structure(s), and impervious surface coverage shall not be more than ten (10%) percent.

#### **Section 509. FARM SUBDIVISION AND RESIDENTIAL DEVELOPMENT**

In order to preserve the integrity of agriculture lands in Lykens Township as outlined in Section 501, land subdivisions and residential subdivision and development shall be subject to the following standards:

- A. Farmland Subdivisions for Agriculture Uses

1. Farm parcels being divided into or among two or more farms and/or farm tracts of land shall each, after transfer, contain at least thirty-five (35) acres.
2. Farm parcels containing less than thirty (35) acres may be subdivided and land may be transferred to an adjacent farm parcel, provided that the receiving parcel of land after the completion of the subdivision will contain at least as many acres as the original "parent" transfer parcel prior to the subdivision and transfer.
3. Any new lot lines created from an agriculture land subdivision and property transfers between two (2) or more farms shall be agriculturally reasonable and shall not be configured to render the agricultural use of the tracts less efficient for farming (i.e. under normal circumstances, fields and contour strips should not be split).

**B. Dwelling Unit Allocation in the Agriculture Zone**

1. Upon adoption of this Ordinance and in accordance with Section 509.D.1 and Table 5-1, all farm tracts in the Agriculture Zoning District have a fixed number of number of lots and dwelling units which may be constructed. At the time of any subdivision of land for transfer, the total maximum number of lots or dwelling units permitted on the "parent" tract shall be determined by the Zoning Officer.
2. An applicant submitting a farm land subdivision plan or transferring land shall be required to specify on the subdivision plan which lot or lots shall carry with them the right to erect or place any unused quota of lots or dwelling units the parent tract may have in accordance with the Zoning Officer's determination and Section 509.D.1.
3. Dwelling/Lot Allocation and Transfer Under Common Ownership  
  
In the event two or more tracts of land are in common ownership, the property owner may transfer the right to create lots or erect dwellings as provided in Section 509.D.1 from one lot to another under the same ownership. All lots created for residential development shall meet the requirements of this Ordinance. Any such transfer of lot or residential dwelling allocation shall be approved by the Township Zoning Officer prior to the submission of a subdivision plan.
4. Upon completion of a farm subdivision and transfer, or dwelling unit allocation transfer, at least one (1) lot or dwelling unit from the original "parent" tracts permitted allocation must be assigned to the land being

separated, as well as the remaining portion of the original "parent" tract, unless that tract or parcel is being permanently joined to an adjacent tract or parcel which; 1) either contains an existing dwelling; or 2) has allocated to it the right to construct at least one (1) dwelling.

C. Residential Subdivisions

Single family detached dwelling units permitted in the Agriculture District in accordance with Section 504 shall meet the following requirements:

1. The total number of residential lots subdivided or dwelling units constructed on a contiguous tract of land in single ownership shall not exceed the number of lots/dwelling units in the sliding scale below:

**TABLE 5-1**

<b>Size of Tract of Land as of the Official Date of Adoption of This Ordinance.</b>	<b>Number of Lots and Single Family Dwellings Permitted (including those existing as of the Official Date of Adoption of this Ordinance)</b>
less than 15 acres	2
15 but less than 25 acres	3
25 but less than 50 acres	4
50 acres and over	5

2. As per Section 506.C., the maximum lot size for permitted residential uses shall be one (1) acre, unless the lot in its entirety is composed of land of low quality for agriculture use. Land is of low quality for agriculture use if it is in Soil Capability Class III through VIII as classified by the Soil Survey of Dauphin County (1972) or the land cannot be feasibly farmed due to: 1) existing features on the sight such as rock outcropping too close to the surface for plowing; 2) properly identified wetlands heavily wooded areas; 3) slopes in excess of twenty (20%) percent; and 4)

the size and shape of the area suitable for farming is insufficient to permit efficient use of farm machinery.

3. For tracts fifty (50) acres and over, or where a property owner having property in common ownership and may transfer lots and/or dwelling units in concentrated development clusters in accordance with Section 509.B.3, the total number of residential lots subdivided shall have access to a public street. The maximum number of lots permitted to access an existing street shall not exceed five (5) lots, or consume twenty (20%) percent of the total property street frontage of the original tract, whichever is greater.
4. Residential lots created and occurring after the effective date of this ordinance shall not be further subdivided for residential purposes nor shall such residential lots be further developed to contain two (2) or more dwellings. A statement to this effect shall be included on the subdivision plan and be included in the property deed description as a covenant running with the land for so long as the land is in the Agriculture (A) District. A similar statement shall also be included on the recorded subdivision plan.

D. Proof of Agriculture Land Quality

The applicant shall have the burden of providing evidence to the Township Zoning Officer that the land being subdivided for residential development is of low quality for agriculture purposes and that it meets the requirements set forth in Section 509.D.2 of this Ordinance.

E. Soil Classification Review

Any land owner who disagrees with the soil classification of a farm or any part of the property by the Soil Survey of Dauphin County, issued February 1972, may submit engineering analysis of the soils on the portion of the farm which reclassification is being sought. The Zoning Officer shall consider the comments of the Dauphin County Conservation District, prior to any action or determination related to the reclassification.

## **Section 510. FLOOD PLAIN PROTECTION OVERLAY**

Development proposed for areas within or adjacent to flood plain areas shall conform to the requirements of Article 11.

## **Section 511. ENVIRONMENTAL PROTECTION OVERLAY**

Development proposed for areas within or adjacent to critical areas or environmentally sensitive areas shall conform to the specific requirements of Article 12.

#### **Section 512. DEVELOPMENT STANDARDS**

Construction, developments, and improvements shall meet the requirements and standards set forth in Article 14.

#### **Section 513. PERFORMANCE STANDARDS**

All developments and uses shall meet the performance standards set forth in Article 15.

#### **Section 514. MOTOR VEHICLE ACCESS**

Where motor vehicle access is provided from a public or private road to a lot or development, the motor vehicle access requirement shall apply, as set forth in Article 16.

#### **Section 515. OFF-STREET PARKING**

Off-street parking shall be provided in accordance with the provisions of Article 17.

#### **Section 516. SIGNS**

Signs shall be provided in accordance with the standards set forth in Article 18.

## AMENDMENT #3 - ARTICLE 20 - Conditional Uses - Section 2004.D

*This amendment revises Section 2004.D.2 only the remainder of the Section does not change*

### D. Commercial Livestock and Poultry Farming Operations

Within the Agriculture (A) District commercial livestock and poultry farming operations are permitted, subject to the following specific conditions:

1. Any area used for the housing, feeding and watering, and/or outdoor running of livestock and poultry shall be set back one thousand (1000') feet from any residential zone.

*Section D.2 is Revised to read*

2. **The applicant shall furnish qualified evidence that the proposed use has an approved nutrient management plan that complies with the Pennsylvania "Nutrient Management Act" of 1993-6, approved by the General Assembly of the Commonwealth of Pennsylvania, and/or criteria established by the Dauphin County Animal Waste Storage and Nutrient Management Ordinance as adopted and/or revised, and/or Federal Government regulations governing the development and operation of Concentrated Animal Operations and/or Concentrated Animal Feeding Operations. All subsequent operations on the site shall be required to strictly adhere to this approved nutrient/manure management plan.**
3. The applicant shall furnish evidence from the United States Department of Agriculture's Soil Conservation Service (USDA SCS) that the proposed use has an approved conservation plan.
4. Daily Cleanup.

All soil washed or carried onto public streets during any activities related to the livestock or poultry farm operation shall be cleaned up each day. The landowner shall be responsible to protect and clean up lower properties of silt and debris which have washed down onto the lower properties as a result of the operation on the higher property.

## **LYKENS TOWNSHIP ZONING ORDINANCE AMENDMENT #2**

### **REVISE TEXT IN ARTICLE 5, Sections 502, 504, 506 and 509**

#### **Section 502. PERMITTED USES**

A building may be erected and a lot may be used or occupied for any of the following purposes:

- A. Agricultural Services
- B. Agricultural Uses
- C. Animal Hospital
- D. Animal Services
- E. Auction House
- F. Bed and Breakfast
- G. Boarding Stable
- H. Breeding Farm
- I. Cemetery
- J. Church
- K. Commercial Greenhouse
- L. Communication Facilities
- M. Day Care, Home
- N. Dog Kennel
- O. Dwelling, Manufactured Home (Inserted from Section 504)
- P. Dwelling, Single-Family Detached (Inserted from Section 504)
- Q. Electric Substation
- R. Electric Transmission and Distribution Facilities
- S. Farm
- T. Feedlot
- U. Fish Farm
- V. Forestry
- W. Government Uses
- X. Nature Preserve
- Y. Nursery, Horticulture
- Z. Public Stable
- AA. Public Utility Facilities
- BB. Recreation, Private
- CC. Recreation, Public
- DD. Recycling Collection Facility
- EE. Repair Services
- FF. Riding Academy
- GG. Saw Mill
- HH. School Facility
- II. Silviculture
- JJ. Veterinary Hospital
- KK. Veterinary Services
- LL. Wildlife Preserve

- MM. Wildlife Propagation
- NN. Any use determined by the Zoning Officer to be of the same general character as the above listed permitted uses.

#### **Section 504. CONDITIONAL USES**

When authorized by the Lykens Township Board of Supervisors, the following conditional uses are permitted in accordance with the specific standards and requirements set forth in Article 20.

- A. Airport
- B. Agriculture Commodities Processing
- C. Commercial Livestock and Poultry Farming
- D. Dwelling, Industrialized Housing
- E. **Dwelling, Manufactured Home** (Remove and move to Section 502)
- F. Dwelling, Mobile Home
- G. **Dwelling, Single-Family Detached** (Remove and move to Section 502)
- H. Dwelling, Seasonal
- I. Golf Course
- J. Slaughter House
- K. Timber Harvesting

#### **Section 506. LOT AREA AND LOT WIDTH REGULATIONS**

*(Text in bold is added. Text with strike out is removed)*

The minimum lot area and lot width shall be established in accordance with the following standards:

- A. The minimum lot size for a farm **and agriculture tracts** shall be thirty-five (35) acres.
- B. The minimum lot size for permitted residential **dwelling units and accessory uses** shall be one (1) acre.
- C. The maximum lot size for permitted residential uses shall be one (1) acre, unless the requirements of Section 509 are met.
- D. The minimum lot size for non-farm and non-residential permitted uses shall be one (1) acre.
- E. The density of **any residential development** ~~residential units in single family use~~ shall not exceed one (1) dwelling unit per acre.
- F. The lot width at the street right-of-way line shall be not less than one hundred and fifty (150) feet.

## Section 509. FARM SUBDIVISION AND RESIDENTIAL DEVELOPMENT

*(Text in bold is added. Text with strike out is removed)*

In order to preserve the integrity of agriculture lands in Lykens Township as outlined in Section 501, land subdivisions and residential **subdivision and** development shall be subject to the following standards:

### A. Farmland Subdivisions for Agriculture Uses

1. Farm parcels being divided into or among two or more farms **and/or farm tracts of land** shall each, after transfer, contain at least **thirty-five (35)** ~~fifty (50)~~ acres.
2. Farm parcels containing less than **thirty-five (35)** ~~fifty (50)~~ acres **may be subdivided and land may be transferred to an adjacent farm parcel**, provided that the receiving parcel of land **after the completion of the subdivision** will contain at least as many acres ~~of eropland~~ as the **original** "parent" transfer parcel prior to the **subdivision and** transfer.
3. Any new **lot lines** ~~division lines~~ created from an **agriculture land subdivision** and property transfers between two (2) or more farms shall be agriculturally reasonable and shall not be configured to render the agricultural use of the tracts less efficient for farming (i.e. under normal circumstances, fields and contour strips should not be split).

### B. Dwelling Unit Allocation in the Agriculture Zone

1. Upon adoption of this Ordinance and in accordance with Section 509.D.1 and Table 5-1, all farm tracts in the Agriculture Zoning District have a fixed number of lots and dwelling units which may be constructed. At the time of any subdivision of land for transfer, the total maximum number of lots or dwelling units permitted on the "parent" tract shall be determined by the Zoning Officer.
2. An applicant submitting a farm **land** subdivision plan or transferring land shall be required to specify on the subdivision plan which lot or lots shall carry with them the right to erect or place any unused quota of lots or dwelling units the parent tract may have in accordance with **the Zoning Officer's determination and** Section 509.D.1.
3. Dwelling/Lot Allocation and Transfer Under Common Ownership

In the event two or more tracts of land are in common ownership, the property owner may transfer the right to create lots or erect dwellings as provided in Section 509.D.1 from one lot to another under the same

ownership. All lots created for residential development shall meet the requirements of this Ordinance. Any such transfer of lot or residential dwelling allocation shall be approved by the Township Zoning Officer prior to the submission of a subdivision plan.

4. Upon completion of a farm subdivision and transfer, **or dwelling unit allocation transfer**, at least one (1) lot or dwelling unit from the original "parent" tracts permitted allocation must be assigned to the land being separated, as well as the remaining portion of the original "parent" tract, unless that tract or parcel is being permanently joined to an adjacent tract or parcel which; 1) either contains an existing dwelling; or 2) has allocated to it the right to construct at least one (1) dwelling.

- C. Existing buildings shall not be separated from the original "parcel" unless it is determined that they have no functional utility in connection with the agriculture use of the original parcel.

D. Residential Subdivisions

Single family detached dwelling units permitted in the Agriculture District in accordance with Section 504 shall meet the following requirements:

1. The total number of residential lots subdivided or dwelling units constructed on a contiguous tract of land in single ownership shall not exceed the number of lots/dwelling units in the sliding scale below:

**TABLE 5-1**

<b>Size of Tract of Land as of the Official Date of Adoption of This Ordinance.</b>	<b>Number of Lots and Single Family Dwellings Permitted (including those existing as of the Official Date of Adoption of this Ordinance)</b>
less than 15 acres	2
15 but less than 25 acres	3
25 but less than 50 acres	4
50 acres and over	5

2. As per Section 506.C., the **maximum** lot size for permitted residential uses shall be one (1) acre, unless the lot in its entirety is composed of land of low quality for agriculture use. Land is of low quality for agriculture use if it is in Soil Capability Class III through VIII as classified by the Soil Survey of Dauphin County (1972), ~~and~~, **or** the land cannot be feasibly

farmed due to: 1) existing features on the sight such as rock outcropping too close to the surface for plowing; 2) properly identified wetlands heavily wooded areas; 3) slopes in excess of twenty (20%) percent; and 4) the size and shape of the area suitable for farming is insufficient to permit efficient use of farm machinery.

3. For tracts fifty (50) acres and over, **or where a property owner having property in common ownership and may transfer lots and/or dwelling units in concentrated development clusters in accordance with Section 509.B.3**, the total number of residential lots subdivided shall have access to a public street. The maximum number of lots permitted to access an existing street shall not exceed five (5) lots, or consume twenty (20%) percent of the total property street frontage of the original tract, whichever is greater.
4. Residential lots created and occurring after the effective date of this ordinance shall not be further subdivided for residential purposes nor shall such residential lots be further developed to contain two (2) or more dwellings. A statement to this effect shall be included on the subdivision plan and be included in the property deed description as a covenant running with the land for so long as the land is in the Agriculture (A) District. A similar statement shall also be included on the recorded subdivision plan.

E. Proof of Agriculture Land Quality

The applicant shall have the burden of providing evidence to the Township Zoning Officer that the land being subdivided for residential development is of low quality for agriculture purposes and that it meets the requirements set forth in Section 509.D.2 of this Ordinance.

F. Soil Classification Review

Any land owner who disagrees with the soil classification of a farm or any part of the property by the Soil Survey of Dauphin County, issued February 1972, may submit engineering analysis of the soils on the portion of the farm which reclassification is being sought. The Zoning Officer shall consider the comments of the Dauphin County Conservation District, prior to any action or determination related to the reclassification.

## **AMENDMENT #2 - ARTICLE 5 - Agriculture District**

### **Section 501. PURPOSE**

No Change

### **Section 502. PERMITTED USES**

#### ***Moved Dwelling Units from Conditional Uses (Section 504)***

A building may be erected and a lot may be used or occupied for any of the following purposes:

- A. Agricultural Services
- B. Agricultural Uses
- C. Animal Hospital
- D. Animal Services
- E. Auction House
- F. Bed and Breakfast
- G. Boarding Stable
- H. Breeding Farm
- I. Cemetery
- J. Church
- K. Commercial Greenhouse
- L. Communication Facilities
- M. Day Care, Home
- N. Dog Kennel
- O. Dwelling, Industrialized Housing
- P. Dwelling, Manufactured Home
- Q. Dwelling, Mobile Home
- R. Dwelling, Single-Family Detached
- S. Dwelling, Seasonal
- T. Electric Substation
- U. Electric Transmission and Distribution Facilities
- V. Farm
- W. Feedlot
- X. Fish Farm
- Y. Forestry
- Z. Government Uses
- AA. Nature Preserve
- BB. Nursery, Horticulture
- CC. Public Stable
- DD. Public Utility Facilities
- EE. Recreation, Private
- FF. Recreation, Public
- GG. Recycling Collection Facility

- HH. Repair Services
- II. Riding Academy
- JJ. Saw Mill
- KK. School Facility
- LL. Silviculture
- MM. Veterinary Hospital
- NN. Veterinary Services
- OO. Wildlife Preserve
- PP. Wildlife Propagation
- QQ. Any use determined by the Zoning Officer to be of the same general character as the above listed permitted uses.

### **Section 503. ACCESSORY USES**

No Change

### **Section 504. CONDITIONAL USES**

#### ***Moved Dwelling Units to Permitted uses (Section 502)***

When authorized by the Lykens Township Board of Supervisors, the following conditional uses are permitted in accordance with the specific standards and requirements set forth in Article 20.

- A. Airport
- B. Agriculture Commodities Processing
- C. Commercial Livestock and Poultry Farming
- ~~D. Dwelling, Industrialized Housing~~
- ~~E. Dwelling, Manufactured Home~~
- ~~F. Dwelling, Mobile Home~~
- ~~G. Dwelling, Single Family Detached~~
- ~~H. Dwelling, Seasonal~~
- I. Golf Course
- J. Slaughter House
- K. Timber Harvesting

### **Section 505. HEIGHT REGULATIONS**

No Change

### **Section 506. LOT AREA AND LOT WIDTH REGULATIONS**

#### ***Several text changes***

The minimum lot area and lot width shall be established in accordance with the following standards:

- A. The minimum lot size for a farm **and agriculture tracts** shall be thirty-five (35) acres.
- B. The minimum lot size for permitted residential **dwelling units and accessory uses** shall be one (1) acre.
- C. The maximum lot size for permitted residential uses shall be one (1) acre, unless the requirements of Section 509 are met.
- D. The minimum lot size for non-farm and non-residential permitted uses shall be one (1) acre.
- E. The density of **any residential development** ~~residential units in single family use~~ shall not exceed one (1) dwelling unit per acre.
- F. The lot width at the street right-of-way line shall be not less than one hundred and fifty (150) feet.

#### **Section 507. YARD REGULATIONS**

No Change

#### **Section 508. COVERAGE REGULATIONS**

No Change

#### **Section 509. FARM SUBDIVISION AND RESIDENTIAL DEVELOPMENT**

*Several text changes, new section "C" and overall reorganization.*

In order to preserve the integrity of agriculture lands in Lykens Township as outlined in Section 501, land subdivisions and residential **subdivision and** development shall be subject to the following standards:

- A. Farmland Subdivisions for Agriculture Uses
  - 1. Farm parcels being divided into or among two or more farms **and/or farm tracts of land** shall each, after transfer, contain at least **thirty-five (35)** ~~fifty (50)~~ acres.
  - 2. Farm parcels containing less than thirty (30) ~~fifty (50)~~ acres **may be subdivided and land may be transferred to an adjacent farm parcel**, provided that the receiving parcel of land **after the completion of the subdivision** will contain at least as many acres ~~of cropland~~ as the **original** "parent" transfer parcel prior to the **subdivision and** transfer.

3. Any new **lot lines** ~~division lines~~ created from an **agriculture land subdivision** and property transfers between two (2) or more farms shall be agriculturally reasonable and shall not be configured to render the agricultural use of the tracts less efficient for farming (i.e. under normal circumstances, fields and contour strips should not be split).

B. Dwelling Unit Allocation in the Agriculture Zone

1. Upon adoption of this Ordinance and in accordance with Section 509.D.1 and Table 5-1, all farm tracts in the Agriculture Zoning District have a fixed number of number of lots and dwelling units which may be constructed. At the time of any subdivision of land for transfer, the total maximum number of lots or dwelling units permitted on the "parent" tract shall be determined by the Zoning Officer.
2. An applicant submitting a farm **land** subdivision plan or transferring land shall be required to specify on the subdivision plan which lot or lots shall carry with them the right to erect or place any unused quota of lots or dwelling units the parent tract may have in accordance with **the Zoning Officer's determination and** Section 509.D.1.

3. Dwelling/Lot Allocation and Transfer Under Common Ownership

In the event two or more tracts of land are in common ownership, the property owner may transfer the right to create lots or erect dwellings as provided in Section 509.D.1 from one lot to another under the same ownership. All lots created for residential development shall meet the requirements of this Ordinance. Any such transfer of lot or residential dwelling allocation shall be approved by the Township Zoning Officer prior to the submission of a subdivision plan.

4. Upon completion of a farm subdivision and transfer, **or dwelling unit allocation transfer**, at least one (1) lot or dwelling unit from the original "parent" tracts permitted allocation must be assigned to the land being separated, as well as the remaining portion of the original "parent" tract, unless that tract or parcel is being permanently joined to an adjacent tract or parcel which; 1) either contains an existing dwelling; or 2) has allocated to it the right to construct at least one (1) dwelling.

- C. Existing buildings shall not be separated from the original "parcel" unless it is determined that they have no functional utility in connection with the agriculture use of the original parcel.

D. Residential Subdivisions

Single family detached dwelling units permitted in the Agriculture District in accordance with Section 504 shall meet the following requirements:

1. The total number of residential lots subdivided or dwelling units constructed on a contiguous tract of land in single ownership shall not exceed the number of lots/dwelling units in the sliding scale below:

**TABLE 5-1**

<b>Size of Tract of Land as of the Official Date of Adoption of This Ordinance.</b>	<b>Number of Lots and Single Family Dwellings Permitted (including those existing as of the Official Date of Adoption of this Ordinance)</b>
less than 15 acres	2
15 but less than 25 acres	3
25 but less than 50 acres	4
50 acres and over	5

2. As per Section 506.C., the **maximum** lot size for permitted residential uses shall be one (1) acre, unless the lot in its entirety is composed of land of low quality for agriculture use. Land is of low quality for agriculture use if it is in Soil Capability Class III through VIII as classified by the Soil Survey of Dauphin County (1972), ~~and,~~ **or** the land cannot be feasibly farmed due to: 1) existing features on the sight such as rock outcropping too close to the surface for plowing; 2) properly identified wetlands heavily wooded areas; 3) slopes in excess of twenty (20%) percent; and 4) the size and shape of the area suitable for farming is insufficient to permit efficient use of farm machinery.
3. For tracts fifty (50) acres and over, **or where a property owner having property in common ownership and may transfer lots and/or dwelling units in concentrated development clusters in accordance with Section 509.B.3**, the total number of residential lots subdivided shall have access to a public street. The maximum number of lots permitted to access an existing street shall not exceed five (5) lots, or consume twenty (20%) percent of the total property street frontage of the original tract, whichever is greater.
4. Residential lots created and occurring after the effective date of this ordinance shall not be further subdivided for residential purposes nor shall such residential lots be further developed to contain two (2) or more dwellings. A statement to this effect shall be included on the subdivision plan and be included in the property deed description as a covenant

running with the land for so long as the land is in the Agriculture (A) District. A similar statement shall also be included on the recorded subdivision plan.

E. Proof of Agriculture Land Quality

The applicant shall have the burden of providing evidence to the Township Zoning Officer that the land being subdivided for residential development is of low quality for agriculture purposes and that it meets the requirements set forth in Section 509.D.2 of this Ordinance.

F. Soil Classification Review

Any land owner who disagrees with the soil classification of a farm or any part of the property by the Soil Survey of Dauphin County, issued February 1972, may submit engineering analysis of the soils on the portion of the farm which reclassification is being sought. The Zoning Officer shall consider the comments of the Dauphin County Conservation District, prior to any action or determination related to the reclassification.

Section 510 through 516

No Changes

## ARTICLE 6

### **A-R AGRICULTURAL-RESIDENTIAL DISTRICT**

#### **Section 601. PURPOSE**

The Agricultural-Residential District is established to provide area for rural residential development that will have limited impact on agricultural lands. The district is located near existing concentrations of residential development as identified in the Township Comprehensive Plan. Future low density residential development is encouraged for these areas.

Due to the limited availability of community facilities, single lot and low density subdivisions are anticipated in these areas. The "A-R" District is located adjacent to agriculture areas. However, agricultural uses are not encouraged because of the smaller lots less desirable for farming. The regulatory mechanisms for this district are designed to protect and stabilize these essential development characteristics and promote and encourage high quality rural development.

#### **Section 602. PERMITTED USES**

A building may be erected and a lot may be used or occupied for any of the following purposes:

- A. Agricultural Uses
- B. Animal Services
- C. Bed and Breakfast
- D. Boarding Stable
- E. Cemetery
- F. Church
- G. Commercial Greenhouse
- H. Community Center
- I. Congregate Care Residence
- J. Day Care, Home
- K. Dog Kennel
- L. Dwelling, Industrialized Housing
- M. Dwelling, Manufactured
- N. Dwelling, Mobile Home
- O. Dwelling, Seasonal
- P. Dwelling, Single-Family Detached
- Q. Electric Substation
- R. Electric Transmission and Distribution Facilities
- S. Farm
- T. Forestry
- U. Funeral Home
- V. Government Uses

- W. Membership Organization
- X. Nature Preserve
- Y. Nursery, Horticulture
- Z. Nursing or Convalescent Home
- AA. Playground
- BB. Private Infrastructure
- CC. Public Infrastructure
- DD. Public Stable
- EE. Public Utility Facilities
- FF. Retail, Self Service Station
- GG. Retail, Service Station
- HH. Recreation, Private
- II. Recreation, Public
- JJ. Riding Academy
- KK. School Facility
- LL. Wildlife Preserve
- MM. Wildlife Propagation
- NN. Unattended Self-Service Fuel Facility
- OO. Any use determined by the Zoning Officer to be of the same general character as the above listed permitted uses.

### **Section 603. ACCESSORY USES**

The following accessory uses are permitted. Specific standards and requirements for accessory uses are outlined in Article 19.

- A. Accessory Apartment
- B. Animal Grazing and Containment
- C. Antenna
- D. Antenna, Satellite Dish
- E. Common Open Space
- F. Concession Stand
- G. Fences
- H. Garage/Yard Sales
- I. Garden Structures
- J. Home Occupations
- K. Irrigation Facilities
- L. Off Street Parking
- M. Ornamental Ponds and Wading Pools
- N. Personal Motor Vehicle Repair
- O. Private Garage
- P. Private Greenhouse
- Q. Private Stable
- R. Private Swimming Pools

- S. Private Wells
- T. Roadside Stand
- U. Signs
- V. Storage Buildings
- W. Tennis Courts
- X. Wind Energy Conversion Systems
- Y. Any accessory use determined by the Zoning Officer to be of the same general character as the above listed accessory uses.

#### **Section 604. CONDITIONAL USES**

When authorized by the Lykens Township Board of Supervisors, the following conditional uses are permitted in accordance with the specific standards and requirements set forth in Article 20.

- A. Country Club
- B. Golf Course
- C. Health Club
- D. Manufactured/Mobile Home Park
- E. Timber Harvesting

#### **Section 605. HEIGHT REGULATIONS**

The height of a principal building shall not exceed thirty-five (35') feet. The height of accessory buildings shall exceed twenty-four (24') feet, except that accessory buildings for farm use shall be exempt from height restrictions.

#### **Section 606. LOT AREA AND LOT WIDTH REGULATIONS**

The minimum lot area and width shall be not less than one (1) acre; unless the lots are served by public sewer and water in which case the minimum lot size shall not be less than 20,000 square feet.

The lot width at the street right-of-way line shall be not less than one hundred (100) feet

#### **Section 607. YARD REGULATIONS**

Each lot shall have front, side, and rear yards of not less than the depth and width indicated below:

- A. Front yard depth: forty (40') feet from any major collector street as defined in the Lykens Township Comprehensive Plan.
- B. Front yard depth, all other street: thirty (30') feet.

- C. Side yard width: fifteen (15') feet each, on interior lot. On a corner lot, the side yard abutting the street shall be not less than thirty (30') feet in width.
- D. Rear yard depth: twenty-five (25') feet.
- E. On a corner lot, the side yard abutting the street shall be not less than thirty (30') feet in width.

#### **Section 608. COVERAGE REGULATIONS**

The building(s), structure(s), and impervious surface coverage shall not be more than twenty (20%) percent.

#### **Section 609. FLOOD PLAIN PROTECTION OVERLAY**

Development proposed for areas within or adjacent to flood plain areas shall conform to the requirements of Article 11.

#### **Section 610. ENVIRONMENTAL PROTECTION OVERLAY**

Development proposed for areas within or adjacent to critical areas or environmentally sensitive areas shall conform to the specific requirements of Article 12.

#### **Section 611. OPEN SPACE DEVELOPMENT**

Open space development standards are available as an option to conventional development design. Open space developments proposed shall conform to the specific standards of Article 13.

#### **Section 612. DEVELOPMENT STANDARDS**

Construction, developments, and improvements shall meet the requirements and standards set forth in Article 14.

#### **Section 613. PERFORMANCE STANDARDS**

All developments and uses shall meet the performance standards set forth in Article 15.

#### **Section 614. MOTOR VEHICLE ACCESS**

Where motor vehicle access is provided from a public or private road to a lot or development, the motor vehicle access requirement shall apply, as set forth in Article 16.

**Section 615. OFF-STREET PARKING**

Off-street parking shall be provided in accordance with the provisions of Article 17.

**Section 616. SIGNS**

Signs shall be provided in accordance with the standards set forth in Article 18.

## **ARTICLE 7**

### **R - RESIDENTIAL DISTRICT**

#### **Section 701. PURPOSE**

The Residential District (R) provides areas for low and medium density residential development. The district is located in areas suitable for expansion of future public sewer service as identified in the Lykens Township Comprehensive Plan. Single lot developments or subdivision of low and medium density are anticipated when appropriate public facilities are available. The regulatory mechanisms in this district are designed to encourage a mix of residential uses, protect and maintain residential development characteristics, and promote well designed residential neighborhoods.

#### **Section 702. PERMITTED USES**

A building may be erected and a lot may be used or occupied for any of the following purposes:

- A. Apartment, Conversion
- B. Apartment, Efficiency
- C. Apartment, Garden
- D. Boarding House
- E. Cemetery
- F. Child/Adult Day Care
- G. Church
- H. Community Center
- I. Congregate Care Residence
- J. Day Care Home
- K. Dwelling, Condominium
- L. Dwelling, Duplex
- M. Dwelling, Garden Apartment
- N. Dwelling, Industrialized Housing
- O. Dwelling, Manufactured
- P. Dwelling, Mobile Home
- Q. Dwelling, Multi-Family
- R. Dwelling, Patio Home
- S. Dwelling, Quadruplex
- T. Dwelling, Single-Family, Detached
- S. Dwelling, Single-Family, Semi-Detached
- U. Dwelling, Single-Family Attached
- V. Dwelling, Townhouse
- W. Dwelling, Triplex
- X. Dwelling, Two Family

- Y. Electric Substation
- Z. Electric Transmission and Distribution Facilities
- AA. Farm
- BB. Government Uses
- CC. Nursing or Convalescent Home
- DD. Playground
- EE. Private Infrastructure
- FF. Public Infrastructure
- GG. Public Utility Facilities
- HH. Recreation, Public
- II. Any use determined by the Zoning Officer to be of the same general character as the above listed permitted uses.

### **Section 703. ACCESSORY USES**

The following accessory uses are permitted. Specific standards and requirements for accessory uses are outlined in Article 19.

- A. Accessory Apartment
- B. Antenna
- C. Antenna, Satellite Dish
- D. Common Open Space
- E. Concession Stand
- F. Fences
- G. Garage/Yard Sales
- H. Garden Structures
- I. Home Occupations
- J. Off Street Parking
- K. Ornamental Ponds and Wading Pools
- L. Personal Motor Vehicle Repair
- M. Private Garage
- N. Private Greenhouse
- O. Private Swimming Pools
- P. Private Wells
- Q. Signs
- R. Storage Buildings
- S. Tennis Courts
- T. Any accessory use determined by the Zoning Officer to be of the same general character as the above listed accessory uses.

### **Section 704. CONDITIONAL USES**

When authorized by the Lykens Township Board of Supervisors, the following conditional uses are permitted in accordance with the specific standards and requirements set forth in Article 20.

(This Section is reserved for future use)

## **Section 705. HEIGHT REGULATIONS**

The height of a principal building shall not be greater than thirty-five (35') feet. The height of an accessory building shall not exceed fourteen (14') feet, except accessory buildings used for agricultural purposes shall be exempt from height restrictions.

## **Section 706. LOT AREA AND LOT WIDTH REGULATIONS**

- A. The following minimum standards for lot area and lot width shall apply to lots **not served** by public sewage facilities:

1. Residential Lots

**TABLE 7-1**

<b>Dwelling Type</b>	<b>Minimum Lot Area per Dwelling Unit</b>	<b>Minimum Lot Width at Street Right-of-Way Line (ft.)</b>
Single-family detached	1 acre (43,560 sq. ft.)	100'
Single-family semi-detached	1 acre (43,560 sq. ft.)	75' per d.u.
Two-family duplex	1 acre (43,560 sq. ft.)	125'
Other Dwelling Types	1 acre (43,560 sq. ft.)	100'

2. Non-Residential Lots

The minimum lot area for non-residential uses shall be one (1) acre, and minimum lot width shall be one hundred and fifty (150') feet measured at the street right-of-way line. Additional lot area shall be required as determined on the basis of yard, off-street parking, loading and unloading, and coverage standards.

- B. The following standards shall apply to lots served by both public sewerage and water facilities, or private community water and sewer facilities designed and constructed in accordance with Township and/or PA Department of Environmental Protection specifications.

1. Residential Lots

**TABLE 7-2**

<b>Dwelling Type</b>	<b>Minimum Lot Area per Dwelling Unit</b>	<b>Minimum Lot Width at Street Right-of-Way Line (ft.)</b>
Single-family Attached (townhouse)	3,000 sq. ft.	20'
Single-family Detached	15,000 sq. ft.	75'
Single-family Semi-detached	6,000 sq. ft.	40'
Two-family - Duplex	15,000 sq. ft.	75'
Multi-Family Apartments	5,000 sq. ft.	50'

2. Non-Residential Lots

The minimum lot area for non-residential uses shall be twenty thousand (20,000) square feet, and minimum lot width shall be one hundred (100') feet measured at the street right-of-way line. Additional lot area shall be required as determined on the basis of yard, off-street parking, loading and unloading, and coverage standards.

C. Maximum Density

The maximum density in this District shall not exceed eight (8) dwelling units per acre.

**Section 707. YARD REGULATIONS**

Each lot shall have front, side, and rear yards of not less than the depth and width indicated below:

- A. Front yard depth: forty (40') feet from any major collector street as defined in the Lykens Township Comprehensive Plan.
- B. Front yard depth, all other streets: thirty (30') feet.

C. Side yard width:

1. For Non-Residential Uses, the minimum side yard shall be fifteen (15') feet.
2. For Residential Uses, the minimum width of a side yard shall be not less than ten (10') feet. The total width of the two required side yards shall not be less than thirty (30') feet in width.
3. Interior attached dwellings zero (0') feet.
4. In patio home designs, one side yard may be zero (0') feet. The total width of the required side yard shall be not less than thirty (30') feet.
5. On a corner lot, the side yard abutting the street shall be not less than thirty (30') feet in width.
6. No side yard shall be required where adjoining property owners shall mutually agree in writing. However, in no case shall party walls be permitted between properties or lots of separate ownership. In the case of a series of abutting structures paralleling and abutting a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least twenty (20') feet in width shall be provided at grade level at intervals of not more than four hundred (400') feet.

D. Rear yard depth: twenty-five (25') feet.

- E. Multi-family structures shall have a front yard, two (2) side yards, and a rear yard each of not less than thirty (30') feet in width. For land development situations, the distance between any portion of such structures shall be not less than twenty-five (25') feet or the height of the tallest structure, whichever is greater.

## **Section 708. COVERAGE REGULATIONS**

The building(s), structure(s), and impervious surface coverage shall not be more than thirty-five (35%) percent.

## **Section 709. FLOOD PLAIN PROTECTION OVERLAY**

Development proposed for areas within or adjacent to flood plain areas shall conform to the requirements of Article 11.

## **Section 710. ENVIRONMENTAL PROTECTION OVERLAY**

Development proposed for areas within or adjacent to critical areas or environmentally sensitive areas shall conform to the specific requirements of Article 12.

## **Section 711. OPEN SPACE DEVELOPMENT**

Open space development standards are available as an option to conventional development design. Open space developments proposed shall conform to the specific standards of Article 13.

## **Section 712. DEVELOPMENT STANDARDS**

Construction, developments, and improvements shall meet the requirements and standards set forth in Article 14.

## **Section 713. PERFORMANCE STANDARDS**

All developments and uses shall meet the performance standards set forth in Article 15.

## **Section 714. MOTOR VEHICLE ACCESS**

Where motor vehicle access is provided from a public or private road to a lot or development, the motor vehicle access requirement shall apply, as set forth in Article 16.

## **Section 715. OFF-STREET PARKING**

Off-street parking shall be provided in accordance with the provisions of Article 17.

## **Section 716. SIGNS**

Signs shall be provided in accordance with the standards set forth in Article 18.

## ARTICLE 8

### V - VILLAGE DISTRICT

#### **Section 801. PURPOSE**

The Village District (V) is established to provide development opportunities for a mix of business and residential uses. Due to the potential availability of public sewage and water around Erdman, a diverse selection of commercial and residential development types are anticipated. With appropriate facilities, residential development should be designed to accommodate medium densities. Business related development and users are intended to foster small scale retail, service, and professional activities, and should be well designed and scaled to fit with adjacent residential uses. The regulatory mechanisms for this district are intended to stabilize and protect development characteristics and encourage continued village development in Erdman.

#### **Section 802. PERMITTED USES**

A building may be erected and a lot may be used or occupied for any of the following purposes:

- A. Amusement Arcade
- B. Apartment, Conversion
- C. Apartment, Efficiency
- D. Apartment, Garden
- E. Arts Center
- F. Auction House
- G. Bar
- H. Bed and Breakfast
- I. Boarding House
- J. Business Services
- K. Cemetery
- L. Charitable Services
- M. Child/Adult Day Care Center
- N. Church
- O. Community Center
- P. Congregate Care Residence
- Q. Convenience Store
- R. Day Care, Home
- S. Dwelling, Condominium
- T. Dwelling, Duplex
- U. Dwelling, Garden Apartment
- V. Dwelling, Industrialized Housing
- W. Dwelling, Manufactured

- X. Dwelling, Multi-Family
- Y. Dwelling, Patio Home
- Z. Dwelling, Quadruplex
- AA. Dwelling, Single-Family Detached
- BB. Dwelling, Single-Family Semi-Detached
- CC. Dwelling, Single-Family Attached
- DD. Dwelling, Townhouse
- EE. Dwelling, Triplex
- FF. Dwelling, Two Family
- GG. Eating and Drinking Places
- HH. Electric Substation
- II. Electric Transmission and Distribution Facilities
- JJ. Financial Institution
- KK. Funeral Home
- LL. Government Uses
- MM. Health Services
- NN. Laundromat
- OO. Medical Center
- PP. Membership Organization
- QQ. Nursing or Convalescent Home
- RR. Personal Services
- SS. Playground
- TT. Private Infrastructure
- UU. Professional, Office
- VV. Public Infrastructure
- WW. Public Utility Facilities
- XX. Recreation, Private
- YY. Recreation, Public
- ZZ. Repair Garage
- AAA. Repair Services
- BBB. Restaurant
- CCC. Restaurant, Carryout
- DDD. Retail Sales, Indoor
- EEE. Retail, Self Service Station
- FFF. Retail, Service Station
- GGG. School Facility
- HHH. Tavern
- III. Veterinary Services
- JJJ. Unattended Self-Service Fuel Facility
- KKK. Any use determined by the Zoning Officer to be of the same general character as the above listed permitted uses.

### **Section 803. ACCESSORY USES**

The following accessory uses are permitted. Specific standards and requirements for accessory uses are outlined in Article 19.

- A. Accessory Apartment
- B. Antenna
- C. Antenna, Satellite Dish
- D. Concession Stand
- E. Fences
- F. Garage/Yard Sales
- G. Garden Structures
- H. Home Occupations
- I. Off Street Parking
- J. Ornamental Ponds and Wading Pools
- K. Private Garage
- L. Private Greenhouse
- M. Private Swimming Pools
- N. Private Wells
- O. Signs
- P. Storage Buildings
- Q. Tennis Courts
- R. Any accessory use determined by the Zoning Officer to be of the same general character as the above listed accessory uses.

#### **Section 804. CONDITIONAL USES**

When authorized by the Lykens Township Board of Supervisors, the following conditional uses are permitted in accordance with the specific standards and requirements set forth in Article 20.

(This section is reserved for future use)

#### **Section 805. HEIGHT REGULATIONS**

The height of a principal building shall not exceed thirty-five (35') feet. The height of an accessory building shall not exceed twenty-four (24') feet. Accessory buildings used for farming are exempt from height restrictions.

#### **Section 806. LOT AREA AND LOT WIDTH REGULATIONS**

- A. The following minimum standards for lot area and lot width shall apply to lots **not served** by public sewage facilities:

1. Residential Lots

**TABLE 8-1**

<b>Dwelling Type</b>	<b>Minimum Lot Area per Dwelling Unit</b>	<b>Minimum Lot Width at Street Right-of-Way Line (ft.)</b>
Single-family detached	1 acre (43,560 sq. ft.)	100'
Single-family semi-detached	1 acre (43,560 sq. ft.)	75' per d.u.
Two-family duplex	1 acre (43,560 sq. ft.)	125'
Other Dwelling Types	1 acre (43,560 sq. ft.)	100'

2. Non-Residential Lots

The minimum lot area for non-residential uses shall be one (1) acre, and minimum lot width shall be one hundred and fifty (150') feet measured at the street right-of-way line. Additional lot area shall be required as determined on the basis of yard, off-street parking, loading and unloading, and coverage standards.

- B. The following standards shall apply to lots served by both public sewerage and water facilities, or private community water and sewer facilities designed and constructed in accordance with Township and/or PA Department of Environmental Protection specifications.

1. Residential Lots

**TABLE 8-2**

<b>Dwelling Type</b>	<b>Minimum Lot Area per Dwelling Unit</b>	<b>Minimum Lot Width at the Street Right-of-Way Line (ft.)</b>
Single-family Attached (townhouse)	3,000 sq. ft.	20'
Single-family Detached	15,000 sq. ft.	75'
Single-family Semi-detached	6,000 sq. ft.	40'
Two-family - Duplex	15,000 sq. ft.	75'

Multi-Family Apartments	5,000 sq. ft.	50'
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2. Non-Residential Lots

The minimum lot area for non-residential uses shall be twenty thousand (20,000) square feet, and minimum lot width shall be one hundred (100') feet measured at the street right-of-way line. Additional lot area shall be required as determined on the basis of yard, off-street parking, loading and unloading, and coverage standards.

C. Maximum Density

The maximum density in this District shall not exceed eight (8) dwelling units per acre.

## **Section 807. YARD REGULATIONS**

Each lot shall have front, side, and rear yards of not less than the depth and width indicated below:

- A. Front yard depth: forty (40') feet from any major collector street as defined in the Lykens Township Comprehensive Plan.
- B. Front yard depth, all other streets: thirty (30') feet.
- C. Side yard width:
  - 1. For Non-Residential Uses, the minimum side yard shall be fifteen (15') feet.
  - 2. For Residential Uses, the minimum width of a side yard shall be not less than ten (10') feet. The total width of the two required side yards shall not be less than thirty (30') feet in width.
  - 3. Interior attached dwellings zero (0') feet.
  - 4. In patio home designs, one side yard may be zero (0') feet. The total width of the required side yard shall be not less than thirty (30') feet.
  - 5. On a corner lot, the side yard abutting the street shall be not less than thirty (30') feet in width.

6. No side yard shall be required where adjoining property owners shall mutually agree in writing. However, in no case shall party walls be permitted between properties or lots of separate ownership. In the case of a series of abutting structures paralleling and abutting a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least twenty (20') feet in width shall be provided at grade level at intervals of not more than four hundred (400') feet.
- D. Rear yard depth: twenty-five (25') feet.
- E. Multi-family structures shall have a front yard, two (2) side yards, and a rear yard each of not less than thirty (30') feet in width. For land development situations, the distance between any portion of such structures shall be not less than twenty-five (25') feet or the height of the tallest structure, whichever is greater.

#### **Section 808. COVERAGE REGULATIONS**

The building(s), structure(s), and impervious surface coverage shall not be more than forty (40%) percent.

#### **Section 809. FLOOD PLAIN PROTECTION OVERLAY**

Development proposed for areas within or adjacent to flood plain areas shall conform to the requirements of Article 11.

#### **Section 810. ENVIRONMENTAL PROTECTION OVERLAY**

Development proposed for areas within or adjacent to critical areas or environmentally sensitive areas shall conform to the specific requirements of Article 12.

#### **Section 811. DEVELOPMENT STANDARDS**

Construction, developments, and improvements shall meet the requirements and standards set forth in Article 14.

#### **Section 812. PERFORMANCE STANDARDS**

All developments and uses shall meet the performance standards set forth in Article 15.

#### **Section 813. MOTOR VEHICLE ACCESS**

Where motor vehicle access is provided from a public or private road to a lot or development, the motor vehicle access requirement shall apply, as set forth in Article 16.

#### **Section 814. OFF-STREET PARKING**

Off-street parking shall be provided in accordance with the provisions of Article 17.

#### **Section 815. SIGNS**

Signs shall be provided in accordance with the standards set forth in Article 18.

## ARTICLE 9

### **C-B - COMMERCIAL-BUSINESS DISTRICT**

#### **Section 901. PURPOSE**

The Commercial-Business (C-B) District is established to provide development opportunities for mixed use business and highway oriented commercial activities, where such uses already exist. Due to the character of undeveloped land in the District, the establishment of future commercial uses is feasible. The District will maximize commercial and business potential and ensure compatibility with surrounding districts and uses. Due to the limited availability of public sewer service, a limited variety of commercial uses are anticipated. The Commercial-Business uses are intended to accommodate small scale commercial activities. Developments with environmentally conscious site design and safe highway access are encouraged. The regulatory mechanisms for this district are intended to promote high quality development projects in keeping with Township design and performance standards.

#### **Section 902. PERMITTED USES**

A building may be erected and a lot may be used or occupied for any of the following purposes:

- B. Agricultural Services
- C. Agricultural Uses
- D. Amusement Arcade
- E. Animal Hospital
- F. Animal Kennel
- G. Apartment, Garden
- H. Art Center
- I. Auction House
- J. Auto Body Shop
- K. Automatic Vehicle Wash
- L. Bar
- M. Business Services
- N. Charitable Services
- O. Child/Adult Care Center
- P. Community Center
- Q. Condominium, Commercial
- R. Convenience Store
- S. Dwelling, Condominium
- T. Dwelling, Multi-Family
- U. Dwelling, Single-Family Attached
- V. Dwelling, Single-Family Detached
- W. Dwelling, Townhouse

X. Eating and Drinking Places  
 Y. Electric Substation  
 Z. Electric Transmission and Distribution Facilities  
 AA. Financial Institution  
 BB. Funeral Home  
 CC. Government Uses  
 DD. Health Club  
 EE. Health Services  
 FF. Hospital  
 GG. Hotel  
 HH. Laundromat  
 II. Medical Center  
 JJ. Membership Organization  
 KK. Motel  
 LL. Outdoor Storage  
 MM. Personal Services  
 NN. Playground  
 OO. Private Infrastructure  
 PP. Professional, Office  
 QQ. Public Infrastructure  
 RR. Public Utility Facilities  
 SS. Recreation, Commercial  
 TT. Recreation, Private  
 UU. Recreation, Public  
 VV. Repair Garage  
 WW. Repair Services  
 XX. Restaurant  
 YY. Restaurant, Carry-out  
 ZZ. Restaurant, Fast-Food  
 AAA. Retail Sales, Indoor  
 BBB. Retail Sales, Outdoor  
 CCC. Retail, Automobile Sales Garage  
 DDD. Retail, Automobile Service Station  
 EEE. Retail, Chain Store  
 FFF. Retail, Discount Center  
 GGG. Retail, Self Service Station  
 HHH. Retail, Service Station  
 III. Retail, Supermarket  
 JJJ. School Facility  
 KKK. Tavern  
 LLL. Theater  
 MMM. Theater, Drive-In  
 NNN. Vehicle Wash  
 OOO. Veterinary Hospital

- PPP. Veterinary Services
- QQQ. Wholesale Business
- RRR. Unattended Self-Service Fuel Facility
- RRR. Any use determined by the Zoning Officer to be of the same general character as the above listed permitted uses.

### **Section 903. ACCESSORY USES**

The following accessory uses are permitted. Specific standards and requirements for accessory uses are outlined in Article 19.

- A. Antenna
- B. Antenna, Satellite Dish
- C. Concession Stand
- D. Fences
- E. Off Street Parking
- F. Ornamental Ponds and Wading Pools
- G. Private Garage
- H. Private Swimming Pools
- I. Private Wells
- J. Signs
- K. Storage Buildings
- L. Tennis Courts
- M. Any accessory use determined by the Zoning Officer to be of the same general character as the above listed accessory uses.

### **Section 904. CONDITIONAL USES**

When authorized by the Lykens Township Board of Supervisors, the following conditional uses are permitted in accordance with the specific standards and requirements set forth in Article 20.

- A. Adult Entertainment
- B. Flea Market
- C. Retail, Shopping Center

### **Section 905. HEIGHT REGULATIONS**

The height of a principal building shall not exceed thirty-five (35') feet. The height of an accessory building shall not exceed one twenty-four (24') feet. Accessory buildings used for farming are exempt from height restrictions.

### **Section 906. LOT AREA AND LOT WIDTH REGULATIONS**

- A. The following minimum standards for lot area and lot width shall apply to lots **not served** by public sewage facilities:

1. Residential Lots

**TABLE 9-1**

<b>Dwelling Type</b>	<b>Minimum Lot Area per Dwelling Unit</b>	<b>Minimum Lot Width at Street Right-of-Way Line (ft.)</b>
Single-family detached	1 acre (43,560 sq. ft.)	100'
Single-family semi-detached	1 acre (43,560 sq. ft.)	75' per d.u.
Two-family duplex	1 acre (43,560 sq. ft.)	125'
Other Dwelling Types	1 acre (43,560 sq. ft.)	100'

2. Non-Residential Lots

The minimum lot area for non-residential uses shall be one (1) acre, and minimum lot width shall be one hundred and fifty (150') feet measured at the street right-of-way line. Additional lot area shall be required as determined on the basis of yard, off-street parking, loading and unloading, and coverage standards.

- B. The following standards shall apply to lots served by both public sewerage and water facilities, or private community water and sewer facilities designed and constructed in accordance with Township and/or PA Department of Environmental Protection specifications.

1. Residential Lots

**TABLE 9-2**

<b>Dwelling Type</b>	<b>Minimum Lot Area per Dwelling Unit</b>	<b>Minimum Lot Width at Street Right-of-Way Line (ft.)</b>
Single-family Attached (townhouse)	3,000 sq. ft.	20'
Single-family Detached	15,000 sq. ft.	75'
Single-family Semi-detached	6,000 sq. ft.	40'

Two-family - Duplex	15,000 sq. ft.	75'
Multi-Family Apartments	5,000 sq. ft.	50'

2. Non-Residential Lots

The minimum lot area for non-residential uses shall be twenty thousand (20,000) square feet, and minimum lot width shall be one hundred (100') feet measured at the street right-of-way line. Additional lot area shall be required as determined on the basis of yard, off-street parking, loading and unloading, and coverage standards.

C. Maximum Density

The maximum density in this District shall not exceed eight (8) dwelling units per acre.

## **Section 907. YARD REGULATIONS**

Each lot shall have front, side, and rear yards of not less than the depth and width indicated below:

- A. Front yard depth: forty (40') feet from any major collector street as defined in the Lykens Township Comprehensive Plan.
- B. Front yard depth, all other street: thirty (30') feet.
- C. Side yard width:
  - 1. For Non-Residential Uses, the minimum side yard shall be fifteen (15') feet.
  - 2. For Residential Uses, the minimum width of a side yard shall be not less than ten (10') feet. The total width of the two required side yards shall not be less than thirty (30') feet in width.
  - 3. Interior attached dwellings zero (0') feet.
  - 4. In patio home designs, one side yard may be zero (0') feet. The total width of the required side yard shall be not less than thirty (30') feet.
  - 5. On a corner lot, the side yard abutting the street shall be not less than thirty (30') feet in width.
  - 6. No side yard shall be required where adjoining property owners shall mutually agree in writing. However, in no case shall party walls be

permitted between properties or lots of separate ownership. In the case of a series of abutting structures paralleling and abutting a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least twenty (20') feet in width shall be provided at grade level at intervals of not more than four hundred (400') feet.

D. Rear yard depth: twenty-five (25') feet.

E. Multi-family structures shall have a front yard, two (2) side yards, and a rear yard each of not less than thirty (30') feet in width. For land development situations, the distance between any portion of such structures shall be not less than twenty-five (25') feet or the height of the tallest structure, whichever is greater.

#### **Section 908. COVERAGE REGULATIONS**

The building(s), structure(s), and impervious surface coverage shall not be more than seventy (70%) percent.

#### **Section 909. FLOOD PLAIN PROTECTION OVERLAY**

Development proposed for areas within or adjacent to flood plain areas shall conform to the requirements of Article 11.

#### **Section 910. ENVIRONMENTAL PROTECTION OVERLAY**

Development proposed for areas within or adjacent to critical areas or environmentally sensitive areas shall conform to the specific requirements of Article 12.

#### **Section 911. DEVELOPMENT STANDARDS**

Construction, developments, and improvements shall meet the requirements and standards set forth in Article 14.

#### **Section 912. PERFORMANCE STANDARDS**

All developments and uses shall meet the performance standards set forth in Article 15.

#### **Section 913. MOTOR VEHICLE ACCESS**

Where motor vehicle access is provided from a public or private road to a lot or development, the motor vehicle access requirement shall apply, as set forth in Article 16.

**Section 914. OFF-STREET PARKING**

Off-street parking shall be provided in accordance with the provisions of Article 17.

**Section 915. SIGNS**

Signs shall be provided in accordance with the standards set forth in Article 18.

## **ARTICLE 10**

### **L-I - LIGHT-INDUSTRIAL DISTRICT**

#### **Section 1001. PURPOSE**

The Light-Industrial District (L-I) is established to provide suitable development opportunities for low intensity assembly, fabrication, processing, distribution, warehousing, and agricultural related industrial uses. The district provides for a broad range of light-industrial uses and new employment opportunities. The District will maximize industrial potential and ensure compatibility with surrounding districts and uses. The L-I District is located near existing industrial uses and areas planned for public sewer service. Due to the availability of public services, a limited variety of industrial uses are anticipated. Industrial development with environmentally conscious site design and safe highway access are encouraged. The regulations for this district are intended to promote high quality development projects in keeping with Township design and performance standards.

#### **Section 1002. PERMITTED USES**

A building may be erected and a lot may be used or occupied for any of the following purposes:

- A. Agriculture Services
- B. Agriculture Uses
- C. Auction House
- D. Automobile Wrecking
- E. Business Services
- F. Distribution Center
- G. Electric Substation
- H. Electric Transmission and Distribution Facilities
- I. Government Uses
- J. Industry, Heavy
- K. Industry, Light
- L. Manufactured/Mobile Home Park
- M. Outdoor Storage
- N. Private Infrastructure
- O. Public Infrastructure
- P. Public Utility Facilities
- Q. Recycling Center
- R. Recycling Collection Facilities
- S. Self-service Storage Facility
- T. Warehousing
- U. Wholesale Business
- V. Unattended Self-Service Fuel Facility

- W. Any use determined by the Zoning Officer to be of the same general character as the above listed permitted uses.

### **Section 1003. ACCESSORY USES**

The following accessory uses are permitted. Specific standards and requirements for accessory uses are outlined in Article 19.

- A. Antenna
- B. Antenna, Satellite Dish
- C. Concession Stand
- D. Fences
- E. Off Street Parking
- F. Private Garage
- G. Signs
- H. Storage Buildings
- I. Any accessory use determined by the Zoning Officer to be of the same general character as the above listed accessory uses.

### **Section 1004. CONDITIONAL USES**

When authorized by the Lykens Township Board of Supervisors, the following conditional uses are permitted in accordance with the specific standards and requirements set forth in Article 20.

- A. Airport
- B. Agriculture Commodities Processing
- B. Incinerator
- C. Junkyard
- D. Landfill
- E. Slaughter House - Food Processing

### **Section 1005. HEIGHT REGULATIONS**

The height of a principal building shall not exceed thirty-five (35') feet, and no accessory building shall exceed one story or twenty-four (24) feet in height, except that accessory buildings used for farming shall be exempt from height regulations.

### **Section 1006. LOT AREA AND LOT WIDTH REGULATIONS**

Minimum lot areas shall be as follows:

- A. The minimum lot area for uses served by an on-lot septic system and well shall be one (1) acre.

- B. Where public sewer and water are available, the minimum lot area shall be determined on the basis of yards, off-street parking, loading and unloading, and coverage standards, but shall be not less than 20,000 square feet.
- C. The minimum lot width for all uses shall be one hundred and twenty-five (125) feet, measured at the street right-of-way line.

### **Section 1007. YARD REGULATIONS**

Each lot shall have front, side, and rear yards of not less than the depth and width indicated below:

- A. Front yard depth: fifty (50') feet from any major collector street as defined in the Lykens Township Comprehensive Plan.
- B. Front yard depth, all other streets: forty (40') feet.
- C. Side yard width:
  - 1. The minimum side yard shall be fifteen (15') feet.
  - 2. On a corner lot, the side yard abutting the street shall be not less than fifty (50') feet in width.
  - 3. No side yard shall be required where adjoining property owners shall mutually agree in writing. However, in no case shall party walls be permitted between properties or lots of separate ownership. In the case of a series of abutting structures paralleling and abutting a public right-of-way, an open and unobstructed passage for vehicles and pedestrians, of at least twenty (20') feet in width shall be provided at grade level at intervals of not more than four hundred (400') feet.
- D. Rear yard depth: twenty-five (25') feet.

### **Section 1008. COVERAGE REGULATIONS**

The building(s), structure(s), and impervious surface coverage shall not be more than seventy (70%) percent.

### **Section 1009. FLOOD PLAIN PROTECTION OVERLAY**

Development proposed for areas within or adjacent to flood plain areas shall conform to the requirements of Article 11.

#### **Section 1010. ENVIRONMENTAL PROTECTION OVERLAY**

Development proposed for areas within or adjacent to critical areas or environmentally sensitive areas shall conform to the specific requirements of Article 12.

#### **Section 1011. DEVELOPMENT STANDARDS**

Construction, developments, and improvements shall meet the requirements and standards set forth in Article 14.

#### **Section 1012. PERFORMANCE STANDARDS**

All developments and uses shall meet the performance standards set forth in Article 15.

#### **Section 1013. MOTOR VEHICLE ACCESS**

Where motor vehicle access is provided from a public or private road to a lot or development, the motor vehicle access requirement shall apply, as set forth in Article 16.

#### **Section 1014. OFF-STREET PARKING**

Off-street parking shall be provided in accordance with the provisions of Article 17.

#### **Section 1015. SIGNS**

Signs shall be provided in accordance with the standards set forth in Article 18.

## **ARTICLE 11**

### **FLOOD PLAIN MANAGEMENT**

#### **Section 1101. PURPOSE**

The purpose of this Article is to set forth flood plain management standards which are deemed necessary to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base of Lykens Township. The district will accomplish this overall purpose by: 1) regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies; 2) restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding; 3) requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood proofed against flooding and flood damage; and, 4) protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

#### **Section 1102. APPLICABILITY**

These provisions shall apply to all lands within the jurisdiction of Lykens Township and identified as being subject to flooding as identified in the Flood Insurance Rate Map prepared for the Township by the Federal Emergency Management Agency (FEMA), October 15, 1985, as amended from time to time.

#### **Section 1103. COMPLIANCE**

No structure or land shall hereafter be used and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this Ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.

#### **Section 1104. WARNING AND DISCLAIMER OF LIABILITY**

- A. The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the identified general flood plain districts, or that land uses permitted within such districts will be free from flooding or flood damages.

- B. Further, these provisions shall not create liability on the part of Lykens Township or any officer or employee thereof for any flood damages that result from reliance on these provisions or any administrative decision lawfully made hereunder.

#### **Section 1105. ESTABLISHMENT OF THE FLOOD PLAIN DISTRICT**

For the purposes of this Ordinance, the flood plain district shall include those areas identified as being subject to flooding as identified on the Flood Insurance Rate Map (FIRM) for Lykens Township prepared by the Federal Emergency Management Agency and effective on October 15, 1985.

#### **Section 1106. DELINEATION OF FLOOD PLAIN DISTRICT (F-P) BOUNDARIES**

- A. The general Flood Plain District (F-P) shall be those areas identified as Zone A on the Flood Insurance Rate Map (FIRM). Zone A designations illustrate areas of one hundred (100) year flood for which one hundred (100) year base flood elevations and flood hazard factors have not been provided.

Where the specified 100 year elevation cannot be determined for this area using other sources of information such as the (1) U.S. Army Corps of Engineers Flood plain Information Reports, (2) U.S. Geologic Survey Flood prone Quadrangles, (3) U.S.D.A Soil Conservation Service - Dauphin County Soil Survey (Alluvial Soils, (4) PA DEP Flood Control Investigations, (5) known high water marks from past floods, or other acceptable sources, then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques approved by the Lykens Township Engineer.

- B. Hydrologic and hydraulic analyses shall be undertaken only by a professional engineer or other of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently excepted technical concepts. Studies, analyses, computations, etc. shall be submitted to the Zoning Officer in sufficient detail to allow thorough technical review by the Township Engineer.
- C. Overlay Concept
  - 1. The Flood Plain (F-P) District delineated as described above shall be an overlay district to the existing underlying districts as shown on the Lykens Township Zoning Map, and as such, the provisions for the Flood Plain (F-P) District shall serve as a supplement to the underlying district provisions.

2. Where there happens to be a conflict between the provisions or requirements of any of the Flood Plain (F-P) Districts and those of any underlying district, the more restrictive provisions shall apply.

D. Zoning Map

The boundaries of the Flood Plain (F-P) Districts are established and incorporated into the Lykens Township Zoning Map. Refer to Article 3, Designation of Districts, Section 301 and Section 302.B, herein.

E. Flood District Boundary Changes

The delineation of any of the Flood Plain (F-P) District may be revised by the Lykens Township Board of Supervisors where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, Susquehanna River Basin Commission, or other qualified agency or individual documents the need or possibility for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

#### **Section 1107. GENERAL FLOOD PLAIN (F-P) DISTRICT PROVISIONS**

- A. All uses, activities, and development occurring within any Flood Plain District shall be undertaken, only, in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances such as the Building Permit Ordinance, and Subdivision and Land Development Ordinance.
- B. Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or flood ways of any watercourse, drainage ditch, or any other drainage facility or system.
- C. Prior to any proposed alteration or relocation of any stream, watercourse, etc. within the Township, a permit shall be obtained from the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterways Management. Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Emergency Management Agency (FEMA), the Flood Insurance Agency (FIA) and the Pennsylvania Department of Community Affairs.
- D. In the flood way of any Flood Plain (F-P) District, any new construction and/or development that would cause any increase in flood heights shall be prohibited.

#### **Section 1108. PERMITTED USES**

- A. In the Flood Plain District (F-P), the following uses and activities are permitted provided they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:
1. agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting;
  2. public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, and hunting and fishing areas;
  3. accessory residential uses such as yard areas, gardens, play areas, and pervious parking area; and,
  4. accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, etc.

#### **Section 1109. USES PERMITTED IN THE F-P DISTRICT BY SPECIAL EXCEPTION**

- A. Certain uses and activities may be permitted in the Flood Plain (F-P) District by Special Exception. Any request for Special Exception approval by the Lykens Township Zoning Hearing Board shall be processed in accordance with Article 20. The following uses may be permitted by Special Exception:
1. structures, except for manufactured homes, accessory to the uses and activities in Section 1108.A;
  2. utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses;
  3. temporary uses such as circuses, carnivals, and similar activities;
  4. storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning; and
  5. water-related uses and activities such as docks, wharves, piers, etc.; and;

6. other uses and activities determined by the Zoning Officer to be similar to those listed above.

B. Specific Criteria for Special Exceptions

Uses listed in Section 1109.A above may be authorized by the Zoning Hearing Board in accordance with the procedures outlined in Article 24, Section 2407.B, provided that the general criteria of Article 20, Section 2003 and the following specific factors have been considered:

1. the danger to life and property due to increased flood elevations or velocities caused by encroachments;
2. the danger that materials may be swept onto other lands or downstream to the injury of others;
3. the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
4. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
5. the importance of the services provided by the proposed facility to the community;
6. the requirements of the facility for a waterfront location;
7. the availability of alternative locations not subject to flooding for the proposed use;
8. the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
9. the relationship of the proposed use to the comprehensive plan and flood plain management program for the area;
10. the safety of access to the property for ordinary and emergency vehicles in time of flood;
11. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
12. such other factors which are relevant to the purposes of this Ordinance.

C. Supplemental Technical Review.

The Zoning Hearing Board may refer any application and accompanying documentation pertaining to any request for a special exception to any engineer or other qualified persons or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

D. Conditions For Approving Special Exceptions.

1. Special Exceptions shall only be issued after the Zoning Hearing Board has determined that the granting of such will not result in:
  - a. unacceptable or prohibited increases in flood heights;
  - b. additional threats to public safety;
  - c. extraordinary public expense;
  - d. the creation of nuisances;
  - e. any fraud or victimization of the public; and
  - f. any conflict with local laws or ordinances.
2. No special exception shall be granted for any proposed use, development, or activity within any flood way that will cause any increase in flood elevations.
3. Any other reasonable condition or restriction deemed necessary to protect public health, safety and welfare.

**Section 1110. PROHIBITED USES**

- A. Cemeteries;
- B. Hospitals - public or private;
- C. Incinerators;
- D. Jails;
- E. Junk Yards;
- F. Land fills;
- G. Manufactured/Mobile Home Parks;

- H. Nursing or Convalescent Homes (public or private);
- I. New manufactured/mobile home park subdivisions, and substantial improvements to existing manufactured home parks; and,
- J. Residential Dwellings
- K. Emergency response facilities such as fire, ambulance, and police stations, civil defense preparedness buildings and facilities, and evacuation and emergency medical centers.

#### **Section 1111. DEVELOPMENT WHICH MAY ENDANGER HUMAN LIFE**

- A. In accordance with the Pennsylvania Flood Plain Management Act (Act 166), as amended, and the regulations adopted by the Pennsylvania Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:

- 1. acetone
- 2. ammonia
- 3. benzene
- 4. calcium carbide
- 5. carbon disulfide
- 6. celluloid
- 7. chlorine
- 8. hydrochloric acid
- 9. hydrocyanic acid
- 10. magnesium
- 11. nitric acid and oxides or nitrogen
- 12. petroleum products (gasoline, fuel, oil, etc.)
- 13. phosphorus
- 14. potassium
- 15. sodium
- 16. sulphur and sulphur products
- 17. pesticides (including insecticides, fungicides and rodenticides)
- 18. radioactive substances, insofar as such substances are not otherwise regulated.

- B. Within any Flood Plain (F-P) District, any structure of the kind described in Section 1111.A, above, shall be prohibited.

#### **Section 1112 EXISTING STRUCTURES IN FLOOD PLAIN (F-P) DISTRICTS**

- A. A structure or use of a structure or premises which lawfully existed before the enactment of this Ordinance, but which is not in conformity with this Ordinance may be continued subject to the following conditions:
  - 1. no expansion or enlargement of an existing structure and/or use shall be allowed within any flood plain district that would cause any increase in flood heights;
  - 2. any modification, alteration, reconstruction, or improvement of any kind to an existing structure and/or use to an extent or amount of fifty (50%) percent or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance; and
  - 3. any modifications, alteration, reconstruction, or improvement of any kind to an existing structure and/or use to an extent or amount of less than fifty (50%) percent of its market value, shall be elevated and/or flood proofed to the greatest extent possible.

#### **Section 1113. ADMINISTRATION**

- A. A zoning permit shall be required for all construction and development, which includes but is not limited to buildings or other structures, paving, filling, grading, excavation, mining, dredging, or drilling operations.
- B. A copy of all applications and plans for any proposed construction or development involving earth disturbance activities in any Flood Plain (F-P) District to be considered for approval shall be submitted by the Zoning Officer and to the Dauphin County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Zoning Officer for possible incorporation into the proposed plan.

#### **Section 1114. VARIANCES**

- A. If compliance with any of the requirements of this Article would result in an exceptional hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.
- B. Variance Procedures and Requirements.

Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:

1. No variance shall be granted for any construction, development, use or activity within any flood way area that would cause any increase in the one-hundred (100) year flood elevation.
2. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life (Section 1111.A).
3. If granted, a variance shall involve only the least modification necessary to provide relief.
4. In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
5. In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:
  - a. there is good and sufficient cause;
  - b. failure to grant the variance would result in exceptional hardship to the applicant;
  - c. the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public or conflict with any other applicable local or State ordinance and regulations;
  - d. refer to provisions presented in Section 1109.B of this Article; and,
  - e. notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred (100) year flood.
6. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
  - a. the granting of the variance may result in increased premium rates for flood insurance; and,
  - b. such variance may increase the risks to life and property.

7. A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

## **ARTICLE 12**

### **ENVIRONMENTAL PROTECTION OVERLAYS**

#### **Section 1201. PURPOSE**

The Lykens Township Comprehensive Plan has provided an inventory of important natural features that include wetlands, flood plains, watersheds, streams, agricultural soils, woodlands and steep slopes. The Township recognizes the interrelationship between its natural resources and the health, safety and general welfare of the community. In the Township's Comprehensive Plan, natural resources are recognized as having a significant place within the culture, character and quality of life in Lykens Township and must be protected, maintained, and preserved for future generations to enjoy. Recognizing that the Comprehensive Plan promotes the preservation and protection of sensitive features, this Article provides appropriate standards and regulations for the following: (1) to protect drainage ways and streams from development impacts; (2) to minimize the negative impacts from development on the Township's steep hillside and slope areas; (3) to protect lakes and ponds from development impacts; (4) to preserve and protect prime agriculture soils; (5) to protect existing wooded areas; and (6) to minimize development impacts on wetlands.

#### **Section 1202. STREAM PROTECTION OVERLAY DISTRICT (SP)**

The Lykens Township Comprehensive Plan identifies and recognizes streams and the natural features surrounding stream areas as important hydrological and environmental assets. It is the intent of Section 1202 to provide appropriate standards for delineating and preserving natural streams and water ways. The SP Overlay is provided to: (1) protect existing wildlife in stream corridors; (2) reduce the Township's exposure to high water flood hazards; (3) preserve existing vegetation along water ways; (4) minimize the negative effects of agriculture and development related erosion on Township streams; (5) minimize degradation of the Township's rural character related to natural streams; and (6) protect the streams natural ability to maintain water quality by reducing and purifying stormwater runoff.

A SP Overlay District is hereby established as a district which overlays the other districts of this Ordinance.

##### **A. Establishment of the SP Overlay District Boundaries**

The SP Overlay District shall be established at the time of subdivision or land development or during the application for a zoning permit if no subdivision or land development is proposed.

The SP Overlay District shall be defined by determining the critical stream corridor. The critical stream corridor shall consist of a land strip on each side of a perennial

stream which includes the stream and its critical stream features. The SP Overlay District shall be based on an investigation and delineation of the critical stream corridor and its related critical stream features. The total extent of any critical stream features located adjacent to the perennial stream or waterway shall be considered in determining the critical stream corridor and the boundaries of the SP Overlay District. Where critical stream features do not exist along a stream or waterway, a minimum buffer of at least thirty (30') feet on each side of the stream or waterway shall be provided.

B. Determining the Critical Stream Corridor Area

Unless indicated below, the total extent of any critical stream features adjacent to a perennial stream or waterway shall be considered in defining the critical stream corridor and delineating the boundaries of the SP Overlay District. For the purpose of this delineation, all critical stream features listed below shall be included in the critical stream corridor area:

1. Alluvial Soils

All alluvial soils adjacent to and extending from a perennial stream. For the purpose of this Ordinance all alluvial soils are considered hydrologically related to the waterway.

2. Wet Soils

All wet soils adjacent to and extending from a perennial stream. For the purpose of this ordinance, wet soils are considered hydrologically related to the waterway. Wet soils include springs and other intermittent drainage areas.

3. Steep Slopes

Steep slopes within thirty (30') feet or less of a perennial stream. Where the base of a steep slope or embankment is within thirty (30') feet of a stream, or if the stream is in a ravine, the SP Overlay District shall extend to the top of the steep slope(s), embankment(s) or ravine plus and additional ten (10') feet of moderate or lesser slope. (Steep slope = 20% slope or greater)

4. Woodlands

Large woodland areas and small concentrations of trees having a predominance of trees four inch (4") caliper or greater located within thirty (30') feet of a perennial stream. For the purpose of this Ordinance, the SP Overlay will include these wooded areas extending one hundred (100') feet from the stream bank.

C. Permitted Uses

The following uses shall be permitted uses in the SP Overlay District provided that (1) the use is in compliance with the provisions of the underlying district; (2) the use is not prohibited by another ordinance; and (3) the use does not require building(s), fill, or storage of materials and equipment.

1. Accessory Residential Uses
2. Agriculture Uses
3. Common Open Space
4. Educational Uses
5. Fishing, Swimming and Boating
6. Passive Recreation
7. Trails and Trail Access
8. Wildlife Preserve
9. Wildlife Habitat
10. Underground Public Utilities

D. Conditional Uses

When Authorized by the Lykens Township Board of Supervisors, the following conditional uses are permitted in accordance with the specific standards and requirements set fourth in Article 20.

1. Timber Harvesting

E. Standards

1. In all subdivision and land development applications, the SP Overlay District should be described by a metes and bounds description.
2. A conservation easement covering the SP Overlay District shall be provided in accordance with the Township Subdivision and Land Development Ordinance.
3. In all zoning permit applications, the SP Overlay District shall be shown on a drawing indicating the location and measurement of the district in accordance with the above standards.

**Section 1203. HILLSIDE/STEEP SLOPE PROTECTION OVERLAY DISTRICT (HSP)**

The Lykens Township Comprehensive Plan recognizes that hillsides and steep slopes as unique and sensitive natural features. Under conventional development practices, hillsides and steep slope areas are fragile and susceptible to erosion, landslides, mudslides, vegetative degradation

and increased flooding. It is the purpose of Section 1203 to provide reasonable standards for hillside and steep slope development that (1) guide development away from steep slope areas; (2) minimize grading and other site preparation on steep slopes; (3) preserve the natural conditions on steep slopes; and (4) prevent flooding and the deteriorating effects to hillside soil and streams from excessive erosion.

A HSP Overlay District is hereby established as a district which overlays other zoning districts of this Ordinance.

A. Establishment of the HSP Overlay District Boundaries

The HSP Overlay District shall be established at the time of subdivision or land development or during the application for a zoning permit if no subdivision or land development is proposed.

The HSP Overlay District boundary shall be based on a topographic investigation of critical slope areas. The HSP Overlay District shall consist of all land which has a natural slope of 25% or greater. The natural slope of an area shall be determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. The horizontal run shall be measured at right angles to the natural contours.

B. Permitted Uses

The following uses shall be permitted in the HSP Overlay District provided they are in compliance with the provisions of the underlying district and are not prohibited by another ordinance and provided that they do not require structures, grading, fill, or storage of materials and equipment.

1. Accessory Residential Uses
2. Agriculture Uses
3. Common Open Space
4. Educational Uses
5. Passive Recreation
6. Trails and Trail Access
7. Wildlife Preserve
8. Wildlife Habitat
9. Underground Public Utilities

C. Conditional Uses

When Authorized by the Lykens Township Board of Supervisors, the following conditional uses are permitted in accordance with the specific standards and requirements set fourth in Article 20.

1. Timber Harvesting

D. Standards

1. In all subdivision and land development applications, the HSP Overlay District shall be described by a metes and bounds description. A conservation easement covering the HSP Overlay District shall be provided in accordance with the Township Subdivision and Land Development Ordinance.
2. In all zoning permit applications, the HSP Overlay District shall be shown on a drawing indicating the location and measurement of the district in accordance with the above standards.
3. Land with a slope greater than 25% percent as defined in Section 1203.A above may be removed or altered only when such slopes are isolated, small or otherwise occur as knolls. The amount of critical steep slope area to be removed or altered shall not exceed twenty-five (25%) percent of the total critical steep slope area.

**Section 1204. LAKE AND POND PROTECTION OVERLAY DISTRICT (LPP)**

The Lykens Township Comprehensive Plan recognizes lakes and ponds and adjacent areas as important and sensitive natural features. It is the purpose of this Section to provide reasonable standards for protecting natural and man-made lakes and ponds in order to: (1) protect wildlife; (2) preserve existing vegetation along lakes and ponds for wildlife habitat; (3) minimize the of development on lakes and ponds; (4) protect the integrity of ponds and lakes as functioning wetland areas.

A LPP Overlay District is hereby established as a district which overlays other zoning districts of this Ordinance.

A. Establishment of the LPP Overlay District Boundaries

The LPP Overlay District shall be established at the time of subdivision or land development or during the application for a zoning permit if no subdivision or land development is proposed.

The LPP Overlay District boundary shall be established as an area within thirty (30') feet of any lake or pond.

B. Permitted Uses

The following uses shall be permitted in the HSP Overlay District provided they are in compliance with the provisions of the underlying district and are not prohibited by

another ordinance and provided that they do not require structures, grading, fill, or storage of materials and equipment.

1. Agriculture Uses
2. Common Open Space
3. Educational Uses
4. Fishing, Swimming and Boating
5. Passive Recreation
6. Trails and Trail Access
7. Wildlife Preserve
8. Wildlife Habitat

C. Standards

1. In all subdivision and land development applications, the HSP Overlay District shall be described by a metes and bounds description. A conservation easement covering the LPP Overlay District shall be provided in accordance with the Township Subdivision and Land Development Ordinance.
2. Area determined to be within the LPP Overlay District in accordance with Section 1204 above shall contain no more than fifteen percent (15%) impervious surfaces coverage.
3. At least seventy percent (70%) of the shoreline of a lake or pond within the LPP Overlay District shall remain in its natural state.
4. In all zoning permit applications, the HSP Overlay District shall be shown on a drawing indicating the location and measurement of the district in accordance with the above standards.

**Section 1205. WETLAND PROTECTION OVERLAY DISTRICT (SP)**

The Comprehensive Plan identifies and recognizes wetlands and the natural feature surrounding these areas as important hydrological and environmental assets. Wetlands provide important functions, such as: (1) habitat for fish, wildlife and vegetation; (2) water quality maintenance and pollution; (3) natural flood control; (4) erosion control; and, (5) educational and recreational opportunities. Damaging or destroying wetlands from the negative impacts of development threatens the public safety and general welfare in Lykens Township. It is the intent of Section 1205 to provide appropriate standards for delineating and preserving wetland areas. The WP Overlay is provided to: (1) require planning to avoid and minimize damage to wetlands whenever prudent or feasible; (2) require that land uses and developments which are not dependent on wetlands to be located in upland sites; and (3) allow wetland losses only where practical or legal measures have been applied to reduce these losses that are unavoidable and in the public interest.

A WP Overlay District is hereby established as a district which overlays the other districts of this Ordinance.

A. Establishment of WP Overlay District Boundaries

The WP Overlay District shall be established at the time of subdivision or land development or during the application for a zoning permit if no subdivision or land development is proposed.

The WP Overlay District boundary shall be established as an area within fifteen (15) feet of any delineated non-tidal wetland. The WP Overlay District shall be based on a wetland investigation by the applicant. The Environmental Limitations (Map 2-9) may be used as a reference for determining the general location of major critical wetland areas. Wetland delineations shall be performed in accordance with the procedures of the Pennsylvania Department of Environmental Protection as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands and any subsequent amendments thereto.

B. Verification of Wetland Delineation

Where the applicant has provided a determination of critical wetland areas and the WP Overlay District, the Township Engineer or hydrologist shall verify the accuracy of, and may render adjustments to, the boundary delineation. In the event that the adjusted boundary delineation is contested, the applicant may appeal to the Zoning Hearing Board.

C. Permitted Uses

The following uses shall be permitted uses in the WP Overlay District provided that (1) the use is in compliance with the provisions of the underlying district; (2) the use is not prohibited by another ordinance; and (3) the use does not require building(s), fill, or storage of materials and equipment.

1. Accessory Residential Uses
2. Agriculture Uses
3. Common Open Space
4. Educational Uses
5. Passive Recreation
6. Trails and Trail Access
7. Wildlife Preserve
8. Wildlife Habitats

D. Standards

1. In all subdivision and land development applications, the SP Overlay District should be described by a metes and bounds description.
2. A conservation easement covering the WP Overlay District shall be provided in accordance with the Township Subdivision and Land Development Ordinance.
3. In all zoning permit applications, the SP Overlay District shall be shown on a drawing indicating the location and measurement of the district in accordance with the above standards.

## **ARTICLE 13**

### **OPEN SPACE DEVELOPMENT DESIGN OPTION**

#### **Section 1301. PURPOSE**

The Lykens Township Comprehensive Plan recognizes that maintaining open space and environmentally sensitive areas is desirable and important to preserving the Township's rural character and quality of life. This Section is intended to provide reasonable standards and procedures for open space development design which will (1) improve living and natural environments; (2) promote and encourage flexible and economical subdivision and land development design; (3) encourage a variety of residential dwelling types in the Township; (4) encourage ingenuity and originality in subdivision and site design; (5) protect the agricultural and rural character of Lykens Township; (6) maintain property values; (7) protect environmentally sensitive areas of a development site; and (8) encourage the preservation of environmentally sensitive areas as public or private open space.

#### **Section 1302. APPLICABILITY**

Subject to the requirements of this Section and the Lykens Township Zoning Ordinance, open space development design is available as an option in the Agriculture Residential (A-R) and Residential (R) districts. The open space development design option allows for concentrated development and residential construction on building lots smaller in size than the minimum required by conventional development in the zoning district in which the property is located. The open space development design option is available as an option for residential land subdivisions on properties in single and separate ownership of fifteen (15) acres or more.

#### **Section 1303. DEFINING OPEN SPACE AREAS**

Open space areas provided within all open space subdivisions and land developments shall consist of the following elements:

A. Flood plain Overlay District

Flood plain areas as determined in accordance with Article 11.

B. Environmental Protection Overlay Districts

Environmentally sensitive areas as determined in accordance with the standards set fourth in Article 12.

C. Conservation Features Areas

Conservation features areas shall consist of mature woodlands, upland buffer areas around designated wetlands and water bodies, prime farmland (Class I, II, and III soils), natural meadows, scenic areas, critical wildlife habitats, sites listed on the PA Natural Diversity Inventory, designated historic sites, rock outcroppings, designated culturally or archaeologically significant sites.

#### **Section 1304. REQUIRED CONSERVATION FEATURES AREA PERCENTAGE**

Applicants using the open space development design option shall preserve a percentage of the total tract as conservation features areas as defined in Section 1303.C. The required percentage of the total tract area which shall consist of conservation features areas shall be determined using Table 13-1 for the district in which the development is located.

**TABLE 13-1**

<b>Zoning District</b>	<b>Minimum Percentage (%) of Open Space Conservation Area</b>
(A-R) Agriculture Residential	50%
(R) Residential	40%

#### **Section 1305. DETERMINING OPEN SPACE CONSERVATION AREAS, DEVELOPMENT DENSITY AND LOT SIZE CALCULATIONS**

Development using the open space development design option shall determine open space conservation areas and calculate development density and adjusted minimum lot size requirements in accordance with the following:

##### **A. Development Density**

The following "Steps" outline the procedure for determining residential densities (# of units per (Net Buildable Acre)) for open space development designed subdivision and land developments.

1. Step 1 - Determine the (Total Tract Area) of the subdivision or land development.
2. Step 2 - Determine the (Total Environmental Limitations Area) from all flood plains determined in accordance with Article 11 and environmental protection overlay districts identified in accordance with Article 12.

3. Step 3 - Subtract the (Total Environmental Limitations Area) from the (Total Tract Area) to determine the (Total Buildable Area).
4. Step 4 - Subtract ten (10%) percent of the (Total Buildable Area) when new streets will be constructed with the development to determine the (Net Buildable Area).
5. Step 5 -
  - A. For single-family detached developments, divide the (Net Buildable Area) by the required minimum lot area for the district the development is located to determine the (Total lots Permitted).
  - B. For multi-family developments, attached unit developments (townhouses) and developments with mixed dwelling unit types, divide the (Net Buildable Area) by the required density for the zoning district in which the development is located to determine the (Total Dwelling Units Permitted).

B. Minimum Lot Size Calculation

The following "Steps" outline the procedure for determining minimum lot size for open space development designs for single-family detached residential subdivisions and land developments.

1. Step 1 - Determine the (Total Tract Area) of the subdivision or land development.
2. Step 2 - Determine the (Total Environmental Limitations Area) from any flood plains in accordance with Article 11 and environmental protection overlay districts identified in accordance with Article 12.
3. Step 3 - Determine the required (Conservation Features Area) by multiplying the (Total Tract Area) by the required conservation features area percentage for the district in which the development is located (See Table 16-1). (Example: 100 acres x .40 (40% in R district) = 40 acres of required conservation features area).
4. Step 4 - Subtract the (Total Environmental Limitations Area) and the required (Conservation Features Area) from the (Total Tract Area) to determine the (Remaining Buildable Area).

- 5. Step 5 -
  - A. Divide the (Remaining Buildable Area) by the (Total Lots Permitted) as determined in Section 1305.A. STEP-5.A to determine the square footage of the (Adjusted Minimum Lot Size) for the open space development.
  - B. For multi-family developments, attached unit developments (townhouses) and developments with mixed dwelling unit types, the development shall be located within the (Remaining Buildable Area) determined in Step 4 above. The minimum lot size for single family detached and attached lots shall meet the minimum open space development lot size as specified in the zoning district in which the development is located.

C. Minimum Lot Width, Setbacks and Impervious Coverage Requirements

The minimum lot width, setbacks and impervious coverage for all development using the open space development design option shall conform with the applicable standards in the zoning district in which the development is located.

**Section 1306. PERMITTED USES**

When a development uses the open space development design option, the following uses shall be permitted in designated open space conservation areas:

- A. Agriculture Uses
- B. Active Recreation
- C. Bikeway paths
- D. Exercise trails
- E. Hiking trails
- F. Horticulture
- G. Nature trails
- H. Passive Recreation
- I. Picnic Areas
- J. Playgrounds
- K. Public Recreation Areas
- L. Silviculture

**Section 1307. OPEN SPACE CONSERVATION AREA DESIGN REQUIREMENTS AND STANDARDS**

Applicants electing to use the open space development design option shall meet the following general requirements:

- A. The required open space conservation area to be established shall preserve all flood plains determined in accordance with Article 11, Environmental Protection Overlays determined in accordance with Article 12 and all Conservation Features Areas which may be present as defined in Section 1303.C.
- B. The total area occupied by buildings, structures, support facilities, parking areas, driveways related to the permitted uses specified in Section 1606, shall not exceed five (5%) percent of the open space conservation area.
- C. Open space conservation areas shall be in the form of contiguous tracts, with linear trails connecting tracts or parks adjacent to the development.
- D. Open space conservation areas shall not include streets, private yards, and the required spacing between buildings.
- E. Residential accessory uses, such as but not limited to sheds, garages and pools shall not be permitted in the open space conservation area.
- F. All open space conservation areas shall be accessible from a public street via a pedestrian walkway or path. Paths should be constructed to have an all-weather durable surface that is at least six (6') feet wide, with a maximum slop of fifteen (15%) percent.
- G. Subdivision of designated open space conservation areas shall be prohibited.
- H. Open space conservation areas intended for recreational or public use shall be easily accessible to pedestrians, and conform to all State and Federal regulations for handicapped accessibility.
- I. Where strips of open space conservation areas are designed as separate noncontiguous parcels which constitute part of the required minimum open space conservation area, these areas shall have a length to width ratio of no less than 4:1, except such areas that are specifically designed as pedestrian ways.
- J. Individual lots, buildings, streets, and parking facilities should be designed and situated to minimize alterations to the environmentally sensitive features identified in Article 12 and other Conservation Features to be preserved in the open space conservation area.

- K. Individual lots, buildings and dwelling units should be arranged and situated to relate to surrounding properties, to improve the building views and lessen the land area devoted to motor vehicle access.
- L. Open space conservation areas should be directly accessible to the largest practical number of lots within the development to provide direct views and safe and convenient pedestrian access to adjoining lots.
- M. In developments with cul-de-sacs, pedestrian and/or bike trail linkages should be provided within the cul-de-sac street.
- N. Open space developments may contain "flag lots". Flag lots shall only be permitted to increase the number of lots that will abut open space conservation areas. Five (5%) percent of the total number of lots in an open space development subdivision may be flag lots. Permitted flag lots shall have a minimum lot width at the right-of-way line shall be twenty-five (25') feet.

#### **Section 1308. OPEN SPACE DEVELOPMENT ROAD STANDARDS**

Road construction for open space developments shall conform to the standards provided in the Lykens Township Subdivision and Land Development Ordinance.

#### **Section 1309. OPEN SPACE OWNERSHIP AND MAINTENANCE**

Open space conservation areas created in developments using the open space development design option shall be owned, administered and maintained under any of the following arrangements, either individually or in combination.

A. Home Owners Association

Open space conservation areas may be conveyed to a home association or community association to be owned by the owners of the lots within the development. Ownership thereof shall pass with conveyance of the lots in perpetuity. A home owners association shall be established for the purpose of permanently maintaining all residual, commonly owned open space conservation areas and recreation facilities. The Association shall be formed and operated to include at a minimum the following provisions:

1. The Association shall be formed by the developer and operated with financial subsidization by the developer, before the sale of any lots within the development.

2. The developer shall provide a written description of the Association including its bylaws and methods for maintaining the open space conservation areas.
3. To insure that the cost of maintaining open space conservation areas is shared equally by all property owners, membership in the Association shall be mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the Association from the developer to the homeowners shall be described in the by-laws.
4. The Association shall be responsible for maintaining open space conservation areas and providing insurance coverage, enforceable by liens placed by the Association. Maintenance obligations may also be enforced by the Township which may place liens to recover its costs.
5. Members of the Association shall equitably share the costs of maintaining and improving the open space conservation area. Shares shall be defined within the Association by-laws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of capital facilities within the open space conservation area.
6. In the event of a proposed transfer of open space conservation area by an Association, or the assumption of maintenance of such land by the Township, notice of such action must be given to all property owners within the development.
7. Associations shall retain or contract adequate personnel to administer common facilities and properly and continually maintain the open space conservation area.
8. The Homeowners Association may lease open space conservation areas to qualified persons, or corporations, for the operation and maintenance of such area, but such lease agreement shall, at a minimum, provide the following assurances:
  - a. The residents of the development shall at all times have access to the open space conservation area contained therein (except the access to land that is actively farmed shall be limited to times of the year when the fields are fallow).
  - b. The open space conservation areas to be leased shall be maintained for the purposes and uses set forth in the Article; and,

upon request, copies of such leases shall be forwarded to the Township.

- c. The operation of open space conservation area facilities may be for the benefit of residents only, or may be open to the residents of the Township, at the election of the developer and/or the Association.

B. Condominiums

In order to facilitate public matters such as the collection of taxes on open space conservation areas and associated facilities and improvements, such land and facilities may be controlled through the use of condominium agreements, approved by the Board of Supervisors. Such agreements shall be in conformance with the Pennsylvania Uniform Condominium Act of 1980. All open space conservation areas shall be held as "common element." Condominium Associations shall be subject to the requirements set forth in Section 1309.A of this Ordinance.

C. Conveyance to Private, Public or Non-Profit Conservation Organization or Preservation Trust

Land to remain as designated open space conservation areas may be conveyed to private, public or nonprofit conservation organizations or preservation trusts in accordance with the following provisions:

1. The organization receiving such land shall be a bona fide conservation organization with perpetual existence and acceptable to the Board of Supervisors;
2. Ownership of the open space conservation areas shall pass with conveyance of the lots in perpetuity;
3. The Township shall have first and last offer of conveyance of open space conservation areas;

D. Transfer of Easements to a Private, Public or Non-Profit Conservation Organization

An owner may transfer open space conservation easements to a private, public or nonprofit organization recognized by the Township, among whose purpose it is to conserve open space and/or natural resources, provided that:

1. The organization is acceptable to the Board of Supervisors and is a bona fide conservation organization with perpetual existence;

2. The conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions and responsibilities;
3. A maintenance agreement acceptable to the Board of Supervisors is entered into by the developer and the organization.

E. Lease for Farming In the (A-R) Agriculture Residential District

In the Agriculture Residential (A-R) district, open space conservation areas may be leased for farming seed crops, orchards, and grazing in accordance with the following provisions:

1. A lease agreement shall be provided to the Township;
2. Provisions for maintenance of the property shall be included in the lease agreement;

F. Dedication of Easement

The Township may, but shall not be required to, accept open space conservation easements for public use of any portion or portions of open space conservation areas the title of which is to remain in ownership by condominium of homeowners association, provided that:

1. Such land is accessible to Township residents;
2. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance;
3. A satisfactory maintenance agreement is reached between the developer, condominium or homeowners association and the Township.

G. Offer of Dedication

The Township may, but shall not be required to, accept open space conservation areas for public dedication and public use in accordance with the following provisions.

1. The dedication of open space conservation areas shall take the form of a fee simple ownership;
2. Such land for dedication shall be accessible to Township residents;

3. There is no cost of acquisition other than any costs incidental to the transfer of ownership (i.e. title insurance).
4. The Township agrees to and has access to maintain the open space conservation areas;
5. Where the Township accepts dedication of open space conservation areas that contain improvements, the Board of Supervisors may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall be determined in accordance with the requirements set forth in the Lykens Township Subdivision and Land Development Ordinance.

### **Section 1310. OPEN SPACE MAINTENANCE REQUIREMENTS**

Open space conservation areas created in developments using the open space development design option shall be maintained in accordance with the following requirements.

**A. Maintenance and Operations Summary**

The developer shall submit a Maintenance and Operations Summary report containing a narrative describing ownership, use and maintenance responsibilities for all common elements or public improvements, utilities and open space conservation area. The report which is submitted shall indicate the kinds of tasks necessary to manage the open space conservation area, control invasive species and to promote a varied habitat for plant and animal life.

**B. Maintenance Security**

The developer shall provide a financial security in the amount established by the developer to maintain open space conservation areas.

**C. Maintenance Failure**

Failure to adequately maintain the open space conservation area in reasonable order and condition constitutes a violation of this Ordinance.

**D. Maintenance Failure Violations**

When an open space conservation area maintenance violation exists, the Township shall notify the owner of such violation and shall require the open

space conservation area to be maintained within ten (10) days from the date of notification. Failure to comply with the terms of such notification shall constitute a nuisance, and after the expiration of ten (10) days from the date of notice, the Township may cause the open space conservation area to be maintained and may collect the costs thereof, together with a penalty of ten (10%) percent of such costs in the manner provided by the Pennsylvania Second Class Township Code for the collection of municipal liens.

E. Density Bonus To Endow Maintenance Funds

The Township Board of Supervisors may allow a density bonus of five (5%) percent of the (Total Lots Permitted) as determined in Section 1305.A, not to exceed five (5) lots. A density bonus shall be permitted to generate additional income to the applicant for the express and sole purpose of endowing a permanent fund to offset continuing open space conservation area maintenance costs.

If a developer agrees to the density bonus, seventy five (75%) percent of the selling price of each of the density bonus lots shall be deposited to a permanent maintenance fund. Spending from this fund shall be restricted to expenditure of interest only, in order that the principle is preserved for the future.

## **ARTICLE 14**

### **DEVELOPMENT STANDARDS**

#### **Section 1401. PURPOSE**

Lykens Township recognizes that the processes of development can alter natural topography, vegetation, as well as cause other negative impacts. The Township also recognizes that development creates impervious cover, vehicular traffic, artificial light, increases in air temperature, accelerated runoff, erosion, sedimentation, glare, noise and incompatible uses of land which can negatively impact the community's ecological balance, visual character and individual, as well as , community-wide livability. The Township intends to protect and enhance its economic base, quality of life, and community character by encourage quality development. Recognizing that the Comprehensive Plan promotes the protection of health, safety and welfare of the public and encourages quality development, this Article is adopted for the following of purposes: (1) to aid and stabilize the ecological balance of the environment in the Township; (2) provide buffers between uses of different character and intensity; (3) enhance the Township's general appearance; (4) safeguard and enhance property values; (5) protect public and private investments; (6) conserve energy; and (7) protect natural areas thereby providing natural habits for wildlife.

#### **Section 1402. BUFFERS AND SCREENING**

Buffers required by this Ordinance are intended to separate different land uses from each other at a reasonable distance in order to minimize or eliminate potential nuisances such as dirt, litter, noise, glare, unsightly signs, unsightly buildings, parking areas. Buffers are also intended to provide spacing between uses and structures to reduce the adverse impacts of noise, light, odor or danger from fire and explosions.

##### **A. Buffer Requirements**

1. A buffer shall be provided along the perimeter of a lot for any given use and shall not be located in any portion of a public right-of-way or proposed right-of-way.
2. Buildings shall not be permitted in a buffer.
3. Storage of any kind shall not be permitted in a required buffer yard.
4. Stormwater management facilities, public utility facilities, picnic areas, or pedestrian walkways and sidewalks shall be permitted in a buffer.

5. A buffer of twenty-five (25') feet and screening in accordance with Section 1403 of this Article shall be provided between the following zoning districts and uses:
  - a. A buffer of twenty-five (25') feet shall be required between a residential use or residential zoning district and a nonresidential use or nonresidential zoning district. Level 3 screening shall be provided in the buffer.
  - b. A buffer of twenty-five (25') feet shall be required between a multi-family residential use and any single family/two family residential uses or R and V district. Level 1 screening shall be provided in the buffer.
  - c. A buffer of fifty (50') feet shall be required between a residential use or residential zoning district and any industrial use or industrial zoning district. Level 3 screening shall be provided in the buffer.
  - d. A buffer of twenty-five (25') feet shall be required between a commercial use or C-B zoning district and any light industrial use or L-I zoning district. Level 2 screening shall be provided in the buffer.

### **Section 1403. SCREENING**

Screening and screens required by this Ordinance are intended to provide an effective visual barrier at the street level between conflicting uses related to unsightly or distracting activities, noise, heat, glare, dust, traffic. Screening and screens are useful to preserve property values and ensure the compatibility of different land uses, as well as improve the appearance of individual properties and neighborhoods in the Township. This section provides standards and options for the design, and installation of plants, fences and walls in Lykens Township.

#### **A. Screening Requirements**

The following Table 14-1, "Screening Requirements," outlines the screening "levels" required by this Ordinance. Level 1, Level 2 and Level 3 screening require a combination of evergreen and deciduous trees, fences, walls and berms for screening. Where Level 3 screening is required by this Ordinance, options A, B, C, D or E shall be required. All standards for screening shall be met at the time of planting.

**TABLE 14-1 SCREENING REQUIREMENTS**

<b>Required Screening Level</b>	<b>Screen Specifications</b>	<b>Required Minimum Tree Spacing</b>	<b>Planting Strip Width/Slope or Location</b>
<b>LEVEL 1</b>	Evergreen trees 4 feet in height	Twenty (20') feet on center	6 feet
	Deciduous trees 6 feet in height	Thirty (30') feet on center	6 feet
<b>LEVEL 2</b>	Evergreen trees 5 feet in height	Ten (10') feet on center	6 feet
	Deciduous trees 6 feet in height	Fifteen (15') feet on center	6 feet
<b>LEVEL 3 Option A</b>	Wall/Fence 6 feet in height	NA	NA
	Hedge 2 feet in height	Ten (10') feet in center	1 Row
<b>LEVEL 3 Option B</b>	Wall/Fence 6 feet in height	NA	NA
	Evergreen trees 4 feet in height	Ten (10') feet on center	4 feet
	Hedge 2 feet in height	Ten (10') feet on center	1 Row
<b>LEVEL 3 Option C</b>	Evergreen trees 6 feet in height	Solid screen tree line	6 feet
<b>LEVEL 3 Option D</b>	Berm of compacted soil construction 6 feet in height with ground cover	NA	Maximum 3:1 slope
<b>LEVEL 3 Option</b>	Berm constructed 3 feet in height with ground cover	NA	Maximum 3:1 slope

<b>E</b>	Hedge, evergreen trees or shrubs 3 feet in height	Solid screen	On top of berm
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**B. Existing Trees and Vegetation**

The preservation of existing trees and vegetation on a lot and/or the use of existing trees and vegetation in conjunction with other screening techniques shall be permitted in order to meet the screening requirements of this Ordinance provided that the existing trees and vegetation or combination of trees and plantings with required methods shall screen the use or structure at a density which is consistent with the level of screening required.

**C. Maintenance**

All required tree planting and landscaping used for screening shall comply all landscaping requirements of this Section and Section 1405 of this Ordinance. All fences and walls constructed as screening shall be maintained in good condition and repaired and replaced where necessary.

**Section 1404. LIGHTING**

Lighting standards required by this Ordinance are intended to ensure adequate night-time safety and security while minimizing the "spill over" of light and glare on operators of motor vehicles, pedestrians, private property and land uses near the light source. The Lykens Township Comprehensive Plan recognizes that proper lighting design is an instrument for preserving rural character and creating a sense of place within individual developments and the community at large. However, it is the safety, welfare, nuisance and hazardous aspects of lighting which form the basis of these requirements.

**A. Requirements**

The lighting requirements below are relate to (1) the height of the source luminaire; (2) cutoff of the luminaire; (3) footcandles of illumination; and (4) the zoning district in which the light source is located. In summary, the maximum height of a lightpost is dependent on the amount of luminaire cutoff. All exterior lighting shall meet the following requirements:

**1. Luminaire with No Cutoff**

When a light source or luminaire has not cutoff, the maximum permitted height and intensity shall meet the requirements on Table 14-2:

**TABLE 14-2 NO CUTOFF**

Uses	Illumination*	Height of Luminaire
Residential	0.2	10 feet
Non-Residential	0.3	20 feet
* - Footcandles		

2. Luminaire with Cutoff Greater than 90 Degrees

When a light source or luminaire has a cutoff, greater than 90 degrees, the maximum height and illumination shall meet the requirement on Table 14-3 shall for each zoning district:

**TABLE 14-3 90 DEGREE OR GREATER CUTOFF**

Zoning District	Illumination*	Height of Luminaire
Conservation (C)	0.3	15 feet
Agriculture (A)	0.5	20 feet
Agriculture Residential (A-R)	0.5	20 feet
Residential District (R)	0.75	25 feet
Village (V)	1.0	35 feet
Commercial Business (C-B)	1.5	35 feet
Light Industrial (L-I)	2.0	40 feet
* - Maximum Footcandles		

2. Luminaire Cutoff Less than 90 Degrees

When a light source or luminaire has a cutoff less than 90 degrees, and light bulb, lamp or light source is completely shielded from the direct view of an observer five (5') above the ground where the cutoff point meets the ground, the maximum height and intensity on Table 14-4 shall apply for each zoning district:

**TABLE 14-4 LESS THAN 90 DEGREE CUTOFF**

<b>Zoning District</b>	<b>Illumination*</b>	<b>Height of Luminaire</b>
Conservation (C)	0.3	15 feet
Agriculture (A)	0.5	20 feet
Agriculture Residential (A-R)	0.5	20 feet
Residential Low Density (R)	0.75	25 feet
Village (V)	1.0	35 feet
Commercial Business (C-B)	1.5	35 feet
Light Industrial (L-I)	2.0	40 feet
* - Maximum Footcandles		

**B. Additional Requirements and Exemptions for Specified Uses**

1. Because of their unique requirement for night visibility and their limited hours of use, public and private recreational uses (ie. ball diamonds, playing fields, tennis courts, volley ball courts, etc.) are exempt from the requirements of Section 1304.A. These uses must meet all other requirements of Article 15 of this Ordinance.
2. Outdoor lighting and private recreational uses specified above shall not exceed a maximum permitted post height of eighty feet (80').
3. Outdoor lighting and private recreational uses may exceed a total cutoff angle of 90 degrees, provided that the luminaire is shielded to prevent light and glare spill over to adjacent residential uses. The maximum permitted illumination at the interior buffer yard shall not exceed 2 footcandles.
4. In high density residential developments and non-residential developments, low level pedestrian lighting for sidewalks should be

provided as necessary for safety. These lights should have low level illumination.

5. Flickering or flashing lights shall not be permitted
6. Except for pedestrian walkways, light sources or luminaires shall not be located within buffer yards.
7. The location and type of lighting required by this Ordinance shall be shown on the site plan submitted by the applicant.

## **Section 1405. LANDSCAPING**

This Section to provides a set of minimum standards for providing landscaping in land developments, maintenance of required screening, and maintenance of required parking lot landscaping. These standards are intended to preserve and maintain the natural environment, improve community appearance, ensure required buffers are adequate, preserving the Township's rural character and the value of properties within Lykens Township in accordance with the Township's Comprehensive Plan.

### **A. Applicability**

Landscaping shall be required for any major residential subdivision, multi-family residential or non-residential land developments. Trees and shrubs required under this Section are separate from the landscaping requirements of Article 17 - Off Street Parking and screening requirements of Article 14 -Development Regulations and other sections of this Ordinance. Unless otherwise specified, all property landscaping, parking lot landscaping required in Article 17 and screening required by this Ordinance shall be maintained in accordance with this Section.

### **B. Landscaping Requirements**

1. Non-residential and multi-family residential developments in the (R), (V), (C-B) and (L-I) shall have a landscaped front yard near the principle structures and along the street line. Portions of the front yard containing environmentally sensitive features as defined in Article 12 shall not be landscaped.
2. Landscaping in the front yard area shall include a minimum of 1 deciduous or evergreen tree for every two thousand (2000) square feet of front yard area. All trees shall be 2 ½ caliper in size at the time of planting.

3. Five deciduous shrubs or hedges may be substituted for one deciduous tree for a maximum of 20% of the tree requirement.
4. The preservation of existing trees of 4 inch caliper or greater may be substituted for 20% of the tree requirement.
5. The remaining front yard area required to be landscaped shall be ground cover.

C. Street Trees

In addition to the requirements of Section 1405.B above, street trees shall also be required in residential and non-residential land developments and major subdivisions involving the construction of new public streets in the (R-A), (R), (V), (C-B) and (L-I) districts. Street trees shall be placed installed in accordance with the following requirements:

1. Street trees shall be installed within four (4') from the required street line (right-of-way) or on both sides of the street, where applicable.
2. Street trees planted along streets shall be spaced according to the anticipated tree size at maturity. The following Table 14-5 establishes the required street planting interval ranges for small, medium and large trees.

**TABLE 14-5 PLANTING INTERVALS FOR STREET TREES**

<b>Tree Size at Maturity</b>	<b>Planting Interval Range (in feet)</b>
Large Trees - more than 40' in height	50' to 70'
Medium Trees - 30' to 40' in height	40' to 50'
Small Trees - less than 30' in height	30' to 40'

3. If the developer intends to create a street canopy effect on the street, trees may be planted closer together upon written recommendations from a licensed landscape architect.
4. Street trees shall be spaced and planted in a manner which will not interfere with utilities, roadways, sidewalks, safe sight distance or street lights.

D. Planting Specifications

Unless otherwise specified in the Ordinance, deciduous and coniferous trees and shrubs use in landscaping or screening shall be planted in accordance with the following general specifications at the time of planting:

1. Deciduous trees shall have a minimum caliper measurement of 2 ½ inches, measured a minimum of six (6") inches above the soil line.
2. Coniferous trees shall have a minimum height of six (6') feet.
3. Evergreen shrubs, except those use as low level ground covers, shall have an average height of twenty (20") inches.
4. Deciduous shrubs shall have an average height of 30 inches.
5. Trees with less than 3 inches in caliper shall be properly staked, guyed and properly protected for a period of one (1) year from the data of planting.
6. Nylon rope used in balling trees must be cut and removed from the root ball during planting.

E. Landscape Plan

All required landscaping and screening treatments shall be drawn to scale on a site development plan and submitted to the Zoning Officer prior to the issuance of a zoning permit or with the land development plan or major preliminary or final subdivision application. The landscape plan shall be prepared by the applicant and may be certified by an architect (landscape architect) licensed by the Commonwealth of Pennsylvania. The landscape plan shall contain the following minimum data:

1. An inventory identifying the type, size and height of existing plant materials in the front yard area to be landscaped and where screening is required.
2. A description of the plants and other material being proposed for areas required to be landscaped, screened and fenced, etc.

3. A description and details, if necessary, of the manner in which plants and shrubs will be planted.
4. A description of the methods used to (1) retain existing vegetation on the site which may be used for landscaping and screening, and (2) protect these plants from damage during construction.
5. The size, height, location and material of proposed seating, lighting, planters, berms, sculptures and other landscaping features.
6. The location and dimension of sight triangles as defined in the Township's Subdivision and Land Development Ordinance.

F. Maintenance

Landscaping required in this Section and other screening and landscaping treatments required by this Ordinance shall be maintained in a healthy, growing condition, at all times. It shall be the responsibility of the property owner of record, or designated representative to properly maintain and care for any landscaping, landscaped screening or other treatment required and approved by the Township.

## **ARTICLE 15**

### **PERFORMANCE STANDARDS**

#### **Section 1501. PURPOSE**

It is the purpose of this Article to provide appropriate standards relating to the operation of commercial, industrial and residential uses throughout Lykens Township. Such operations and uses may create such excessive air pollution, electromagnetic interference, fire and explosive hazards, glare, heat, light, noise, odor, and vibration which may be harmful to the public's health, comfort, convenience, safety and welfare. This Article is intended to (1) provide standards for factual and objective measurement of nuisances; (2) ensure that all uses will provide methods to protect the community from hazards and nuisances which can be prevented by process of control and elimination; and, (3) protect viable and productive uses and activities from arbitrary exclusion or persecution based solely on nuisance production.

#### **Section 1502. AIR POLLUTION AND ODOR**

To protect and enhance the air quality in Lykens Township, all sources of air pollution shall comply with any and all regulations set forth by the Federal Environmental Protection Agency and the Pennsylvania Department of Environmental Protection. In addition, the following shall apply:

A. Smoke

Grading the density or equivalent opacity of smoke shall be measured using the Ringlemann scale. Smoke from any chimney, stack, vent, opening, or combustion process at a density or equivalent opacity at the Ringlemann No. 1 level is prohibited. Smoke of a shade not to exceed Ringlemann No. 3 is permitted for up to three minutes in any one eight-hour period.

B. Particulate Matter

The rate of particulate matter emission from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one hour period, after deducting the correction factors from the gross hourly emission per acre as indicated in the following Table 15-1.

**TABLE 15-1 ALLOWANCE FOR HEIGHT OF PARTICULATE EMISSIONS\***

<b>Height of Emission Above Grade (Feet)</b>	<b>Correction (Pounds per Hour, Per Acre_</b>
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50
* - Interpolation for intermediate values not shown on Table.	

Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

1. Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.
2. From the gross hourly rate of emission figure determined above in Section 1502.B.1 above, deduct the correction factor (interpolate if required) for the height of emission set forth in Table 15-1, thereby obtaining the net rate of emission in pounds per acre per hour for each source of emission.
3. Add the individual net rates of emission derived in Section 1502.B.2 above to obtain the total net rate of emission from all sources of emission within the boundaries of the lot. The total shall not exceed one pound per acre of lot area during any one-hour period.

**C. Odor**

In any zoning district, no odor shall be permitted at any lot line which exceeds the lowest amount set forth in Table III, "Odor Thresholds," of Chapter 5, "Physiological Effects," of the Air Pollution Abatement Manual of the Manufacturing Chemists Association, according to the latest edition of such table for the chemical compounds therein described. For compounds not

described in Table III, odor thresholds may be established by methods indicated in Chapter 5 of the manual, and no odor shall be permitted at any lot line exceeding the amount determined by the application of such methods.

### **Section 1503. NOISE**

In all zoning districts, the sound pressure level for all uses and activities shall not exceed the decibels limits in the octave bands designated in the following Table 15-2 and comply with the following standards:

#### **A. Noise Measurement**

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured in accordance with the American National Standards Institute (ANSI). Noises capable of being measured shall be those noises which cause rapid fluctuations of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being measured, such as those of irregular and/or intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.

#### **B. Permitted Decibel Levels**

At no point at or beyond the property line shall the measured sound level exceed the maximum permitted sound levels designated in Table 15-2 below:

**TABLE 15-2 MAXIMUM PERMITTED SOUND LEVEL IN DECIBELS ALONG THE PROPERTY LINE**

<b>Octave Band Cycles per Second</b>	<b>Residential Zoning Districts (Decibels)</b>	<b>Non-Residential Zoning Districts (Decibels)</b>
0 to 75	67	73
75 to 159	62	68
150 to 300	58	64
300 to 600	54	60
600 to 1200	49	55
1200 to 2400	45	51
2400 to 4800	41	47
over 4800	37	43

### C. Exemptions from Noise Regulations

The following activities or sources of noise are exempt from the noise standards of this Section:

1. Activities involving the following: stationary signaling devices; domestic power tools; air conditioning and air handling equipment for residential purposes; operating motor vehicles; and refuse collection vehicles;
2. The unamplified human voice;
3. The lowing of cattle, the clucking of fowl, the neighing of horses, or other normal sounds of reasonably cared for farm animals;
4. Sounds from standard commercial farm equipment necessary for a bona fide agricultural operation;
5. Aircraft operations;
6. Construction or routine maintenance of public service utilities;
7. Temporary activities relating to the construction and maintenance of buildings and facilities (including site preparation) between 6 am. and 9 pm.;
8. Church bells or chimes;
9. The emission of sound for the purpose of alerting persons of an emergency, or the emission of sounds in the performance of emergency work; and
10. Occasionally used safety signals, warning devices and emergency pressure-relief valves.

### Section 1504. LIGHT

The following standards are intended to eliminate the negative effects of excessive and intrusive light from residential and non-residential uses onto neighboring residential properties, public streets and other walkways.

#### A. Measurement

Lighting levels shall be measured in footcandles. Measurement shall be taken with a direct reading portable light meter or light reading equipment recommended by the Township Engineer.

B. Measurement Method

Light readings shall be taken by qualified personnel so that the light reading meter has been exposed long enough to provide a constant reading. Measurements shall be made after dark. A reading will be conducted with the light source in question followed by a second light meter reading with the same sources turned off. The difference between the two readings shall be compared to the maximum permitted illumination at the property line at ground level. All light meter readings shall be conducted in this manner to ensure consistency and to eliminate the effects of moonlight or other ambient light.

C. Standards

1. Exterior lighting, except for overhead public street lights, warning lights, emergency lights or traffic signals, shall be installed in accordance with Article 14, Section 1404 in such a manner to sufficiently obscure and prevent glare from extending onto public streets, walkways and neighboring residential areas.
2. The installation of any lighting which may be confused with warning signals, emergency signals, or traffic signals shall not be permitted.
3. Any lighting that produces glare shall not cause illumination in excess of five tenths (0.5) footcandles measured at the property line.

**Section 1505. GLARE AND HEAT**

In all zoning districts, any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line. No heat from any source shall be sensed at any property line to the extent of raising the ambient temperature of air or materials more than 5 degrees Fahrenheit. Any operation or activity that produces glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (0.5) footcandles measured at the property line.

**Section 1506. VIBRATION**

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the lot on which the

use is located. Vibrations from temporary construction and vehicles which leave the lot (such as trucks, trains, airplanes and helicopters) are excluded.

#### **Section 1507. ELECTROMAGNETIC INTERFERENCE**

In all districts, no use activity, or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and welfare, including but not limited to interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.

#### **Section 1508. OUTDOOR STORAGE AND REFUSE DISPOSAL**

In all districts, any use or activity requiring outdoor storage and refuse disposal shall meet the following requirements:

A. Material Transfer

No materials or wastes shall be deposited upon a lot in such a form or manner that they may be transferred off the lot by natural causes or forces.

B. Containers

All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

C. Groundwater Protection

In no case shall outdoor storage or waste disposal cause contamination to wells, groundwater, watercourses or any other body of water.

## **ARTICLE 16**

### **MOTOR VEHICLE ACCESS**

#### **Section 1601. PURPOSE**

Article 16 establishes appropriate standards for motor vehicle access where access is provided from the street or private road onto the lot. The Article is intended to balance the access needs and expectations of property owners in Lykens Township with the equally important need to protect community safety by eliminating or avoiding traffic hazards. The Township will achieve this balance and promote convenience through reasonable regulations which address: 1) driveway access points and spacing; 2) corner clearances for driveways; 3) property clearances for driveways; 4) consolidated access points; 5) design and construction considerations; 6) driveway permitting; and 7) fire and emergency access.

#### **Section 1602. DRIVEWAY ACCESS**

Whenever motor vehicle access is provided from the street onto a lot, the following regulations for driveways shall apply:

##### **A. Driveway Spacing**

1. Property access and driveway spacing for all lots shall be in accordance with the Lykens Township Subdivision and Land Development Ordinance.
2. Driveways shall not cross the street right-of-way (for other than single family dwellings) within forty (40') feet of another driveway on the same lot; except in the case where dual access drives are deemed necessary to permit safe ingress and egress, these dimensions may be reduced to not less than twelve (12') feet between two (2) access drives.
3. In non-residential districts, driveways for non-residential uses shall not cross the street right-of-way within twenty (20') feet of a property line unless two adjoining property owners mutually agree in a legally recorded instrument (i.e. deed, recorded subdivision) and meet the requirements of Section 1602.F.

##### **B. Property Clearance**

1. In Districts where residential uses are permitted, no driveways serving single-family dwellings shall be closer to each other than twelve (12') feet,

and no driveway shall be closer to a side property line than three (3') feet. No flare shall cross an extended side property line.

2. Driveways shall not cross the street right-of-way for all multi-family developments and in all commercial, industrial, and other such nonresidential uses within twenty (20') feet of a property line unless two (2) adjoining property owners mutually agree in a legally recorded instrument to a common driveway.

C. Driveway Design and Construction

1. Driveways shall be designed and situated in safe relationship to sight distance and barriers to vision in accordance with Section 503.8 of the Lykens Township Subdivision and Land Development Ordinance.
2. Driveways shall be constructed in accordance with the design and improvement standards set forth in the Lykens Township Subdivision and Land Development Ordinance.
3. For multi-family residential developments and nonresidential uses, where there is an existing curb and gutter or sidewalk on the street or private road, a safety island along the entire frontage of the property shall be provided, except for the permitted driveways. On the two (2) ends and street/private road side of each such island shall be constructed a concrete curb, the height, location, and structural specifications of which shall be approved by the Township Engineer.

D. Driveway Permits

1. A scaled drawing shall be included on any subdivision and land development depicting all required information in accordance with the Lykens Township Subdivision and Land Development Ordinance.
2. Prior to the issuance of a zoning permit for developments on existing lots, a site plan shall be submitted to the Township Zoning Officer depicting the orientation and specifications for any driveways being constructed on a Township Road. the following information shall be provided:
  - a.. driveway location;
  - b. driveway width;
  - c. driveway construction specifications;

- d. The driveway's sight distance to be determined in accordance with the requirements of the Lykens Township S&LD Ordinance;
- e. The location of the driveway in relation to any adjacent property line distances.

A zoning permit shall be required when a driveway is newly installed added, enlarged or relocated on the property.

- 3. Driveways located on a State road shall obtain a State Highway Occupancy permit from the PA Department of Transportation prior to the issuance of a zoning permit.

### **Section 1603. LOCATION OF GASOLINE PUMPS**

Gasoline pumps and all other service equipment shall be set back not less than twenty-five (25') feet from any lot or right-of-way line and shall be so positioned that vehicles stopped for service will not extend over any such line.

### **Section 1604. FIRE LANES**

Designated fire lanes shall be maintained free of obstructions and vehicles and shall be marked in an approved manner. All designated fire lane signs or markings shall be maintained in a clean and legible condition at all times and replaced when necessary to ensure adequate visibility.

## **ARTICLE 17**

### **OFF-STREET PARKING**

#### **Section 1701. PURPOSE**

The Lykens Township Comprehensive Plan identifies off-street parking as an important consideration in land development. Off-street parking areas are necessary to accommodate the needs of commercial businesses and residential uses. It is the intent of this Article to promote public health, safety and welfare by providing reasonable standards for off-street parking that will: (1) minimize conflicts between pedestrians and motor vehicles; (2) ensure the creation of visually attractive parking areas; (3) insure a sufficient number of spaces for the intended use of the property; (4) insure parking areas are adequately illuminated; (5) insure adequate parking lot drainage; (6) provide for efficient maneuverability and safe vehicle and pedestrian circulation; (7) protect the character and stability of residential, business, institutional and industrial areas; (8) conserve the value of land and buildings on surrounding properties and (9) lessen congestion on public streets.

#### **Section 1702. GENERAL PARKING REGULATIONS**

The following regulations shall apply to all off-street parking for residential and non-residential land developments and uses. As used herein, the term "parking space" includes either covered garage space or uncovered parking space(s) located off the public right-of-way.

- A. The parking spaces and loading berths required for any land development or use shall be established at the time of the subdivision or land development application or the application for a zoning permit if there is no subdivision or land development purposed.
- B. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided.
- C. No parking lot or loading area shall be used for any use that interferes with the availability for the parking need it is required to serve.
- D. Outdoor paved parking space(s) shall not be deemed to be part of the open space of the lot upon which it is located.
- E. Parking spaces and approaches thereto shall be paved in accordance with Township standards.

- F. In residential zoning districts, no part of any minimum front yard setback area shall be used for parking purposes, except for the driveway area located within the front yard setback.
- G. For non-residential uses, no parking shall be permitted to be located closer than twenty (20') feet from the street right-of-way line.
- H. The parking of any non-motorized vehicle (including boats and trailers) or any motorized vehicle not having a current and valid registration and inspection certificate is prohibited within any street right-of-way.
- I. When determining the number of parking spaces required on a lot, each use on the property shall be considered separately and totaled.

### **Section 1703. OFF-STREET PARKING REQUIREMENTS**

Any of the following permitted buildings and uses hereafter erected or enlarged, and any building or use converted into one of the following buildings or uses, and open area hereafter used for commercial or industrial purposes shall be provided with not less than the minimum parking spaces as set forth below. Where the computation of required parking spaces results in a fractional number, any fraction equal to or exceeding one-half (1/2) space shall be counted as one; any fraction less than one-half (1/2) space may be dropped.

#### **A. Residential Uses**

<b>Land Uses - Residential</b>	<b>Required Parking Spaces</b>
a. Bed and Breakfast	1 parking space for each sleeping room, plus 2 parking spaces for the permanent residents.
b. Congregate Care Residence	1.5 parking spaces for each congregate care unit, plus 1 parking space for each employee on the largest work shift.
c. Multi-family Dwelling	2.5 parking spaces for each dwelling unit
d. Single Family Attached	2 parking spaces for each dwelling unit
e. Single Family Detached	2 parking spaces for each dwelling unit
f. Single Family Semi-Detached	2 parking spaces for each dwelling unit

#### **B. Non-residential Uses**

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Land Uses - Non-residential	Required Parking Spaces
1. Agriculture Services	1 parking space for every 400 square feet of gross floor area.
2. Animal Services	1 parking space for every 400 square feet of gross floor area.
3. Art Center (gallery, museum)	1 parking space for every 500 square feet of gross floor area.
4. Assembly Uses (theaters, stadiums, auditoriums, sports arena, etc.)	1 parking space for every three (3) fixed seats, or one (1) parking space for every 50 square feet of gross assembly area when there is no fixed seating.
5. Auction House	1 parking space for every four (4) patron seats.
6. Automobile Garage, Automobile Service Station, Auto Body Shop	2 parking spaces for each service bay, plus 1 space for each employee of the largest work shift. (Note: Service bays are not parking spaces.)
7. Bar or Nightclub	1 parking space for every 100 square feet of gross floor area or 1 space for every two (2) persons allowed within the maximum occupancy load, which ever is greater.
8. Business Services	1 parking space for every 400 square feet of gross floor area.
9. Child/Adult Day Care	1 parking space for each day care employee plus two (2) visitor parking spaces.
10. Commercial Greenhouse	1 parking space for each employee plus one (1) parking space for every 300 square feet of retail sales area.
11. Church	1 parking space for every 6 seats in the primary area of worship.
12. Car Wash (Vehicle Wash)	2 stacking spaces for each washing module, plus 1 parking space for each washing module. (Note: A washing module is not a parking space)
13. Commercial Bank	1 parking space for every 300 square feet of

	gross floor area.
14. Dog Kennels	1 parking space for each employee, plus one parking space for every 1000 square feet of gross floor area.
15. Funeral Home	1 parking space for every four (4) parlor seats at capacity plus two (2) parking spaces for employees.
16. Government Buildings and Uses (Community Center, Municipal Building, etc.)	1 parking space for every 400 square feet of office space plus 1 parking space for every 50 square feet of assembly area, meeting room, conference room, etc.
17. Home Occupations	1 parking space for each home occupation
18. Hospital	1 parking space for every three (3) hospital beds plus one (1) parking space for every 400 square feet of administration area.
19. Hotel, Motels, Boarding, Lodging/Rooming House	1 parking space for each guest room plus 1 space for every 2 employees of the largest work shift.
20. Industrial Uses	1 parking space for every 600 square feet of gross floor area used for industrial purposes (processing, assembly, treatment, storage, fabrication, etc.) or 1 parking space for every three (3) employees of the largest work shift, which ever is greater plus 1 parking space for every 400 square of office/administration area.
21. Laundromat	1 parking space for every three (3) washing or drying machines.
22. Library	1 parking space for every 400 square feet of gross floor area.
23. Membership Organizations	1 parking space for every 400 square feet of office area plus 1 space for every 50 square feet of assembly area.
24. Medical Center (Clinic)	1 parking space for every 200 square feet of gross floor area.

25.	Office Building	1 parking space for every 400 square feet of gross floor area.
26.	Personal Services (Barber Shop, Beauty Shop, etc.)	Minimum of 3 spaces. For barber shops and beauty shops, 2 parking spaces for each operator chair. (Note: Chair does not include dryer chairs, washing/rinsing chairs, or waiting area chairs.)
27.	Public Stable	1 parking space for every four (4) horse (animal) stables.
28.	Public Utilities and Facilities	1 parking space for every 400 square feet of gross floor area plus 1 parking space for each stored vehicle.
29.	Recreation Areas:	
	a. Athletic Fields	20 parking spaces for each field.
	b. Basketball Courts	5 parking spaces for each court
	c. Bingo	1 parking space for every 100 square feet of gross floor area or one (1) space for every 2 persons.
	d. Bowling Alley	3 parking spaces for each alley.
	e. Campground	1 dust free parking space for every campsite.
	f. Golf - Regulation	
	Golf - Driving Range	6 parking spaces for each golf hole.
	Golf - Miniature	2 parking spaces for each driving tee.
	g. Health Club	3 parking spaces for each golf hole.
		1 parking space for every 200 square feet of gross floor area, or one (1) space for every two persons allowed within the maximum occupancy, whichever is greater.
	h. Park	
	i. Rifle or Archery Range	2 parking spaces for each acre.
	j. Skating Rink (Indoor or Outdoor)	1 parking space for each target area.

<p>k. Swimming Pool</p> <p>1. Tennis and Racquetball Courts</p>	<p>1 parking space for every 100 square feet of skating area.</p> <p>1 parking space for every 200 square feet of swimming pool surface area plus 1 parking space for every 300 square feet of building area.</p> <p>2 parking spaces for each court, plus one (1) parking space for every 200 square feet of clubhouse and non-court floor area.</p>
<p>30. Recycling Center</p>	<p>1 parking space for each recycling center employee plus one (1) parking space for every 1000 square feet of gross floor area.</p>
<p>31. Restaurant</p>	<p>1 space for every 100 square feet of gross floor area or 1 space for every two (2) persons allowed within the maximum occupancy, whichever is greater.</p>
<p>32. Restaurant - Fast Food</p>	<p>Restaurant with Seating - 1 parking space for every 100 square feet of gross floor area or 1 parking space for every two (2) persons allowed within maximum occupancy, whichever is greater.</p> <p>Restaurant without Seating - 1 parking space for every 50 square feet of gross floor area with a minimum of ten (10) spaces.</p> <p>Restaurant with Drive Through - In addition to the spaces required above, eight (8) stacking spaces for the drive-in window with a minimum of five (5) of these for the ordering station. Such spaces shall be designed to not impede pedestrian or vehicle circulation on the site or abutting street.</p>
<p>33. Retail, General</p> <p>a. Under 2,000 square feet</p>	<p>1 parking space for every 250 square feet of</p>

		gross floor area.
	b. 2,000 to 75,000 square feet	1 parking space for every 275 square feet of gross floor area.
	c. Over 75,000 square feet	1 parking space for every 300 square feet of gross floor area.
34.	Retail, Grocery and Convenience Store	1 parking space for every 200 square feet of gross floor area.
35.	Schools	
	a. Elementary, Secondary	1 parking space for each classroom plus 1 space for every 400 square feet of administrative floor areas or 1 parking space for each six (6) seats in an auditorium or other places of assembly, whichever is greater.
	b. High School	2.5 parking spaces for each classroom plus 1 parking space for every 400 square feet of administrative floor areas or 1 parking space for every six (6) seats in an auditorium or other places of assembly, whichever is greater.
	c. Trade, Technical	1 parking space for every two (2) students based on the design capacity of the building(s) plus 1 parking space for every 400 square feet of administrative floor area.
	d. Studios (Art, Dance, Karate, etc.)	1 parking space for every 300 square feet of gross floor area.
36.	Self-Service Storage Facility	1 parking space for every 10 storage units, plus one (1) parking space for each employee.
37.	Slaughter House - Food Processing	1 parking space for every 1000 square feet of gross floor area.
38.	Utility	1 parking space for each employee on largest shift.
39.	Veterinary Services	1 parking space for every 500 square feet of

	gross floor area.
40. Warehousing	1 parking space for each warehouse employee plus one (1) parking space for every 400 square feet of office floor area.

#### **Section 1704. LOCATION AND MAINTENANCE REQUIREMENTS:**

##### **A. Drainage, Surfacing and Maintenance**

1. The area of a parking lot and its driveways shall be graded, surfaced with an impervious surface (asphalt, concrete or blacktop) or other stable material and drained in accordance with the Township Subdivision and Land Development Ordinance or other ordinances enacted by the Township.
2. Parking areas shall be kept clean and free from rubbish and debris.

##### **B. Location of Parking Lots a Parking Spaces**

1. Off-street parking lots and spaces for single family and two family residential uses shall be provided on the same lot.
2. Parking lots and spaces for multi-family dwelling unit structures, and non-residential uses shall be readily accessible to the buildings served. Such parking spaces shall be in the same zoning district as the principle building or use and conform to the following requirements:
  - a. Required parking lots and parking spaces shall be located within one hundred (100') feet of the principle building or use when located on the same side of a street.
  - b. Required parking lots and parking spaces shall be located within three hundred (300') feet of the principle building or use when linked to a defined and constructed pedestrian walkway or sidewalk when located on the same side of a street.
  - c. Fifty (50%) percent of the required parking spaces for a building or use may be located across a minor collector, local collector or local road with the following conditions:
    - (1) A crosswalk shall be constructed to ensure safe pedestrian access to and from the parking lot. The design of the crosswalk shall consider the speed limit, sight distance,

visibility, road conditions, and other safety factors. If the proposed crosswalk is deemed to be unsafe, the parking shall not be permitted on the other side of the street.

- (2) For safety, lighting shall be provided at the crosswalk to illuminate the cross area when the parking area is used in early morning or at night.
- (3) A sign shall be provided on each side of the road at a distance of two hundred (200') feet from the crosswalk to warn oncoming vehicles.

- d. The distances specified herein shall be measured from the nearest point of the parking lot to nearest point of the principle building or use for which the parking lot is to serve.

#### C. Parking Lot Ownership

All parking lots, whether on or approved off-premises shall be in the same ownership as the principal use to which they are accessory. The Zoning Officer may require the submission of legal documents for review by the Township Solicitor to ensure this requirement is met prior the issuance of a any permit. Where a parking lot is on a different lot, the applicant the property shall be subject to deed restrictions acceptable to the Board of Supervisors, binding the owner and heirs or assigns to maintain the required number of parking spaces on the lot throughout the life of the principal use.

### **Section 1705. DESIGN AND CONSTRUCTION STANDARDS:**

The minimum dimensions and development standards for parking lots and facilities to be provided shall be as follows:

#### A. Parking Spaces

In all districts parking spaces per vehicle shall be not less than nine (9') feet wide and eighteen (18') feet long and conform to requirements provided on Table 17-1 below.

#### B. Aisle Widths in Parking Lots

For angled parking spaces in parking lots, stall dimensions and parking lot aisle dimensions shall be not less than those listed in Table 17-1 below:

**TABLE 17-1**

<b>Angle of Parking Spaces</b>	<b>Parking Space Stall Width (Feet)</b>	<b>Parking Space Stall Depth* (Feet)</b>	<b>Parking Lot Isle Width - One-Way Isle (Feet)</b>	<b>Parking Lot Isle Width Two-Way Isle (Feet)</b>
90 Degrees	9'	18'	25'	25'
60 Degrees	9'	18'	18.5'	20'
45 Degrees	9'	18'	13.5'	20'
30 Degrees	9'	18'	12'	20'
Parallel	9'	22'	12'	20'
	* - Depth of parking space stalls is the measurement from the curb or edge of the parking space toward the interior portion of the space to be occupied by a parked vehicle and does not include any part of the aisle or driveway.			

**C. Vehicle Movement**

1. All dead end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
2. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.

**D. Compact Cars**

Where more than ten (10) spaces are required, a maximum of forty (40%) of the parking spaces may be provided for compact vehicles. Each compact vehicle parking space shall be not less than eight (8') feet wide and seventeen (17') feet long. All compact vehicle spaces shall be located in the same area and shall be marked to indicate the space is for compact vehicles only.

**E. Truck Parking Spaces**

Where truck parking is required to be provided, the minimum width of a truck parking space shall be twelve (12') and the minimum depth shall be sixty (60') feet. Aisle widths in truck parking lots shall be seventy-five (75') for one-way and two-way aisles.

F. Setbacks from Lots, Buffer and Streets

1. All parking spaces and access drives shall be located at least ten (10') feet from any multiple dwelling building, office, commercial, institutional, industrial, and other similar non-residential buildings located on the lot. The ten (10') foot corridor thus established between the parking area and building shall be for the purpose of providing a pedestrian access walkway.
2. All parking spaces and access drives shall be at least eight (8') feet from any exterior lot line, except where a buffer yard is required. In this situation, the parking lot shall be at least two (2') feet from the buffer yard.
3. Except at designated entrance and exit drives, parking areas shall be physically separated from any public and/or private streets by a minimum five (5') feet planting strip. In no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to leave the parking area.
4. No off-street parking area shall be located within a public right-of-way.

G. Separation

1. Unless deemed unnecessary by the Township, pedestrian crosswalks and landscaped refuge islands to separate the parking spaces from the exit, entrance, and circulatory drives shall be provided for and approved by the Township Engineer.
2. A structure or planting material shall be provided of sufficient height and density to screen off-street parking lots from the public street and from the ground level of adjoining residential districts.

H. Handicapped Parking

Handicapped parking spaces shall be provided all uses, with the exception of single and two-family residential uses, and shall comply with the location, size, marking, and ingress and egress requirements set forth herein. Each reserved parking space for the physically handicapped person shall be not less than twelve (12') feet wide to allow for wheelchair access. The number of accessible parking spaces required are provided on Table 17-2 below:

**TABLE 17-2**

<b>Total Number of Parking Spaces In Parking Lot</b>	<b>Required Number of Handicapped Accessible Parking Spaces</b>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 % of Total Parking Spaces
Over 1000	20 spaces plus 1 for every 100 parking spaces over 1000
In all cases, minimum standards for handicapped parking shall comply with the Americans with Disabilities Act requirements.	

I. Parking Lot Lighting

1. All public parking areas shall be adequately lighted during after dark operating hours.
2. All light facilities shall be located on raised parking islands and not on the parking surface
3. Parking lot illumination shall be directed toward the parking lot only and shall conform to the lighting requirements of Article 14.

J. Curb Radii

Where curbs are provided in parking lots for light standards and islands, a minimum five (5') foot radius curvature shall be required for all curb lines.

K. Parking Lot Landscaping

Trees and landscaping shall be provided in the interior and along the perimeter of all parking lots to provide visual and climatic relief from the broad expanses of pavement and to channel and define logical areas for pedestrian and vehicular circulation

1. Interior Parking Lot Area

In the interior of a parking lot, a minimum of five (5%) percent of the interior parking lot area shall be landscaped with shade trees and groundcover. The following alternative are required to be used separately or in combination:

a. Alternative A

Provide a continuous landscape strip between every four (4) rows of parking spaces. The landscape strip shall be a minimum of eight (8') feet in width to accommodate shade trees and other landscaping.

b. Alternative B

Provide large planting islands (over 600 square feet) to be located within the interior of the parking lot to be planted with shade trees and groundcover located at the ends of parking space rows.

c. Alternative C

Provide small planting islands at a minimum of nine (9') feet wide between every ten to fifteen spaces to break up long rows of parking lot spaces.

2. A minimum of one (1) shade tree shall be required in the parking lot interior for every eight (8) parking spaces.

3. The minimum dimension of a shade tree planting area for interior parking lots shall conform to the following standards provided on Table 17-3 below:

**TABLE 17-3 SHADE TREE PLANTING SPECIFICATIONS FOR PARKING LOTS**

	Shade Tree Size (Height) at Maturity		
	Small Trees (less than 30')	Medium Trees (30' to 40')	Large Trees (more than 40')

<b>Minimum Tree Planting Area Dimension</b>	5 feet	NA	NA
<b>Minimum Parking Lot Setback from Tree Trunk</b>	5 feet	6 feet	10 feet
<b>Tree Planting Area for a Single Tree (Square Feet)</b>	90	250	800
<b>Additional Area Required for each Additional Tree in a Tree Planting Area (Square Feet)</b>	25	90	200

#### 4. Perimeter Landscaping

Each parking lot shall be provided with perimeter landscaping. Shade trees and groundcover shall be provided within an eight (8') foot strip around the entire perimeter of the parking lot, except along the street. Shade trees planted along the perimeter may be planted in any required buffer yard. However, perimeter landscaping does not constitute required screening. Existing shade trees on the site may be used to meet the perimeter landscaping requirement. Spacing of perimeter trees shall conform to the requirement provided on the Table 17-4 below:

**TABLE 17-4**

<b>Shade Tree Size (Height) at Maturity</b>	<b>Spacing Interval Between Perimeter Shade Trees (feet)</b>
Small Tree - less than 30'	30 to 40
Medium Tree - 30' to 40'	40 to 50
Large Tree - over 40'	50 to 70

#### L. Maintenance

All tree planting and landscaping treatments used for off-street parking areas shall comply all landscaping requirements of this Section and Article 14, Section 1405 of this Ordinance. Planters and fences which may be used in parking lot/loading area screening shall be maintained in good condition and repaired and replaced where necessary.

### **Section 1706. LOADING AND UNLOADING SPACE:**

A. Required Loading Berths and Spaces

In addition to the off-street parking requirements set forth herein, any building erected, converted, or enlarged for commercial, office, manufacturing, institutional, hospital, or other similar uses requiring the delivery or pick up of products or materials shall provide adequate off-street areas for the loading and unloading of vehicles. Such areas shall be provided for as shown on Table 17-5 below.

**TABLE 17-5**

<b>Land Use</b>	<b>Gross Floor Area</b>	<b>Required Loading Spaces</b>
<b>Commercial, wholesale, manufacturing, hospitals, institutional, similar uses</b>	Under 8,000	1
	Over 8,000 to 40,000	2
	Over 40,000 to 100,000	3
	Over 100,000 to 250,000	4
	Each addition 200,000	1
<b>Office Buildings or hotel/motels</b>	Under 100,000	1
	Over 100,000 to 300,000	2
	Over 300,000	3

B. All off-street loading and unloading areas shall be provided and maintained so long as the use exists which the facilities were designed to serve.

C. Design Standards

Off-street loading facilities shall be designed to conform to the following specifications.

1. Each required berth shall be not less than twelve (12') feet in width, forty-five (45') feet in length and fourteen (14') feet in height, exclusive of drives and maneuvering space and located entirely on the lot being served.
2. There shall be appropriate means of access to a street or alley, as well as adequate maneuvering space. Maneuvering space for tractor trailer shall be a minimum of seventy-five (75') feet.

3. All accessory driveways and entrance ways shall be graded, surfaced and drained in accordance applicable codes and ordinances of the Township.
4. The area of a loading berth or space and its driveways shall be graded, surfaced with an impervious surface (asphalt, concrete or blacktop) or other stable material and drained in accordance with the Township Subdivision and Land Development Ordinance or other ordinances enacted by the Township.
5. Parking and Loading areas shall be kept clean and free from rubbish and debris.

### **Section 1707. CHANGES IN REQUIREMENTS**

#### **A. Existing Parking**

Buildings and use in existence on the effective date of this Ordinance shall not be subject to the requirements of this Article unless the following condition apply: (1) the type and extent of use of the building or use in not changed, and (2) parking facilities now serving such buildings and uses shall not in the future be reduced.

#### **B. Changes in Requirements**

Whenever there is an alteration of a building or a change or extension of a use which requires additional parking spaces to conform to the requirements of the Ordinance, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of this Ordinance.

### **Section 1708. CONTINUING OBLIGATION**

All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total number of spaces or area after their provisions, except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of a reduction in floor area, seating area, number of employees or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of the Article. Reasonable precautions are to be taken by the owner or sponsor of particular uses to assure the availability of required facilities for the employees or other persons whom the facilities area designed to serve. They shall at no time constitute a nuisance, hazard or unreasonable impediment to traffic.

## **ARTICLE 18**

### **SIGN REQUIREMENTS**

#### **Section 1801. PURPOSE**

The purpose of this article is to regulate signs in a manner which supports and complements the land use objectives set forth in the Lykens Township Comprehensive Plan and this Ordinance. The Comprehensive Plan recognizes that attractive development can have a positive impact on the community and local business. In order to promote pleasing community character, this Article provides appropriate standards for business and other signs to: (1) ensure the safety, comfort, and convenience of individuals using roads and highways in the Township; (2) reduce distractions and obstructions from signs which may adversely affect traffic safety; (3) discourage uncontrolled proliferation and excessive visual competition of signage to ensure that they adequately aid the public to orientate and identify businesses and uses; and, (4) preserve the Township's character by requiring new and replacement signs which are creative, distinctive, compatible with surroundings, and properly sized.

#### **Section 1802. COMPLIANCE**

No sign, with the exception of those outlined in Section 1804.A and signs installed by the direction of Municipal, State, Federal or other governmental agency, shall be erected, placed, installed, altered, relocated or replaced until it is in compliance with the provisions of this Article and other codes, Ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

#### **Section 1803. ADMINISTRATION**

##### **A. Sign Permit**

1. All permanent and temporary signs, except those exempt from regulation as expressed in this Ordinance, shall be placed, installed, altered, relocated or replaced when a sign permit has been issued. Approval for the placement, installation, alteration, relocation or replacement of signs shall be issued by the Township Zoning Officer. Applications shall be on forms provided by the Township.
2. Property owners who authorize or allow any sign on their property shall ensure that all provisions of this ordinance are adhered to and shall comply with the following provisions and include the following:
  - (a) A detailed scale drawing showing the sign and its intended location;

- (b) A description of its type, construction, manner, and method of installation, and materials to be used;
  - (c) Written authorization of the owner or lessee of the property, if other than the applicant; and,
  - (d) A permit fee, as established by resolution of the governing body.
  - (e) The permit for off-premise signs shall also be accompanied by a written letter of consent from the owner or lessee of the property on which the sign is to be located.
- 3. After the sign has been erected, moved or altered, as authorized by the permit, the applicant shall notify the Zoning Officer who will then inspect the sign.
- 4. For the purposes of this Article, the terms "alter" and "change" shall not be interpreted to include routine maintenance.
- 5. A permit and fee shall not be required for the following signs:
  - (a) Official signs; and
  - (b) Temporary signs.
- 6. Exemption from obtaining a permit and paying a fee does not release the person responsible for posting the sign from compliance with other standards or provisions of this or other applicable ordinances, codes, or laws.

**B. Specifications and Dimensions**

- 1. Specifications of the sign shall be submitted with the application and shall include:
  - (a) the location of the sign;
  - (b) the dimensions of the sign;
  - (c) the materials used in the sign;

- (d) the type of illumination used for the sign;
  - (e) the sizes of the lettering on the sign;
  - (f) the color scheme of the sign;
  - (g) the location of the sign in relation to the building or use it serves;
  - (h) and, any information regarding the construction of the sign, including loads and anchorage.
- 2. Specifications, drawings and plans shall be drawn to a specified scale and be sufficiently clear, comprehensive, detailed and legible to ensure and accurate determination of compliance.
  - 3. Any sign permit issued shall be valid only while such sign and support structure is maintained in a safe, sound and nonhazardous condition.
  - 4. If necessary, a conforming sign may be removed and reinstalled for normal maintenance activities without an application submission.

C. Measurement of Sign Area

For the purposes of this Ordinance, the area of a sign shall be measured in the following manner:

- 1. Sign area shall equal the entire area within a sign parameter enclosed by one continuous line which connects the extreme edges or points of a sign, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.
- 2. Where the sign consists of individual letters or symbols appearing upon or attached to a building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.

3. When two sides of a double-faced sign are located not more than twenty-eight (28") inches apart at the sign's widest point and not more than eighteen (18") inches at the narrowest point, and display identical writing or representation, only one of the sides shall be used to determine the surface area. Any additional sides of a multi-faced sign shall be considered as a separate sign for purposes of computing the total surface area of the sign.
4. Sign area shall not include the main supporting sign structure in determining sign area.

D. Measurement of Sign Height

For the purposes of this Ordinance, the height of a sign shall be measured in the following manner:

1. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
2. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principle entrance to the principle structure on the lot whichever is lower.

E. Measurement of Sign Setbacks

For the purposes of this Ordinance, the setbacks for a sign shall be measured in the following manner:

1. The setback required for the sign shall be measured from the outermost edge of the sign to the existing right-of-way line.

## **Section 1804. GENERAL SIGN STANDARDS**

A. Signs Exempt from Sign Permits

A sign permit shall not be required for any of the following signs. This exemption shall apply only to the requirement for obtaining a sign permit, and shall not be construed as relieving the owner of such sign from the responsibility

for erecting and maintaining it in a safe condition and from being in conformance with the applicable requirements stated in this Article.

1. Address Sign
2. Private "For Sale" or Private Event Sign
3. Official Signs
4. Temporary Signs
5. Construction Sign
6. **"Private Driveway"** or **"No Trespass"** Sign
7. Home Occupation
8. Off Premise Sign
6. Memorial Signs, Tablets, or Plaques depicting the National Register of Historic Places, the name of the building, date of erection when cut into a masonry surface or when constructed of bronze or other noncombustible material. Any sign which has been authenticated as historically significant and accurate for its specific location, whether original or a replica.
7. Political Sign
8. Real Estate Sign
9. United State, State and Municipal Flags
10. Works of Art which do not include a commercial message

B. Prohibited Signs

The following signs shall be prohibited:

1. Flashing or animated signs. Hanging signs which simply swing in the wind and clock, time or temperature signs and barber poles shall not be considered prohibited signs if they comply with the other provisions of this Article.

2. Signs on vehicles permanently parked or intended as directional signs.
3. Temporary portable or trailer signs in or on a vehicle are prohibited.
4. Signs which by reason of size, location, movement, content, coloring or manner of illumination obstruct the vision of drivers leaving or entering a public street from another street or driveway and/or obstruct or detract from the visibility or effectiveness of any traffic control device or traffic sign on a public street.
5. Signs which makes use of words such as "stop", "look", "one-way", "danger", "yield", "go slow", "caution", or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic or which imitate an official traffic sign or signal.
6. Signs which advertise an activity, business, product or service no longer produced or conducted. In such cases, such signs should be removed within thirty (30) days after the activity, business, product or service is discontinued.
7. Signs which are placed or located within the public right-of-way except signs erected at the direction of Municipal, State, Federal or other government agency.
8. Signs painted on, pasted or attached to or supported by utility poles, trees, a stone, cliff or other natural object.
9. String lights around signs.
10. Signs which obstruct free ingress and egress from fire escapes, doors, or other exits.
11. Signs which are structurally unsafe on in a state of disrepair.
12. Roof signs, except integral roof signs.
13. Inflatable signs.
14. Signs that emit smoke, visible vapors, particles, sound or odors.
15. Signs that incorporate or employ open flames.

16. Illuminated signs which adversely affect safe vision of operators vehicles moving on public or private streets or parking areas, any residential district or any part of a building or property used for residential purposes.

C. General Standards

1. No sign, other than official traffic signs or similar signs, shall be erected within any street right-of-way, unless specifically authorized by other ordinances or regulations of the Township.
2. All sign lighting shall be arranged, designed and shielded or directed to protect the adjoining properties and streets from glare. Reflectors and lights permitted in conjunction with signs shall be equipped with restraining hoods or shields to concentrate the illumination upon the area of the sign.
3. No point of any sign, except for official signs, including trim, border and supports shall be located within the required side yard setbacks.
4. No sign, except those authorized or maintained by the Township, shall be permitted on Township property.
5. No sign shall be erected containing any information on which it states or implies that a property may be used for any purpose not permitted under the provisions of this ordinance.
6. In addition to the other requirements of this section and, in compliance with other applicable codes and ordinances, every sign must be constructed of durable materials, kept in good repair, and maintained so as not to become dilapidated.
7. If the Zoning Officer finds that a sign is unsafe, insecure or a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this Ordinance, written notice to the owner thereof shall be given. If the owner fails to remove or alter the sign to comply with the standards herein set forth within ten (10) days after receipt of such notice, the Township may proceed to remove or alter such sign so as to comply and charge the expense thereof to the owner of the property on which it is located. The Zoning Officer may cause any sign or other advertising structure which is in immediate peril to persons or property to be removed summarily and without prior notice provided that written notice of such action shall be furnished to the owner of such sign within five (5) days after the date of such removal.

## **Section 1805. DISTRICT REGULATIONS FOR SIGNS**

### **A. Signs in the Conservation (C), Agriculture Residential (A-R) and Residential (R) Districts**

The following are permitted to be placed, installed, altered, relocated or replaced:

1. Address Sign
2. Business Identification Sign
3. Construction Sign
4. Directional Sign
5. Development Sign
6. “Private Driveway” or Trespass Sign
7. Home Occupation

#### **~~7. Identification Sign~~**

8. Memorial Signs, Tablets, or Plaques depicting the National Register of Historic Places, name of the building, date of erection cut into a masonry surface or when constructed or bronze or other noncombustible material.  
A sign has been authenticated as historically significant and accurate for its specific location, whether original or a replica.

9. Political Sign
10. Private Sale or Event Sign
11. Real Estate Sign
12. Temporary Signs

### **B. Signs in the Agriculture (A), Village (V), Commercial (C), and Light-Industrial (L-I) District**

The following are permitted to be placed, installed, altered, relocated or replaced:

1. Address Sign
2. Awning Sign
3. Billboard Sign
4. Business Identification Sign
5. Business Marquee Identification Sign
6. Construction Sign
7. Development Sign
8. Directional Sign
9. Flag Sign
10. Free Standing Sign
11. Identification Sign
11. Information Sign
12. Integral Roof Sign
13. Off-Premise ~~Information~~ Sign
14. Political Sign
15. Product Sign
16. Real Estate Sign
17. Temporary Sign
18. Wall Sign
19. Window Sign

#### **Section 1806. STANDARDS FOR SPECIFIC SIGN TYPES**

In districts where permitted, signs shall meet the requirements outlined in Table 18-1.

**TABLE 18-1 SIGN STANDARDS**

<b>SIGN TYPE</b>	<b>MAXIMUM AREA</b>	<b>MAXIMUM HEIGHT</b>	<b>SETBACK</b>	<b>OTHER STANDARDS AND REQUIREMENTS</b>
A. Address Sign	2 square feet	10 feet	2 feet from public R/W	<ol style="list-style-type: none"> <li>Two signs shall be permitted per dwelling unit.</li> <li>Address sign may be a wall or freestanding sign.</li> </ol>
B. Awning Sign	-	-	-	<ol style="list-style-type: none"> <li>Sign must be painted on or flatly attached to the surface of the awning and must not extend beyond the valance, or be attached to the underside of the awning.</li> <li>A minimum of eight (8') feet above a sidewalk must be allowed for pedestrian clearance.</li> </ol>
C. Billboard Sign	<p><b>In the L-I District - 1200 Square Feet</b></p> <p><b>In all other locations - 672 square feet</b></p> <p><b><del>Minimum</del> - 35 square feet</b></p>	20 feet	25 feet from public R/W	<ol style="list-style-type: none"> <li>Billboards shall not be wall or projecting signs.</li> <li>Back-to-back, V-type, side-by-side and double decked signs are permitted and shall be treated as one structure.</li> <li>Billboards shall not be located within 100 feet of a residential use.</li> <li>Billboards shall not be located within 75 feet of a road intersection.</li> </ol>

				<p>5. Billboards shall not be located within 100 feet of a public recreation facility, park, school or church.</p> <p>6. Billboards shall be located two thousand (2000') feet apart.</p> <p>7. Only one billboard shall be permitted per lot.</p>
D. Construction Sign	Maximum 16 square feet	8 feet	10 feet from public R/W	1. Sign may be permitted on the property 30 days prior to the day of construction and 30 days following the completion of said construction.
E. Development Sign	Maximum 24 square feet	8 feet	10 feet from public R/W	-

**TABLE 18-1 (Continued) SIGN STANDARDS**

<b>SIGN TYPE</b>	<b>MAXIMU M AREA</b>	<b>MAXIMU M HEIGHT</b>	<b>SETBAC K</b>	<b>OTHER STANDARDS AND REQUIREMENTS</b>
F. Directional Sign	12 square feet	3 feet	2 feet from public R/W	1. One directional sign shall be permitted per entrance or exit.

G. Freestanding Sign	40 square feet	35 feet	20 feet from public R/W  Directional - 2 feet from public R/W	<ol style="list-style-type: none"> <li>1. On corner lots and driveways, freestanding signs shall not be located within the vision sight triangle.</li> <li>2. Freestanding signs shall be located one hundred fifty (150') feet apart per lot or establishment, whichever applies.</li> <li>3. Freestanding signs shall be located at least ten (10') feet from the property line.</li> <li>4. On a single lot, each individual business that occupies its own completely detached building may have a free standing sign.</li> </ol>
H. Home Occupation Sign	Maximum - 4 square feet	8 feet	2 feet from public R/W	<ol style="list-style-type: none"> <li>1. One home occupation sign shall be permitted per dwelling unit.</li> <li>2. A home occupation sign may be a wall, freestanding or projecting sign.</li> </ol>
I. Illuminated Sign	Maximum 16 square feet	8 feet	10 feet from public R/W	<ol style="list-style-type: none"> <li>1. Sign may be permitted on the property 30 days prior to the day of construction and 30 days following the completion of said construction.</li> </ol>
J. Identification and Business	Maximum 32 square feet for	35 feet	10 feet from public	<ol style="list-style-type: none"> <li>1. The display board shall be on an integrated and uniform design.</li> </ol>

Identification Sign	<p>building name, plus 12 square feet for each business or office located therein.</p> <p>Wall oriented identification signs shall have a maximum area of 1.5 times the linear store frontage</p>		R/W	<p>2. Identification signs may be freestanding.</p> <p>3. Properties with over three hundred (300') feet of frontage will be allowed 2 freestanding identification signs.</p> <p>4. For wall signs on buildings with more than one facade, one wall identification sign shall be permitted for each facade.</p>
K. Integral Roof Sign	-	Shall not extend more than 6 inches above the room peak.	-	-
L. Information Sign	Maximum 4 square feet	10 feet	5 feet from public R/W	1. May be a wall sign, freestanding sign or projecting sign.
M. Memorial Sign	Maximum 4 Square Feet	8 feet	2 feet from Public R/W	<p>1. <b>Only one (1) memorial sign permitted per lot.</b></p> <p>2. <b>May be a wall sign, freestanding sign, off premise sign, or projecting sign</b></p>

**TABLE 18-1 (Continued) SIGN STANDARDS**

<b>SIGN TYPE</b>	<b>MAXIMUM AREA</b>	<b>MAXIMUM HEIGHT</b>	<b>SETBACK</b>	<b>OTHER STANDARDS AND REQUIREMENTS</b>
N. Off-Premise Sign	12 square feet	10 feet	2 feet from public R/W	<ol style="list-style-type: none"> <li>1. Off premise signs shall be located five hundred (500') feet or more from any other off-premise sign.</li> <li>2. There shall be not more than 2 off-premise signs at one location.</li> </ol>
O. Political Sign	12 square feet	-	2 feet from public R/W	<ol style="list-style-type: none"> <li>1. Political signs shall not be animated, lighted or permanent.</li> <li>2. Political signs shall be displayed no earlier than 30 days prior to voting day, and shall be removed within 10 days after voting day.</li> </ol>
P. Projecting Sign	Maximum - 10 square feet	-	-	<ol style="list-style-type: none"> <li>1. Projecting signs shall be securely attached to a building or wall.</li> <li>2. The supporting framework of a projecting sign shall be in proportion to the size of such sign.</li> <li>3. Projecting signs shall not extend in a public right-of-way or over a property line.</li> <li>4. There shall be only one projecting sign per establishment.</li> </ol>

				<p>5. Projecting signs shall have a clearance of eight (8') feet above grade level.</p> <p>6. Projecting signs shall have a minimum clearance of thirteen (13') feet when extending over a private vehicular way.</p>
Q. Real Estate Sign	<p>Maximum 6 square feet</p> <p>In Commercial and Industrial Zones (C), (L-I) maximum 20 square feet</p>	<p>4 feet</p> <p>In commercial and industrial zones (C),(L-I) 8 feet</p>	2 feet from public R/W	<p>1. Not more than one (1) sign shall be permitted upon any property unless such property has frontage of one hundred (200') feet or more, in which case two (2) signs shall be permitted.</p> <p>2. For corner lots, each street frontage shall be permitted to have one real estate sign. If a street frontage equals two-hundred (200') feet or more, two real estate signs may be permitted on the street frontage.</p> <p>3. Real Estate Sign shall be removed within 72 hours of real estate transfer.</p>

**TABLE 18-1 (Continued) SIGN STANDARDS**

<b>SIGN TYPE</b>	<b>MAXIMUM AREA</b>	<b>MAXIMUM HEIGHT</b>	<b>SETBACK</b>	<b>OTHER STANDARDS AND REQUIREMENTS</b>
<b>R. Temporary Signs</b>	-	-	-	<ol style="list-style-type: none"> <li>1. Portable Signs, Trailer Signs, Banner Signs or Pennant Signs shall be permitted only in non-residential zoning districts</li> <li>2. Portable or Trailer Signs shall be displayed for a period not greater than thirty (30) days. They may be displayed for a period not to exceed ninety (90) days within one calendar year. A zoning permit shall be required for each thirty (30) day display period.</li> <li>3. Banner Signs and pennant signs shall be displayed for a period not greater than ten (10) days. They may be displayed for a period not to exceed ninety (30) days within one calendar year. A zoning permit shall be required for each thirty (10) day display period. Banner signs or pennant signs</li> <li>4. Flag Signs shall be displayed for a period not greater than ten</li> </ol>

				<p>(10) days. They may be displayed for a period not to exceed ninety (30) days within one calendar year. A zoning permit shall be required for each thirty (10) day display period. Banner signs or pennant signs.</p> <p>5. The above requirements shall not apply to signs which are exempt from Zoning Regulations</p>
S. Wall Sign	<p>1. Based on the Type of Sign - Area calculated separately</p> <p>2. Identification and Business ID wall signs shall have a maximum area of one (1) times the linear frontage of a building or store frontage of a business.</p> <p>3. Product Signs on walls shall together</p>	Shall not extend above wall.	-	<p>1. Letters shall not project more than twelve (12") inches horizontally from the wall surface or obscure architectural features of the building.</p> <p>2. Lettering shall not obscure architectural features of the building</p> <p>3. Wall signs along a sidewalk shall be a minimum of eight (8') feet in height.</p> <p>4. Where a building fronts on more than one street, the aggregate sign area facing each street shall be calculated separately.</p> <p>5. Advertising, product signs or other signs painted on a wall shall be considered a wall sign and shall meet the</p>

	not exceed fifty (50%) percent of the requirement for business/identification signs on a building.			requirements for wall signs in the District in which it is located.
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**TABLE 18-1 (Continued) SIGN STANDARDS**

<b>SIGN TYPE</b>	<b>MAXIMUM AREA</b>	<b>MAXIMUM HEIGHT</b>	<b>SETBACK</b>	<b>OTHER STANDARDS AND REQUIREMENTS</b>
<b>T. Window Sign</b>	Window Signs shall not exceed more than thirty (30%) of the window area in which they are displayed.	-	-	-

## **Section 1807. SPECIAL SIGNS**

In addition to the sign regulations set forth in Section 1804, Section 1805 and Section 1806 above, the following signs shall be permitted:

- A. Temporary signs advertising home garage sales, yard sales, and the like, as differentiated from signs advertising established commercial enterprises, may be erected in any zoning district subject to the following provisions:
  1. The sign may be erected only on the property on which the sale is going to be held.

2. The area of one (1) side of any such sign shall not exceed four (4) square feet.
  3. Only one (1) such sign may be erected on any one piece of property, unless such property fronts on two (2) streets, in which case one (1) sign is authorized on each street frontage.
  4. The sign shall be installed no earlier than one (1) week prior to the sale and shall be removed within one (1) day after the activity. In no case shall such signs be permitted to remain on the property in excess of ten (10) days.
- B. Temporary signs advertising public auctions or sales, as differentiated from signs advertising established commercial enterprises, may be erected in any zoning district subject to the following provisions:
1. Only one (1) such sign may be erected on any one piece of property, unless such property fronts on two (2) streets, in which case one (1) sign is authorized on each street frontage.
  2. Such signs may be erected no earlier than two (2) months prior to the date of the sale and shall be removed no later than two (2) days after the sale or auction.
  3. The area of such sign shall not exceed thirty-two (32) square feet.
- C. Holiday decorations displayed for recognized holidays shall be exempted from the provisions of this Ordinance except as they may cause glare, interfere with traffic safety or in any other way become a public safety hazard.

## **Section 1808. NONCONFORMING SIGNS**

Any sign lawfully existing at the time of the passage of this Ordinance that does not conform with the regulations of the district in which such sign is located shall be considered nonconforming and may continue subject to the following provisions:

- A. Signs which are nonconforming by reason of their absolute prohibition shall be removed within three (3) years following enactment of this ordinance or from any other date of the establishment of their nonconformity.
- B. Signs which are nonconforming by reasons of dimensions alone or for any reasons other than absolute prohibition may continue in their present location

until replacement or rebuilding becomes necessary, at which time a zoning permit will be required and the sign brought into conformity with the ordinance.

- C. The Township shall have the right to remove and dispose of any nonconforming signs and supportive structures which are not discontinued as set forth above and to recover the cost of such removal and disposal from the owner or any person or organization responsible for such nonconforming sign.
- D. No nonconforming sign shall be enlarged or shall the location of any nonconforming sign be changed. Nonconforming signs may be repaired and maintained, but repairing and maintaining shall be limited to the replacement of less than fifty percent of a sign structure and to repainting, rewiring, replacing damaged letters, and other similar minor maintenance.

The need to replace more than fifty percent of a sign shall be deemed to be the erection or construction of a new sign and is hereby prohibited.

- E. If there is no use of the nonconforming sign or support structure for a period of six (6) months or more, such nonconforming sign shall be deemed abandoned and shall be discontinued as described above.

## **ARTICLE 18**

### **SIGN REQUIREMENTS**

#### **Section 1801. PURPOSE**

The purpose of this article is to regulate signs in a manner which supports and complements the land use objectives set forth in the Lykens Township Comprehensive Plan and this Ordinance. The Comprehensive Plan recognizes that attractive development can have a positive impact on the community and local business. In order to promote pleasing community character, this Article provides appropriate standards for business and other signs to: (1) ensure the safety, comfort, and convenience of individuals using roads and highways in the Township; (2) reduce distractions and obstructions from signs which may adversely affect traffic safety; (3) discourage uncontrolled proliferation and excessive visual competition of signage to ensure that they adequately aid the public to orientate and identify businesses and uses; and, (4) preserve the Township's character by requiring new and replacement signs which are creative, distinctive, compatible with surroundings, and properly sized.

#### **Section 1802. COMPLIANCE**

No sign, with the exception of those outlined in Section 1804.A and signs installed by the direction of Municipal, State, Federal or other governmental agency, shall be erected, placed, installed, altered, relocated or replaced until it is in compliance with the provisions of this Article and other codes, Ordinances and regulations relating to the erection, alteration, or maintenance of signs and similar devices.

#### **Section 1803. ADMINISTRATION**

##### **A. Sign Permit**

1. All permanent and temporary signs, except those exempt from regulation as expressed in this Ordinance, shall be placed, installed, altered, relocated or replaced when a sign permit has been issued. Approval for the placement, installation, alteration, relocation or replacement of signs shall be issued by the Township Zoning Officer. Applications shall be on forms provided by the Township.
2. Property owners who authorize or allow any sign on their property shall ensure that all provisions of this ordinance are adhered to and shall comply with the following provisions and include the following:
  - (a) A detailed scale drawing showing the sign and its intended location;

- (b) A description of its type, construction, manner, and method of installation, and materials to be used;
  - (c) Written authorization of the owner or lessee of the property, if other than the applicant; and,
  - (d) A permit fee, as established by resolution of the governing body.
  - (e) The permit for off-premise signs shall also be accompanied by a written letter of consent from the owner or lessee of the property on which the sign is to be located.
- 3. After the sign has been erected, moved or altered, as authorized by the permit, the applicant shall notify the Zoning Officer who will then inspect the sign.
- 4. For the purposes of this Article, the terms "alter" and "change" shall not be interpreted to include routine maintenance.
- 5. A permit and fee shall not be required for the following signs:
  - (a) Official signs; and
  - (b) Temporary signs.
- 6. Exemption from obtaining a permit and paying a fee does not release the person responsible for posting the sign from compliance with other standards or provisions of this or other applicable ordinances, codes, or laws.

**B. Specifications and Dimensions**

- 1. Specifications of the sign shall be submitted with the application and shall include:
  - (a) the location of the sign;
  - (b) the dimensions of the sign;
  - (c) the materials used in the sign;

- (d) the type of illumination used for the sign;
  - (e) the sizes of the lettering on the sign;
  - (f) the color scheme of the sign;
  - (g) the location of the sign in relation to the building or use it serves;
  - (h) and, any information regarding the construction of the sign, including loads and anchorage.
- 2. Specifications, drawings and plans shall be drawn to a specified scale and be sufficiently clear, comprehensive, detailed and legible to ensure and accurate determination of compliance.
  - 3. Any sign permit issued shall be valid only while such sign and support structure is maintained in a safe, sound and nonhazardous condition.
  - 4. If necessary, a conforming sign may be removed and reinstalled for normal maintenance activities without an application submission.

C. Measurement of Sign Area

For the purposes of this Ordinance, the area of a sign shall be measured in the following manner:

- 1. Sign area shall equal the entire area within a sign parameter enclosed by one continuous line which connects the extreme edges or points of a sign, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing incidental to the display itself.
- 2. Where the sign consists of individual letters or symbols appearing upon or attached to a building, wall or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.

3. When two sides of a double-faced sign are located not more than twenty-eight (28") inches apart at the sign's widest point and not more than eighteen (18") inches at the narrowest point, and display identical writing or representation, only one of the sides shall be used to determine the surface area. Any additional sides of a multi-faced sign shall be considered as a separate sign for purposes of computing the total surface area of the sign.
4. Sign area shall not include the main supporting sign structure in determining sign area.

D. Measurement of Sign Height

For the purposes of this Ordinance, the height of a sign shall be measured in the following manner:

1. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
2. In cases where the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principle entrance to the principle structure on the lot whichever is lower.

E. Measurement of Sign Setbacks

For the purposes of this Ordinance, the setbacks for a sign shall be measured in the following manner:

1. The setback required for the sign shall be measured from the outermost edge of the sign to the existing right-of-way line.

## **Section 1804. GENERAL SIGN STANDARDS**

A. Signs Exempt from Sign Permits

A sign permit shall not be required for any of the following signs. This exemption shall apply only to the requirement for obtaining a sign permit, and shall not be construed as relieving the owner of such sign from the responsibility

for erecting and maintaining it in a safe condition and from being in conformance with the applicable requirements stated in this Article.

1. Address Sign
2. Private "For Sale" or Private Event Sign
3. Construction Sign
4. Driveway or Trespass Sign
5. Home Occupation
6. Memorial Signs, Tablets, or Plaques depicting the National Register of Historic Places, the name of the building, date of erection when cut into a masonry surface or when constructed of bronze or other noncombustible material. Any sign which has been authenticated as historically significant and accurate for its specific location, whether original or a replica.
7. Political Sign
8. Real Estate Sign
9. United State, State and Municipal Flags
10. Works of Art which do not include a commercial message

B. Prohibited Signs

The following signs shall be prohibited:

1. Flashing or animated signs. Hanging signs which simply swing in the wind and clock, time or temperature signs and barber poles shall not be considered prohibited signs if they comply with the other provisions of this Article.
2. Signs on vehicles permanently parked or intended as directional signs.
3. Temporary portable or trailer signs in or on a vehicle are prohibited.
4. Signs which by reason of size, location, movement, content, coloring or manner of illumination obstruct the vision of drivers leaving or entering a

public street from another street or driveway and/or obstruct or detract from the visibility or effectiveness of any traffic control device or traffic sign on a public street.

5. Signs which makes use of words such as "stop", "look", "one-way", "danger", "yield", "go slow", "caution", or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse traffic or which imitate an official traffic sign or signal.
6. Signs which advertise an activity, business, product or service no longer produced or conducted. In such cases, such signs should be removed within thirty (30) days after the activity, business, product or service is discontinued.
7. Signs which are placed or located within the public right-of-way except signs erected at the direction of Municipal, State, Federal or other government agency.
8. Signs painted on, pasted or attached to or supported by utility poles, trees, a stone, cliff or other natural object.
9. String lights around signs.
10. Signs which obstruct free ingress and egress from fire escapes, doors, or other exits.
11. Signs which are structurally unsafe on in a state of disrepair.
12. Roof signs, except integral roof signs.
13. Inflatable signs.
14. Signs that emit smoke, visible vapors, particles, sound or odors.
15. Signs that incorporate or employ open flames.
16. Illuminated signs which adversely affect safe vision of operators vehicles moving on public or private streets or parking areas, any residential district or any part of a building or property used for residential purposes.

C. General Standards

1. No sign, other than official traffic signs or similar signs, shall be erected within any street right-of-way, unless specifically authorized by other ordinances or regulations of the Township.
2. All sign lighting shall be arranged, designed and shielded or directed to protect the adjoining properties and streets from glare. Reflectors and lights permitted in conjunction with signs shall be equipped with restraining hoods or shields to concentrate the illumination upon the area of the sign.
3. No point of any sign, except for official signs, including trim, border and supports shall be located within the required side yard setbacks.
4. No sign, except those authorized or maintained by the Township, shall be permitted on Township property.
5. No sign shall be erected containing any information on which it states or implies that a property may be used for any purpose not permitted under the provisions of this ordinance.
6. In addition to the other requirements of this section and, in compliance with other applicable codes and ordinances, every sign must be constructed of durable materials, kept in good repair, and maintained so as not to become dilapidated.
7. If the Zoning Officer finds that a sign is unsafe, insecure or a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this Ordinance, written notice to the owner thereof shall be given. If the owner fails to remove or alter the sign to comply with the standards herein set forth within ten (10) days after receipt of such notice, the Township may proceed to remove or alter such sign so as to comply and charge the expense thereof to the owner of the property on which it is located. The Zoning Officer may cause any sign or other advertising structure which is in immediate peril to persons or property to be removed summarily and without prior notice provided that written notice of such action shall be furnished to the owner of such sign within five (5) days after the date of such removal.

#### **Section 1805. DISTRICT REGULATIONS FOR SIGNS**

- A. Signs in the Conservation (C), Agriculture Residential (A-R) and Residential (R) Districts

The following are permitted to be placed, installed, altered, relocated or replaced:

1. Address Sign
  2. Construction Sign
  3. Directional Sign
  4. Development Sign
  5. Driveway or Trespass Sign
  6. Home Occupation
  7. Identification Sign
  8. Memorial Signs, Tablets, or Plaques depicting the National Register of Historic Places, name of the building, date of erection cut into a masonry surface or when constructed of bronze or other noncombustible material.  
A sign has been authenticated as historically significant and accurate for its specific location, whether original or a replica.
  9. Political Sign
  10. Private Sale or Event Sign
  11. Real Estate Sign
  12. Temporary Signs
- B. Signs in the Agriculture (A), Village (V), Commercial (C), and Light-Industrial (L-I) District

The following are permitted to be placed, installed, altered, relocated or replaced:

1. Address Sign
2. Awning Sign
3. Billboard Sign
4. Construction Sign
5. Development Sign

6. Directional Sign
7. Flag Sign
8. Free Standing Sign
9. Identification Sign
10. Information Sign
11. Integral Roof Sign
12. Off-Premise Information Sign
13. Political Sign
14. Product Sign
15. Real Estate Sign
16. Temporary Sign
17. Wall Sign
18. Window Sign

**Section 1806. STANDARDS FOR SPECIFIC SIGN TYPES**

In districts where permitted, signs shall meet the requirements outlined in Table 18-1.

**TABLE 18-1 SIGN STANDARDS**

<b>SIGN TYPE</b>	<b>MAXIMUM AREA</b>	<b>MAXIMUM HEIGHT</b>	<b>SETBACK</b>	<b>OTHER STANDARDS AND REQUIREMENTS</b>
A. Address Sign	2 square feet	10 feet	2 feet from public R/W	<ol style="list-style-type: none"> <li>Two signs shall be permitted per dwelling unit.</li> <li>Address sign may be a wall or freestanding sign.</li> </ol>
B. Awning Sign	-	-	-	<ol style="list-style-type: none"> <li>Sign must be painted on or flatly attached to the surface of the awning and must not extend beyond the valance, or be attached to the underside of the awning.</li> <li>A minimum of eight (8') feet above a sidewalk must be allowed for pedestrian clearance.</li> </ol>
C. Billboard Sign	Maximum - 672 square feet  Minimum - 35 square feet	20 feet	25 feet from public R/W	<ol style="list-style-type: none"> <li>Billboards shall not be wall or projecting signs.</li> <li>Back-to-back, V-type, side-by-side and double decked signs are permitted and shall be treated as one structure.</li> <li>Billboards shall not be located within 100 feet of a residential use.</li> <li>Billboards shall not be</li> </ol>

				<p>located within 75 feet of a road intersection.</p> <p>5. Billboards shall not be located within 100 feet of a public recreation facility, park, school or church.</p> <p>6. Billboards shall be located two thousand (2000') feet apart.</p> <p>7. Only one billboard shall be permitted per lot.</p>
D. Construction Sign	Maximum 16 square feet	8 feet	10 feet from public R/W	1. Sign may be permitted on the property 30 days prior to the day of construction and 30 days following the completion of said construction.
E. Development Sign	Maximum 24 square feet	8 feet	10 feet from public R/W	

**TABLE 18-1 (Continued) SIGN STANDARDS**

<b>SIGN TYPE</b>	<b>MAXIMUM AREA</b>	<b>MAXIMUM HEIGHT</b>	<b>SETBACK</b>	<b>OTHER STANDARDS AND REQUIREMENTS</b>
F.	12 square	3 feet	2 feet	1. One directional sign

Directional Sign	feet		from public R/W	shall be permitted per entrance or exit.
G. Freestanding Sign	40 square feet	35 feet	20 feet from public R/W  Directional - 2 feet from public R/W	<ol style="list-style-type: none"> <li>1. On corner lots and driveways, freestanding signs shall not be located within the vision sight triangle.</li> <li>2. Freestanding signs shall be located one hundred fifty (150') feet apart per lot or establishment, whichever applies.</li> <li>3. Freestanding signs shall be located at least ten (10') feet from the property line.</li> <li>4. On a single lot, each individual business that occupies its own completely detached building may have a free standing sign.</li> </ol>
H. Home Occupation Sign	Maximum - 4 square feet	8 feet	2 feet from public R/W	<ol style="list-style-type: none"> <li>1. One home occupation sign shall be permitted per dwelling unit.</li> <li>2. A home occupation sign may be a wall, freestanding or projecting sign.</li> </ol>
I. Illuminated Sign	Maximum 16 square feet	8 feet	10 feet from public R/W	<ol style="list-style-type: none"> <li>1. Sign may be permitted on the property 30 days prior to the day of construction and 30 days following the completion of said construction.</li> </ol>

J. Identification Sign	Maximum 32 square feet for building name, plus 12 square feet for each business or office located therein.  Wall oriented identificati on signs shall have a maximum area of 1.5 times the linear store frontage	35 feet	10 feet from public R/W	<ol style="list-style-type: none"> <li>1. The display board shall be on an integrated and uniform design.</li> <li>2. Identification signs may be freestanding.</li> <li>3. Properties with over three hundred (300') feet of frontage will be allowed 2 freestanding identification signs.</li> <li>4. For wall signs on buildings with more than one facade, one wall identification sign shall be permitted for each facade.</li> </ol>
K. Integral Roof Sign	-	Shall not extend more than 6 inches above the room peak.	-	
L. Information Sign	Maximum 4 square feet	10 feet	5 feet from public R/W	<ol style="list-style-type: none"> <li>1. May be a wall sign, free standing sign or projecting sign.</li> </ol>

**TABLE 18-1 (Continued) SIGN STANDARDS**

<b>SIGN TYPE</b>	<b>MAXIMUM AREA</b>	<b>MAXIMUM HEIGHT</b>	<b>SETBACK</b>	<b>OTHER STANDARDS AND REQUIREMENTS</b>
M. Off-Premise Sign	12 square feet	10 feet	2 feet from public R/W	<ol style="list-style-type: none"> <li>Off premise signs shall be located five hundred (500') feet or more from any other off-premise sign.</li> <li>There shall be not more than 2 off-premise signs at one location.</li> </ol>
N. Political Sign	12 square feet	-	2 feet from public R/W	<ol style="list-style-type: none"> <li>Political signs shall not be animated, lighted or permanent.</li> <li>Political signs shall be displayed no earlier than 30 days prior to voting day, and shall be removed within 10 days after voting day.</li> </ol>
O. Projecting Sign	Maximum - 10 square feet	-	-	<ol style="list-style-type: none"> <li>Projecting signs shall be securely attached to a building or wall.</li> <li>The supporting framework of a projecting sign shall be in proportion to the size of such sign.</li> <li>Projecting signs shall not extend in a public right-of-way or over a property line.</li> <li>There shall be only one projecting sign per</li> </ol>

				<p>establishment.</p> <p>5. Projecting signs shall have a clearance of eight (8') feet above grade level.</p> <p>6. Projecting signs shall have a minimum clearance of thirteen (13') feet when extending over a private vehicular way.</p>
P. Real Estate Sign	<p>Maximum 6 square feet</p> <p>In Commercial and Industrial Zones (C), (L-I) maximum 20 square feet</p>	<p>4 feet</p> <p>In commercial and industrial zones (C),(L-I) 8 feet</p>	2 feet from public R/W	<p>1. Not more than one (1) sign shall be permitted upon any property unless such property has frontage of one hundred (200') feet or more, in which case two (2) signs shall be permitted.</p> <p>2. For corner lots, each street frontage shall be permitted to have one real estate sign. If a street frontage equals two-hundred (200') feet or more, two real estate signs may be permitted on the street frontage.</p> <p>3. Real Estate Sign shall be removed within 72 hours of real estate transfer.</p>
Q. Wall Sign	Based on the Type of Sign - Area calculated separately	Shall not extend above wall.	-	<p>1. Letters shall not project more than twelve (12") inches horizontally from the wall surface or obscure architectural features of the building.</p>

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## **Section 1807. SPECIAL SIGNS**

In addition to the sign regulations set forth in Section 1804, Section 1805 and Section 1806 above, the following signs shall be permitted:

- A. Temporary signs advertising home garage sales, yard sales, and the like, as differentiated from signs advertising established commercial enterprises, may be erected in any zoning district subject to the following provisions:
  - 1. The sign may be erected only on the property on which the sale is going to be held.
  - 2. The area of one (1) side of any such sign shall not exceed four (4) square feet.
  - 3. Only one (1) such sign may be erected on any one piece of property, unless such property fronts on two (2) streets, in which case one (1) sign is authorized on each street frontage.
  - 4. The sign shall be installed no earlier than one (1) week prior to the sale and shall be removed within one (1) day after the activity. In no case shall such signs be permitted to remain on the property in excess of ten (10) days.
- B. Temporary signs advertising public auctions or sales, as differentiated from signs advertising established commercial enterprises, may be erected in any zoning district subject to the following provisions:
  - 1. Only one (1) such sign may be erected on any one piece of property, unless such property fronts on two (2) streets, in which case one (1) sign is authorized on each street frontage.
  - 2. Such signs may be erected no earlier than two (2) months prior to the date of the sale and shall be removed no later than two (2) days after the sale or auction.
  - 3. The area of such sign shall not exceed thirty-two (32) square feet.
- C. Holiday decorations displayed for recognized holidays shall be exempted from the provisions of this Ordinance except as they may cause glare, interfere with traffic safety or in any other way become a public safety hazard.

## **Section 1808. NONCONFORMING SIGNS**

Any sign lawfully existing at the time of the passage of this Ordinance that does not conform with the regulations of the district in which such sign is located shall be considered nonconforming and may continue subject to the following provisions:

- A. Signs which are nonconforming by reason of their absolute prohibition shall be removed within three (3) years following enactment of this ordinance or from any other date of the establishment of their nonconformity.
- B. Signs which are nonconforming by reasons of dimensions alone or for any reasons other than absolute prohibition may continue in their present location until replacement or rebuilding becomes necessary, at which time a zoning permit will be required and the sign brought into conformity with the ordinance.
- C. The Township shall have the right to remove and dispose of any nonconforming signs and supportive structures which are not discontinued as set forth above and to recover the cost of such removal and disposal from the owner or any person or organization responsible for such nonconforming sign.
- D. No nonconforming sign shall be enlarged or shall the location of any nonconforming sign be changed. Nonconforming signs may be repaired and maintained, but repairing and maintaining shall be limited to the replacement of less than fifty percent of a sign structure and to repainting, rewiring, replacing damaged letters, and other similar minor maintenance.

The need to replace more than fifty percent of a sign shall be deemed to be the erection or construction of a new sign and is hereby prohibited.

- E. If there is no use of the nonconforming sign or support structure for a period of six (6) months or more, such nonconforming sign shall be deemed abandoned and shall be discontinued as described above.

## ARTICLE 19

### GENERAL REGULATIONS

#### **Section 1901. PURPOSE**

The following General Regulations shall supplement the regulations set forth herein for each District and shall be applied throughout the Township unless otherwise specified in other sections of this Zoning Ordinance.

#### **Section 1902. GENERAL USE REGULATIONS**

##### **A. Amusement Arcades**

In districts where permitted, amusement arcades are subject to the following standards:

1. All activities shall take place within a completely enclosed building.
2. Restrooms shall be provided in the arcade for customers, employees and invitees. A minimum of two toilet and lavatory facilities shall be provided.
3. A working plan for litter cleanup shall be provided and implemented by the applicant.
4. Noise levels for arcades shall be non-intrusive to neighboring uses and properties. Amusement arcades shall conform to the performance standards outlined in Article 15, Section 1503.

##### **B. Animals and Horticulture**

In districts where permitted, operations involving the use of buildings and land for farming, nurseries, and greenhouses, riding academies, livery or boarding stables, animal hospitals, stock raising, dairying and poultry shall be subject to the following safeguards and regulations:

1. Buildings in which poultry are kept shall not hereafter be erected within one-hundred (100') feet of any lot line.
2. Buildings in which dogs, horses and sheep are kept shall not hereafter be erected within one-hundred (100') feet of any lot line.

3. The stock piling or storage of manure or odor or dust producing substance in commercial farming operations shall not be permitted within one-hundred (100') feet from any lot line.
4. Commercial Greenhouse heating plant, coal, natural gas, or fuel oil fired, shall not be operated within one hundred (100') feet of any Residential District boundary.
5. Buildings used for riding academies and animal hospitals, including exercise yards, shall not hereafter be erected within fifty (50) feet of any lot line.
6. Carcasses of dead animals shall be promptly removed and properly disposed of.

C. Apartment Buildings

In districts where permitted, apartments shall comply with the following regulations:

1. There shall be not more than sixteen (16) dwelling units per building.
2. No apartment building shall be in excess of three (3) stories in height.

D. Auction House

In districts where permitted, auction houses for wholesale, produce and private auctions are subject to the following requirements:

1. No part of an auction house shall be within two hundred (200') feet of any residentially zoned land.

E. Automobile (Retail) Service Station and Self Service Station

In districts where permitted, automobile retail service stations and self service stations shall be subject to the following requirements:

1. The subject property shall have a minimum lot width at the right-of-way line of one hundred twenty-five (125') feet.
2. The use shall front on a Major Collector or Minor Collector road as identified in the Lykens Township Comprehensive Plan.

3. The station shall be set back at least two hundred (200') feet from any residential zone, school or playground.
4. The outdoor storage of motor vehicles, whether movable or not, shall be permitted for one (1) month only. Vehicles may be stored longer in areas completely screened from view using Level 3 screening as outlined in Article 14, Section 1403.
5. All structures related to the Station (kiosks, gasoline pumps, air compressors, phone booths) shall be set back at least thirty (30') feet from any street right-of-way line.
6. Outdoor storage of auto parts is prohibited.
7. All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100') feet, and oriented away from residentially zoned areas.
8. For stations fronting on one road, the following standards for access shall apply:
  - a. access drives shall have a minimum length from the road of twenty-five (25') feet.
  - b. the maximum width of access driveways shall be thirty-five (35') feet.
  - c. access drives shall have a minimum separation of seventy-five (75') feet. The separation distance will be measured from inside edge to inside edge.
9. Storage and disposal of all materials will be accomplished in a manner that complies with County, State and Federal regulations.

F. Bars and Taverns

In districts where permitted, bars may be established subject to the following requirements:

1. No part of the subject property shall be located within two hundred (200') from any residential uses.

2. Prior to the issuance of a zoning permit, any bar or tavern proposed must comply with all requirements and law of the Pennsylvania State Liquor Control Board.

G. Bed and Breakfast

In districts where permitted, residential Bed-and-Breakfast establishments may be established in an existing dwelling subject to the following requirements:

1. The owner, or owner's agent, of the dwelling structure in which such uses are conducted must reside in the dwelling structure.
2. The dwelling structure is served by an approved sewage system and water supply.
3. Bedrooms shall not be used for cooking of any kind, and all meals shall be taken in substantially family-type dining facilities.
4. No public restaurant service shall be conducted.
5. Bedrooms shall contain a minimum of ninety (90) square feet of habitable floor area for one (1) person, and a minimum of one hundred twenty (120) square feet of habitable floor area for two (2) or three (3) persons. The number of bedrooms for such purposes shall not exceed the number existing in the dwelling at the time the conditional use application is submitted to the Township.
6. No more than three (3) persons per bedroom shall be permitted.
7. The minimum lot area per establishment shall be one acre if adequate sewage and space for available parking is available. The minimum lot area shall be increased, as necessary to accommodate off-street parking.
8. To ensure proper access and adequate water and sewer facilities, the application to establish a bed-and-breakfast establishment shall be processed as a land development plan.
9. The establishment must be served by an adequate sewage system and water supply. The Township Sewage Enforcement Officer shall determine whether or not the system has adequate treatment facility.

H. Boarding House

In districts where permitted, a boarding house may be established in a new building or existing residential dwelling subject to the following requirements:

1. No modifications to the external appearance of existing residential buildings (except fire escapes) which would alter its residential character shall be permitted.
2. All floors above and/or below grade shall have a permanently affixed direct means of escape to ground level.
3. Fire and safety provisions shall be approved by the PA Department of Labor and Industry.
4. Rooms for lodging shall have a minimum gross floor area of one hundred and fifty (150) square feet.
5. The boarding house shall be occupied by the owner(s) at all times.
6. The minimum lot area per establishment shall be one acre if adequate sewage and space for available parking is available. The minimum lot area shall be increased, as necessary to accommodate off-street parking.
7. To ensure proper access and adequate water and sewer facilities, the application to establish a bed-and-breakfast establishment shall be processed as a land development plan.
8. The establishment must be served by an adequate sewage system and water supply. The Township Sewage Enforcement Officer shall determine whether or not the system has adequate treatment facility.

I. Cemeteries

In districts where permitted, cemeteries may be established subject to the following requirements:

1. A cemetery shall not be located within two hundred (200') feet of a residential use; provided, however, that this restriction does not apply to a caretaker's residence.
2. Site Development Plan.

A site development plan containing the following information shall be submitted for review and approval by the Zoning Officer:

- a. Site location;

- b. Metes and bounds of tract;
  - c. Location of all existing and proposed structures and identification of use;
  - d. Layout of plots, vaults, etc;
  - e. Location of utilities, access drives, and parking;
  - f. Existing and proposed contours;
  - g. Proposed landscaping; and,
  - h. Storm Water Management Plan.
3. All permits, licenses and approvals required by applicable Commonwealth of Pennsylvania agencies shall be obtained before issuance of local permits.

J. Child/Adult Day Care Center

In districts where permitted, commercial child/adult day care facilities may be established subject to the following requirements:

1. Passenger "drop-off" and "pick-up" areas shall be provided on site and arranged so that the passengers do not have to cross traffic lanes on or adjacent to the site.
2. All commercial day-care facilities shall obtain and maintain proper licenser from the Commonwealth of Pennsylvania.
3. Outdoor common areas for adult day care and play areas for children shall be provided. The minimum area for outdoor recreation space shall equal one hundred (100) square feet for each individual at maximum enrollment.
4. Off street parking areas will not constitute nor be used for outdoor activity area.
5. Outdoor play areas shall not be located in any front yard.
6. Outdoor play areas shall be enclosed by a fence that is four (4') feet in height and Level 2 Screening as per Article 14, Section 1403.

7. All outdoor common areas or play areas shall be accommodated with shade trees or pavilion to provide shade.
8. All play equipment installed in a play area shall meet U.S. Consumer Product Safety Standards.

K. Clubs, Lodges, and Fraternal Organizations

In districts where permitted, clubs, lodges and similar uses are restricted to those not conducted primarily for gain, although a dining room may be operated for the benefit of club members, provided that no permanent sign advertising the sale of food or beverages will be permitted. Buildings or structures hereafter converted or erected for such use are subject to all applicable regulations for the district in which the facility is to be located. A buffer no less than ten (10) feet in depth with Level 2 screening in accordance with Article 14, Section 1403 shall be maintained along all property lines abutting a residential use.

L. Communication Facilities, Tower, Antennas and Related Equipment

In districts where permitted, communication facilities in the form of antennas, towers and related equipment are subject to the following requirements:

1. All structures shall be set back from each property line at a distance equal to its height.
2. All towers shall be completely enclosed by an eight foot (8') high fence and self-locking gate.
3. All ground mounted satellite dish antennas that are used to transmit video format data shall be completely enclosed by an eight (8') foot high fence that includes signs warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended.
4. Construction plans and drawings shall be provided for the Township Engineer to review describing the construction methods used to prevent (1) any structure from toppling onto adjoining properties and/or roads; and (2) the wind-borne scattering of ice onto adjoining properties and/or roads.

M. Conversion Apartments

In districts where permitted, an existing single family detached dwelling may be converted to a dwelling containing more than one dwelling unit, subject to the following requirements:

1. The lot area per each additional dwelling unit shall be one acre.
2. The minimum habitable floor area of each dwelling unit shall comply with the provisions of Section 1912 of this Ordinance.
3. There is no exterior evidence of change to the residential character of the building, except as required by state law or local building code regulations.
4. Parking shall be provided in accordance with the provisions of Article 17 of this Ordinance.
5. The alterations to accommodate the additional dwelling units shall be made within the physical confines of the existing structure.
6. The premises must be served by an adequate sewage system and water supply. The Township Sewage Enforcement Officer shall determine whether or not the system has adequate treatment capacity.
7. Unless specifically exempted by the Township Subdivision and Land Development Regulations, the application for a conversion apartment shall be processed as a land development plan.

N. Farming and Gardening

The tilling of the soil, raising of crops, the keeping of livestock, poultry, and the processing of dairy products, horticulture and gardening shall be permitted in any district; providing that unless otherwise permitted, only gardening, incidental to residential uses, shall be permitted on improved lots located in a subdivision plan approved by the Township.

1. Daily Cleanup for Farming

All soil carried onto public streets during farming uses and activities shall be cleaned up each day. The landowner shall be responsible to protect and clean up lower properties of silt and debris which have washed down onto the lower properties as a result of the farming on the higher property.

2. To minimize and eliminate dangers from soil and other debris from soil tilling activities entering a public road, tilling shall not be permitted in the Township right-of-way.

O. Fast Food and/or Drive Through Restaurants

In districts where permitted, fast food restaurants and drive through restaurants may be established subject to the following requirements:

1. The subject property shall have a minimum lot width at the right-of-way line of one hundred fifty (150') feet.
2. The use shall front on a Major Collector or Minor Collector road as identified in the Lykens Township Comprehensive Plan and/or be completely contained within a shopping center development.
3. The restaurant shall be set back at least two hundred (200') feet from any residential uses.
4. For free standing fast food and drive through restaurants not incorporated in a shopping center development and fronting on one road, the following general standards for driveway access shall apply:
  - a. access drives shall have a minimum length from the road of twenty-five (25') feet.
  - b. the maximum width of access driveways shall be thirty-five (35') feet. The minimum width shall be twenty-five (25') feet.
  - c. access drives shall have a minimum separation of seventy-five (75') feet. The separation distance will be measured from inside edge to inside edge.
5. All drive-through window-lanes shall be separated by curb from the parking lots's interior driveways and aisles.
6. Any exterior speaker/microphone system shall be directed, arranged and/or screened to prevent objectionable noise impact on adjoining properties.
7. All exterior seating/play areas shall be completely enclosed by a fence with a minimum height of three (3') feet.

P. Health Club

In districts where permitted, health clubs may be established subject to the following requirements:

1. All outdoor health club facilities shall be set back at least fifty (50') feet from the street right-of-way line, and twenty-five feet (25') from all other lot lines.
2. All outdoor health club facilities shall be set back at least one-hundred (100') feet any residentially zoned properties.
3. Access to any accessory eating or retail use shall be through the main clubhouse building only.

Q. Home Day Care

In districts where permitted, day care homes may be established in an existing single-family detached dwelling subject to the following requirements:

1. A minimum of one hundred (100) square feet of usable outdoor play space and 40 square feet of usable indoor space must be provided for each child present at the facility, including resident children.
2. Operators must comply with all Pennsylvania Department of Public Welfare licensing/registration requirements and any other local, state or federal regulations.
3. Outdoor play areas shall be enclosed by a fence that is four (4') feet in height and Level 2 Screening as per Article 14, Section 1403.
4. All play equipment installed in a play area shall meet U.S. Consumer Product Safety Standards.

R. Kennels, Dog

In districts where permitted, dog kennels may be established subject to the following requirements:

1. Structures used for kennels, including exercise yards, shall not hereafter be erected within any yard setback area or within six hundred (600') feet from any off-premise dwelling.
2. All kennels shall be maintained in a sanitary and humane condition and in accordance with standards and sanitary codes promulgated under Pennsylvania Code, Title 7. Agriculture, Part II Dog Enforcement Bureau, Chapter 21. General Provisions: Kennels, Licensor; Dog-Causes Damages.

3. All properties shall comply with the provisions of the Pennsylvania "Dog Law," Act of 1982, P.L. 784, No. 225.

S. Manufactured/Mobile Homes

In districts where single family detached units are permitted, it shall be unlawful for an owner, tenant, or custodian of a manufactured/mobile home to place a manufacture/mobile home upon a lot as a single family detached dwelling unit without first complying with the following requirements:

1. Each manufactured/mobile home shall be provided with a stand which provides an adequate foundation for the placement of such manufactured/mobile home, securing the structure from settling, vibration, uplift and sliding.
2. Each stand shall have a minimum area of seven hundred and twenty (720) square feet. If a double wide manufactured/mobile home is placed, then the stand shall have a minimum area of one thousand four hundred and forty (1,440) square feet. Such stands shall be concrete with a minimum thickness of four (4") inches, shall have a frost wall at least thirty-one (31) inches deep around its perimeter, shall have an adequate subbase and shall be approved by the Township prior to the construction.
3. A minimum of four (4) eye-bolts shall be embedded in the concrete stand and shall be strategically located for the purpose of securely affixing the manufactured/mobile home from the forces of wind.
4. As an alternative to the concrete manufactured/mobile home stand requirement, a pedestal system may be used under the following conditions:
  - a. Footing requirements for each pedestal will be a minimum of two (2) square feet.
  - b. The footing depth for each pedestal shall be a minimum of thirty (30") inches, however, the Township may alter the depth of the footing necessary depending on site conditions and the location of utilities that may affect the location of such footings.
  - c. If a concrete footing is placed, its minimum thickness shall be eight (8") inches.
  - d. Piers may be utilized off the footings consisting of either concrete or masonry. Anytime a pier consisting of masonry blocks is over

four (4) masonry blocks above the ground level, it shall be reinforced and the cores filled.

- e. The top block of any masonry block piers shall be a solid masonry piece.
- f. The quantity of piers shall be dictated by the sizing involved. That is, each pier shall be located not more than ten (10') feet apart, and each pier shall be not more than five (5') feet from the end of the mobile unit.
- g. Each unit shall have a minimum of four (4) anchorage devices, either cast in the concrete pier or footing, or of a screw-type acceptable to the Township which complies with the Manufacturer's Home Foundations as recommended by the U.S. Department of Housing and Urban Development.
- h. Each such unit shall comply with the Pennsylvania Manufactured Housing Program, administered by the Pennsylvania Department of Community Affairs, and the Pennsylvania Manufactured Housing Construction and Safety Standards Authorization.

T. Medical Centers and Dental Clinics

In districts where permitted, a building for use as a medical center may established subject to the following requirements:

- 1. The building shall be occupied and used only by persons licensed to practice the healing arts in Commonwealth of Pennsylvania, and their staffs.
- 2. The lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards, but in no case shall be less than the minimum lot area permitted in the District in which it is located.
- 3. Lot width shall be determined by the size of the building and setbacks.
- 4. Level 2 screening in accordance with Article 14, Section 1403 shall be provided and maintained along all property lines abutting a residential uses.

U. Motels

In districts where permitted, motels may be established subject to the following regulations:

1. No motel shall have a lot area of less than one (1) acre.
2. Every unit shall be provided with running hot and cold water, separate toilet facilities, and shall be connected to a public sanitary sewerage system, or approved on-lot sewage disposal system.
3. Motel buildings or parts thereof shall be placed no closer than thirty (30') feet to any lot line.
4. The space between motel buildings shall be not less than twenty (20') feet and the space between the fronts or rears of units shall be not less than the dimensions required for courts, where such are formed by the arrangement of units.

V. Municipal Uses

In any district, a building may be erected, altered, or extended and land may be developed which is arranged, intended, or designed for municipal uses, including municipal recreation use. Municipal uses shall be in compliance with the applicable provisions of this Ordinance.

W. Public/Semi-Public Uses (Churches, Hospitals, Convalescent Homes, Nursing Homes, Schools, and Other Public and Semi-Public buildings and uses.

In districts where permitted, these uses shall meet the following requirements:

1. The facility shall be constructed and operated in accordance with applicable state laws.
2. The lot width at the required building line shall be based on the building size and yard requirements, but in no case shall the lot width be less than one hundred (100) feet in width.
3. Level 2 screening in accordance with Article 14, Section 1403 shall be provided in the side, and rear yards along all adjacent residential uses.

X. Public Utility Service and Distribution Facilities

Public Utility facilities shall be permitted in any district without regard to the use and area regulations; provided, however, that buildings erected for these utilities shall be subject to the following regulations:

1. Front, side and rear yards shall be provided in accordance with the regulations of the district in which the building is located.
2. Height of building shall conform to the district regulations.
3. Unhoused equipment shall be enclosed with a chain link fence at least six (6') feet in height.
4. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the district in which the facility is located.
5. Along the required fence for unhoused equipment, Level 2 Screening, in accordance with Article 14, Section 1403 shall be provided.
6. The external design of the building shall be in conformity with the buildings in the district.
7. Access for unhoused equipment - where vehicular access is across the front yard, the gate shall be constructed of solid materials having not less than fifty (50%) percent solid in ratio to open space.
8. Public utility transmission and distribution facilities shall be permitted in any district subject to rules and regulations necessary to public health and safety.

Y. Recreation Uses (Private, Commercial)

In districts where permitted, private and commercial recreational uses may be established subject to the following regulations:

1. Any booths or structures used for the collection of admission and/or parking fees shall be set back and arranged to prevent vehicle back-ups on adjoining roads during peak arrival periods.
2. Any outside pedestrian waiting lines shall be provided with a means of shade in the form of shade trees or constructed covers or pavilions.
3. All uses involving the keeping livestock and/or horses shall provide the Township with a working plan for the use and/or disposal of animal waste in compliance with State and Federal requirements.
4. Special Recreational Uses.

The following uses shall meet all of the applicable requirements above as well as the specific requirements below:

a. Recreational Vehicle Parks

- (1) Access to vehicle spaces shall not be permitted from any public road. All such access will be provided by an internal access road.
- (2) An area of not less than one thousand five hundred (1500) square feet shall be provided for each vehicle.
- (3) The minimum width of each vehicle space shall be twenty-five (25) feet.
- (4) The minimum depth of each vehicle space shall be not less than sixty (60) feet; or thirty percent (30%) longer than the length of the vehicle, whichever requirement is greater.
- (5) Each vehicle shall be located not less than twenty-five (25) feet from any building and not less than thirty (30) feet from lines bounding adjacent property.
- (6) Separate provision shall be made for the parking of tow equipment on or adjacent to the vehicle space, or at a location removed from the vehicle space. There shall be one (1) such off-street parking space not less than ten (10) feet wide and twenty (20) feet long for each vehicle space in the park.
- (7) In addition to the off-street parking required for RVs above, there shall be one (1) additional off-street parking space for every two (2) RV spaces in the park.
- (8) Recreation Vehicle Parks shall be provided with Level 3 Screening in accordance with Article 14, Section 1403 along the property boundary line separating the park from any adjacent uses.
- (9) A land development plan of any proposed Recreation Vehicle Park development shall be presented to the Board of Supervisors for approval before any construction and any vehicle shall be permitted on the site.

(10). Sewers.

- (a) Each vehicle park shall be provided with sewage disposal facilities. The proposed provisions for sewage shall be presented to the Board of Supervisors for approval before any vehicle shall be permitted on the site. Approval shall be required from the Pennsylvania Department of Environmental Protection.
- (b) A recreation vehicle park may be approved without individual sewerage connection, provided the park is serviced by approved central toilet facilities and central shower facilities. Approvals shall be required from the Board of Supervisors and the Pennsylvania Department of Environmental Protection.

b. Archery and Rifle Ranges and Sportsman's Clubs

- (1) All buildings and structures in related to the uses shall be designed to be compatible to the residential neighborhood. To the best extent possible, the buildings and structures should be designed to have the exterior appearance of the district in which it is located.
- (2) The perimeter of the property shall be adequately delineated with warning signs posted every fifty (50') feet or fencing to protect persons from accessing the sites accidentally and to ensure safety of patrons, spectators and the public at large.
- (3) The minimum area needed for shooting ranges shall be based on the following:
  - (a) Archery target range area shall be based on the number of firing lines in a archery target range measured at a length of three hundred (300') feet x fifteen (15') feet wide for each firing line.  
  
(Example: A 15 line archery target range would require approximately 1.5 acres or 67,500 square feet. Calculation:  $300 \times 15 \times 15$  lines = 67,500 square feet.)

- (b) Pistol or air gun target range area shall be based on the number of firing lines in the range measured at a length of one hundred fifty (150') feet x fifteen (15') feet wide for each firing line.
  - (c) Rifle target range area shall be based on the number of firing lines in the range measured at a length of three hundred fifty (350') feet x fifteen (15') feet wide for each firing line.
  - (d) Long distance target shooting range area shall be based on the number of firing lines in the range measured at a length of three hundred fifty (350') feet x fifteen (15') feet wide for each firing line.
  - (e) A minimum of forty (40) acres shall be required for competition archery field course or hunter's course with 48 stations at a total course length of approximately five thousand (5,000) feet in length. Non-competition archery field courses and hunters courses shall require 0.83 acres for each shooting station in the range.
  - (f) A minimum of twenty (20) acres shall be required for skeet and trap shooting. (Approximately 1000' x 1000' of shooting area).
- (4) Archery range uses shall meet the following requirements:
- (a) Each archery target shall be equipped with a wood backstop at a minimum height of seven (7') feet; earth berm at a minimum height of seven (7') feet, or natural backstop (i.e. hill, slope or combination thereof).
  - (b) All firing lines shall have a twenty-five (25') foot over-flight zone.
  - (c) Field courses and hunter courses shall be constructed with safety barriers on all targets to protect patrons, spectators, and the public at large.

- (d) For large field and hunter courses (ten (10) acres or more), emergency communication facilities should be provided on the course.
- (5) All ranges shall be oriented with a north-south axis as best possible. Competition archery field and hunter courses shall be exempt from this requirement.
- (6) All firearm ranges shall be equipped with adequate barriers to minimize and reduce noise. The barriers may be in the form of natural hills or man-made berms. Barriers should be of adequate height to restrict noise from leaving the range.
- (7) All bullets and arrows shall be restricted to the range property. Safety baffles in the form of a structure, series of structures, barriers, side berms or natural contours shall be provided to restrict projectiles from leaving the property. Safety baffles shall be maintenance free, if possible.

Z. Recycling Center

In districts where permitted, recycling centers are permitted subject to the following requirements:

- 1. All operations shall be conducted within a completely enclosed building or group of buildings.

AA. Recycling Collection Facility

In districts where permitted, recycling centers for recycling paper, plastic, glass and metal products may be permitted subject to the following requirements:

- 1. All operations shall be conducted within a completely enclosed building or group of buildings.
- 2. All recycling collection facilities and related recycling containers for public drop-off shall be located on public property.

BB. Self Service Storage Facilities

In districts where permitted, self service storage facilities may be established, subject to the following regulations.

1. Parking on the property shall be located in driving/parking lanes located adjacent to the storage buildings. These multi-use lanes shall be at least twenty-six (26') feet wide where storage cubicles open onto one side of the lane only, and at least thirty (30') feet wide when cubicles open onto both sides of the lane.
2. Required parking spaces is intended for renter use and may not be rented as, or used for vehicle storage.
3. Additional external storage area may be provided for the storage of privately owned travel trailers and/or boats. These storage areas shall not be located in the front yard and shall screened along adjoining residentially zoned land and public streets with Level 3 screening in accordance with Article 14, Section 1403.
4. External storage areas are not to be used for vehicles that are partially dismantled, wrecked, or inoperative.
5. All storage shall be kept within an enclosed building except that the storage of flammable, highly combustible, explosive or hazardous chemicals shall be prohibited. Any fuel tanks and/or machinery and apparatus' relying on such fuels and chemicals shall be stored in a external storage area only.
6. Because of the danger from fire or explosion caused by the 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.
7. Doors for any self service storage facility shall be oriented to face away from any existing residential uses and residentially zoned property.
8. Self service storage facilities are to be used for the "dead" storage of property. The following uses are prohibited upon a self service storage facility site:
  - a. auctions;
  - b. commercial whole sale sales;
  - c. commercial retail sales;
  - d. garage sales;

- e. servicing and repair of motor vehicles, trailers, boats, lawn mowers, appliances or other similar equipment;
  - f. operation of power tools, spray painting equipment, table saws, lathes, compressors, kilns, compressors, and similar equipment;
  - g. transfer and storage businesses;
9. All self service storage facilities shall be surrounded by a fence at least six (6') in height.
  10. All outdoor lighting shall be sufficient to discourage vandalism and theft. Direction, intensity and glare of lights shall controlled by the lighting requirements of Article 14, Section 1404.

CC. Service Station, Self Service Station, Repair Garage

In districts where permitted, service stations shall be subject to the following safeguards and regulations:

1. All driveways and service areas shall be paved with a surfacing material approved by the Township.
2. Driveway areas and service areas shall be distinguished from sidewalk areas by painted lines.
3. Motor vehicles shall not be permitted to be parked or to stand on sidewalk areas.
4. Minimum frontage on an interior lot shall be not less than one hundred twenty-five (125') feet and on a corner lot on a side street not less than one hundred (100') feet and the front street not less than one hundred twenty-five (125') feet.
5. Gasoline pumps shall be set not less than twenty-five (25') feet from any street line.

DD. Townhouses

In districts where permitted, townhouses shall comply with the following:

1. There shall be not more than eight (8) attached units in a row.

2. Individual units may be subdivided and contained on individual lots only when served by community sewerage and water facilities.
3. All other applicable provisions of this Ordinance.

EE. Unattended Self Service Fuel Facilities

In districts where permitted, unattended self service fuel facilities may be established subject to the following requirements:

1. The applicant shall provide evidence to the Zoning Officer that the unattended self service fuel facility has been developed in accordance with PA Department of Labor and Industry fire safety standards (Chapter 37 of the PA Code) and Act 32 (Storage Tank and Spill Prevention Act of 1989), and/or PA Title 25, Chapter 245, with regards to lead detection, spill or overflow protection, electrical standards, required fire extinguishers, spacing between public facilities and buildings, required shut-off devices and similar requirements.
0. The use shall front on a Major Collector or Minor Collector road as identified in the Lykens Township Comprehensive Plan
1. All structures related to the Station (kiosks, gasoline pumps, air compressors, phone booths) shall be set back at least thirty (30') feet from any street right-of-way line
2. All ventilation equipment associated with fuel storage tanks shall be set back one hundred (100') feet, and oriented away from residentially zoned areas.
3. For facilities fronting on one road, the following standards for access shall apply:
  - a. access drives shall have a minimum length from the road of twenty-five (25') feet.
  - b. the maximum width of access driveways shall be thirty-five (35') feet.
  - c. access drives shall have a minimum separation of seventy-five (75') feet. The separation distance will be measured from inside edge to inside edge

3. Outdoor storage of parked cars, vehicles and other materials shall be situated away from the pump systems to allow for free flow of vehicles and access for emergency vehicles. External storage areas shall not be located in the front yard and shall be screened along adjoining residentially zoned land and public streets with Level 3 screening in accordance with Article 14, Section 1403.

### **Section 1903. ACCESSORY USES AND STRUCTURES**

Accessory uses and structures shall be permitted only when customarily incidental and accessory to a lawfully permitted use of a lot and/or building and subject to requirements of this ordinance.

#### **A. Animal Grazing and Containment**

In any residential district, when associated with a single-family residential use, property owners may be permitted to contain grazing animals, subject to the following requirements:

1. Such animals are owned by the property owner, or property lessee with written permission of the property owner.
2. The location and use of such animals on the property is not for commercial or business purposes. The use and/or consumption of such animals is limited to the inhabitants of the property.
3. The grazing animals permitted by this provision and the ratio of animal to open grazing area shall be as follows:
  - a. 1 horse (equine) per acre
  - b. 1 cattle (bovine) per acre
  - c. 1 - 3 sheep (ovine) per acre
  - d. 1 - 3 goat (caprine) per acre

The grazing area ratio per type of animal shall not be overlapping.

4. The required grazing area shall be located within the side and/or rear lot areas.

5. The grazing area shall be enclosed with a fence of suitable construction to provide for safe and adequate confinement of all animals proposed to be located on the property.
6. The grazing area shall not include any portion of the minimum permitted lot area per dwelling unit of the zoning district in which located.
7. The storage of manure shall not be permitted within one hundred (100) feet of the applicable property lines. The manure storage area must be located within the required grazing area.

B. Accessory Apartments

Where permitted, an accessory apartment may be created in a single-family detached dwelling, provided that:

1. The apartment will be a complete and separate housekeeping unit that can be isolated from the original unit.
2. Only one (1) apartment will be created within a single-family detached dwelling unit.
3. The owner(s) of the residence in which the accessory unit is created shall occupy at least one (1) of the dwelling units on the premises, except for bona fide temporary absences.
4. The accessory apartment shall be designed so that, to the degree feasible, the appearance of the building remains that of a single-family detached dwelling.
5. The design and size of the apartment conforms to all applicable State and Township standards/codes.
6. The accessory apartment shall be no more than thirty (30%) percent of the structure's total floor area nor greater than five hundred (500) square feet.
7. A minimum of three hundred (300) square feet of floor area shall be required.
8. At least a total of three (3) off-street parking spaces are available for use by the owner-occupant and tenant.

9. Unless specifically exempted from the Township Subdivision and Land Development Regulations, the application for an accessory apartment shall be processed as a land development plan.

C. Antennas - Satellite Dish

Radio and Television antennas and satellite dish antennas shall be a permitted accessory use in any district and shall comply with the following requirements:

1. All dish antennas shall meet the yard setback and height limitations for the zoning district in which they are located.
2. Distance of any guy anchorage or similar device shall be at least ten (10) feet from any property line.
3. No antenna shall be in excess of a height equal to the distance from the base of the antenna to the nearest overhead electrical power line less five feet.
4. Applications for a permit must include construction drawings showing proposed method of installation, structural engineering analysis, and site plan depicting antenna on the property. At the request of the Zoning Officer, documentation of a maintenance program may be required. A permit shall not be required for residential satellite dish antennas.
5. The owner of such an antenna shall assume complete liability in case of personal or property damage.

D. Fences or Walls

Fences and walls shall be a permitted accessory use in any district and shall comply with the following requirements:

1. Fences and walls in the (C), (A), (A-R), (R), and (V) Districts shall be erected to a height not more than four (4') feet in any front yard and more than six (6') feet in any other yard. (Livestock fences, required junk yard, tennis courts, or other retainer walls of a buildings shall be exempt of this requirement under terms of this Ordinance).
2. Within the (C-B) and (L-I) zoning districts, no fence or wall shall be erected to a height of more than ten (10') feet in any yard.

3. A fence or wall that blocks motorist view and impairs sight distance vehicles operators entering or exiting a property or public road shall not be permitted.
4. If the fence is wood covered on wood frame, the framework must face onto the interior of the lot, unless the fence is so designed as to provide equal frame and cover area to adjoining yards.
5. If the fence is open metal mesh, supported by posts and frame of either pipe or wood, the posts and frames must be on the interior of the mesh.
6. If the fence is of masonry construction, a finished surface must be provided on the exterior side.
7. No fence shall be constructed in any street or alley right-of-way.

E. Home Occupations

Where permitted, home occupations may be established in a manner that would not be detrimental to neighboring property owners and overall community goals. The following standards have been adopted to (1) maintain residential family living characteristics in residential areas; (2) protect the quality of life promoted in residential districts; (3) preserve the residential and agricultural character of the Township from commercial uses; and (4) provide opportunities to farmers and other residents to supplement family income through small home based businesses.

All Home occupations shall comply with the following provisions:

1. Permitted Home Occupations.

The following home occupations shall be permitted in all zoning districts:

- a. art/advertising studios
- b. babysitting - up to five (5) children
- c. barber/beauty shop
- d. crafts and ceramics (kiln less than six feet)
- e. direct sale product distribution (i.e. Amway, Tupperware, etc.)
- f. dressmaking, tailoring or millinery

- g. home cleaning service
- h. home cooking, preserving, baking as approved by the PA Department of Agriculture
- i. home telephone sales
- j. lock smith
- k. private teaching music, art, or dance
- l. private tutoring
- m. professional office of a dentist, physician, lawyer, engineer, planner, accountant, consultants, real estate agent, surveyor, insurance agent, architect, etc.
- n. typing and data processing
- o. telephone answering service
- p. uses determined by the Zoning Officer to be of the same general character as those listed above.

2. Special Permitted Home Occupations.

In addition to those home occupations permitted in Section 1903.E.1 above, the following special home occupations shall only be permitted in the, (A), (C-B) and (L-I) zoning districts:

- a. appliance repair
- b. carpentry, cabinet making
- c. carriage/buggy making
- d. ceramics (kiln that is six feet or more)
- e. contracting (landscaping, masonry, plumbing or painting)
- f. farm equipment repair
- g. metal working

- h. small engine repair
- i. taxidermy
- j. television and electronics repair
- k. tow truck services
- 1. uses determined by the Zoning Officer to promote agriculture and related small commercial support activities of the same general character as those listed above.

3. Prohibited Home Occupations.

The following uses, by nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of residentially zoned areas and are more suited for commercial and industrial zoning districts. The uses specified below shall not be permitted in the (C), (A), (A-R), (R), and (V) zoning districts:

- a. dog kennel
- b. carry-out restaurant
- c. funeral chapel or home
- d. massage parlor
- e. over the counter retail sales
- f. photo developing and photo studios
- g. vehicle, boat or trailer painting
- h. repair garage
- i. vehicle sales (new and used)
- j. welding or machine shops

4. Home Occupation Standards.

- a. The home occupation shall be carried on completely within the principle dwelling or accessory building. Home occupations shall not be permitted in multi-family apartments or garden apartments.

- b. Not more than three (3) persons other than the occupants of the dwelling unit shall be employed. For special home occupations permitted in Section 1903.E.2 above, no more than six (6) persons other than the occupants of the dwelling unit shall be employed.
- c. A home occupation shall be incidental to the use of a dwelling unit for residential purposes. No more than fifty (50%) percent of the floor area of a dwelling shall be used in connection with the home occupation or for storage purposes in connection with the home occupation.
- d. The appearance of the dwelling unit structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds or vibrations that carry beyond the premises.
- e. There shall be no exterior display or sign (except as permitted in the regulation of signs in this ordinance), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building.
- f. Articles sold or offered for sale shall be limited to those produced on the premises or to articles which are clearly incidental to the home occupation and directly related thereto, such as hair care products by a barber or beautician.
- g. All home occupations shall comply with the performance standards of this ordinance with regards to noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- h. Off-street parking shall be provided in accordance with the provisions of Article 17 - Parking Requirements. In addition to private employee vehicles, only one business related vehicle may be parked on the premises. Such business related vehicle may only be a passenger car, station wagon, van, or pickup truck not exceeding one ton capacity. Business identification is permitted to appear on the business vehicle.

F. Man-made Lakes and Ponds

Man-made lakes and ponds and any dams and impoundments used in connection with them shall be a permitted accessory use in any district and shall comply with the following requirements:

1. Construction.

The construction of any man-made lake, pond, impoundment or dam located along and connected to a stream which involves any of the following shall be permitted only when a permit from the PA Department of Environmental Protection, Bureau of Dams and Waterways, Division and Dam Safety is obtained, or a letter from DEP indicating that a permit is not required for the proposed lake, pond, dam or impoundment:

- a. The dam, pond or impoundment contains a volume of more than fifty (50) acre feet. (example: 50 acres 1 foot deep, 5 acres 10 feet deep);
- b. The dam reaches a height of fifteen (15') feet;
- c. The lake, pond, and dam impounds water from a watershed of more than one hundred (100) acres.

2. All dams, ponds and impoundments not contiguous to a stream that have an intake, outlet, or embankment within fifty (50') feet of a stream shall require a permit from PA DEP, Bureau of Dams and Waterways, Division of Waterways and Storm Water Management.

3. All lakes, ponds, dams or impoundments that meet the requirements of this ordinance shall be located at least seventy-five (75') feet from all adjoining lot lines, as measured from the closest point of the adjoining property line to the maximum anticipated water surface elevation.

4. All lakes, ponds, dams or impoundments, including storm water management basins, shall be located at least fifty (50') feet from any subsurface sewage disposal system or well.

5. All lakes, ponds, dams or impoundments, including storm water management basins, shall be designed by an engineer and include a statement by the qualified engineer stating that the proposed facilities are properly constructed and will not pose a threat to the environment and public safety during normal flow of conditions and conditions associated with a flood.

6. All lakes and ponds shall be regularly maintained and floating debris shall be removed from all pipes and spillways. Ground cover shall be trimmed and weeds and brush should be controlled in spillways.

7. Fencing.

Fencing around lakes and ponds should be provided where livestock will be held to prevent shore trampling and excessive water pollution.

G. Ornamental Ponds - Wading Pools

Small ornamental ponds or wading pools shall be a permitted accessory use in any district and shall comply with the following requirements:

1. All such structures shall be located within the required building setback of the district where they will be constructed;
2. All ornamental ponds and wading pools shall be maintained so as to not pose a nuisance to neighboring properties by reason of odor, or the harboring of insects;
3. No such ornamental pond(s) or wading pools shall be used for the commercial hatching of fish or other species.

H. Outdoor Storage - Domestic Compost

The placement of framed enclosure for compost as an accessory residential use is permitted. These structures are subject to all building setback requirements for the district in which they are located. Only waste materials from the residential use shall be deposited in the compost, and in no case shall meat, or meat by-products, be composted. All composts shall be properly maintained so as not to become a nuisance to nearby properties.

I. Outdoor Storage - Dumpsters and Other Waste Storage Facilities

All multifamily residential and non-residential buildings or uses shall include adequate facilities on site for the proper storage of solid wastes in accordance with the provisions of the Township or County refuse collection regulations and as hereinafter provided:

1. All trash dumpsters in multi-residential developments shall be located within a side or rear yard and screened with Level 3 screening in accordance with Article 14, Section 1403.

2. Storage areas shall have hardened, stabilized surfaces with outdoor areas constructed to prevent accumulation of rainfall.
3. Storage areas shall be located such that collection vehicles will not obstruct the public street or otherwise violate Township regulations while parked for collection of refuse and shall be provided with access ways facilitating ready deposit and collection of refuse.
4. Storage areas shall be of sufficient size to accommodate the container capacity required to store the refuse accumulation between collections, but shall not be less than four by eight (4' x 8') feet in size or of other dimensions providing an approved equal space.

J. Outdoor Storage - Firewood

The outdoor storage of stacked firewood as an accessory residential use is permitted in any district subject to following requirements:

1. For safety reasons, stacked firewood for residential uses shall not be stacked in excess of five (5') feet in height.
2. Firewood shall be stored no closer than six (6') feet from any property line.
3. In the (A-R), (R), and (V) zoning districts, firewood shall not be stored in a front yards.
4. Stacked not be stored in the street right-of-way or in any location that will diminish vehicle sight distances.

K. Outdoor Storage - Junk

Junk, as defined in this ordinance, is not an adjunct or accessory residential use, and is therefore prohibited in residential districts. This is not intended to apply to solid waste normally generated by residences and temporarily stored for proper and periodic disposal. The purpose of this provision is intended to avoid conflict among and between neighbors over outdoor storage of materials and equipment that detract from the aesthetics, health, and property values of such areas.

L. Outdoor Storage - Recreation Vehicles

Within any residential zone, or upon any property used principal use is a residential dwelling, outdoor storage of recreational vehicles, boats, travel trailers, trucks, and trailers used for transport shall be permitted, subject to the following regulations:

1. Stored recreational vehicles shall not be connected to utilities, including water and sewer.
2. No recreational vehicle shall be stored in from of the building setback line. On vacant lots, the vehicle must be stored behind the required front yard setback line for principle uses of the district.
3. All areas used for storing recreational vehicles shall be maintained so as to keep vegetation properly trimmed and debris or litter properly disposed.
4. The above standards shall not be interpreted to prevent unenclosed storage of recreational vehicles without current, valid license plates and inspection, if such storage is performed in conjunction with the legal operation of a recreational vehicle sales establishment, a recreational vehicle service or repair establishment, or junkyard.

M. Outdoor Storage - Trash, Garbage, and Refuse

1. Except for Junk Yards and Land Fills permitted in accordance with Article 20, Section 2004.K and Section 2004.L of this ordinance, the outdoor accumulation of trash, garbage, refuse and junk shall be prohibited for a period exceeding fifteen (15) days.
2. In commercial and industrial districts no processing or storage activity shall be permitted outside an enclosed building or structure unless such activity is effectively screened from adjacent residential uses and a public street from Level 3 screening in accordance with Article 14, Section 1403.

N. Outdoor Storage - Unlicensed Vehicles

Unlicensed, unregistered, uninspected and inoperable vehicles are permitted to be located on a parcel in a residential and conservation district, subject to the following requirements:

1. Storage and repair activities of the vehicle and related parts/equipment must be contained in an enclosed structure..
2. Two vehicles may be permitted to be stored outside, providing it is neatly covered or effectively screened from adjacent residential uses with Level 3 screening in accordance with Article 14, Section 1403 of this ordinance.

3. The requirements of this section shall not be applicable to farm implements and other farm vehicles not normally used as a means of transportation on public roads.
4. The above standards shall not be interpreted to prevent unenclosed storage of motor vehicles without current, valid license plates and inspection, if such storage is performed in conjunction with the legal operation of a motor vehicle sales establishment, a motor vehicle service or repair establishment, or junkyard.

O. Private Personal Motor Vehicle Maintenance and Repair

Routine maintenance, repair and servicing of personal motor vehicles shall be permitted as an accessory use outside of a completely enclosed building by the owner or person leasing the vehicle. In the (A-R), (R), and (V) zoning districts, personal motor vehicle maintenance and repair shall meet the following requirements:

1. All vehicle shall have proper license and registration.
2. All work shall be performed on the vehicle owners property of residence.
3. Vehicle work shall be limited to the following:
  - a. Minor service and replacement of spark plugs, batteries, distributors, distributor parts, tires, wheels, water hoses, fan belts, brake fluids, transmission fluid, oil filters, air filters, oil, grease, light bulbs, fuses, floor mats, carpeting, seat covers, seat belts, windshield wipers, mirrors, engine coolants, radios, tape players, amplifiers, speakers, fuel pumps, oil pump, line repairs, electrical system repairs and carburetor adjustments; motor work involving the removal of the motor head or crankcase; replacement of body parts; repainting the vehicle body and, application of undercoating.
4. Major vehicle work such as recapping and regrooving tires is prohibited with residential uses.

P. Private Yard and Garage Sales

In districts where permitted, private yard and garage sales may be conducted subject to the following requirements:

1. Such sales are limited to three (3) per year per dwelling unit.

2. All activities are conducted in such a manner that no hazards, nuisances, or traffic safety problems are created.
3. Vehicular parking shall not be permitted within the cartway or berm, and such pull-off area shall be designated such that vehicles need not back onto the cartway to exit.
4. The duration of such a sale shall not exceed three (3) consecutive days.

Q. Roadside Stands

Such a structure and use may be permitted, provided the following are complied with:

1. A Highway Occupancy Permit shall be obtained from the appropriate State or municipal authorities for any access or pull-off areas.
2. Vehicular parking shall not be permitted within the cartway or berm, and such pull-off area shall be designated such that vehicles need not back onto the cartway to exit.
3. No structure shall be located closer than twenty-five (25) feet from the edge of the cartway.
4. No hazards to pedestrians or vehicular traffic shall be created.

R. Solar Collectors and Related Equipment

1. Solar collectors and solar-related equipment shall be permitted in any district as an appurtenance to a building or as a detached accessory structure.
2. When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of the solar collector to be protected is defined by the following:
  - a. The portion located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. by a hypothetical twelve (12') foot obstruction located on the lot line; and
  - b. The portion which has an area of not greater than one-half of the largest floor area of the structure served.

3. This subsection does not apply to accessory structures or vegetation existing on an abutting lot at the time of installation of the solar energy collection system, or on the effective date of this Article, whichever is later. This subsection controls any accessory structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.
4. A statement that a solar energy collection system is to be installed on a lot shall be filed with the Township Zoning Officer on the date the zoning permit for the solar system is issued, with the date of installation being the date of recordation. The solar facility must be completed and the Zoning Officer notified of completion, within one (1) calendar year from the date of permit issuance.

S. Swimming Pools

In districts where permitted as an accessory use, swimming pools shall be placed and constructed in accordance with the following requirements:

1. The property or the immediate area in which any outdoor pool capable of containing water twenty-four (24) inches or more in depth shall be completely surrounded by a fence or wall not less than four (4) feet in height which may be so constructed to have openings, holes, or gaps not larger than four (4) inches in any dimension. Should the wall of the pool be above ground, the height of a required fence on the wall may be reduced so that the total height of the wall of the pool and the fence shall be not less than four (4) feet. When located in a required yard, any portion of a fence which exceeds four (4) feet in height shall have openings equal to fifty (50) percent or more of the area, over four (4) feet in height, and such fence shall not exceed six (6) feet in height.
2. A dwelling, accessory building, or decorative wall feature may be used as part of such enclosure (fenced area).
3. All gates or doors opening through the fence shall be equipped with a self-closing and self-latching and locking device for keeping the gate or door securely closed when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
4. It may not be located, including any walks, or paved areas or accessory structures adjacent thereto, closer than twenty (20') feet to any property line of the property on which located, nor closer to any street than the minimum building setback line permitted for the District in which it is located.

5. All materials used in the construction of private pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operated in such a manner as to be clean and sanitary at all times.
6. Pools shall not be connected to a sanitary sewerage system, and all waters from the pool shall be discharged in such a manner that another person's property is not damaged or affected by the discharge of the said water. Water may be discharged from a swimming pool into a street, if proper drainage facilities are available and with the permission of the governing body.
7. Enclosed indoor pools must comply with applicable regulations pertaining to accessory structures.

T. Wind Energy Conversion Systems

Were permitted, windmills, windwheels, or wind energy conversion systems (WECS) shall be subject to the following conditions:

1. The structure supporting the wind rotor unit, including any necessary guideposts and supporting cables, shall be independent of any occupied structure and located a minimum distance of the tower height plus ten (10) feet from any existing aerial utility line or occupied dwelling, and shall not be more than seventy-five (75') feet in height.
2. The minimum distance between the tower and any property line shall be not less than twice the height of the tower.
3. The minimum distance between grade and the lowest point of the rotor blade shall be twenty (20') feet.
4. All electric lines/utility wires shall be buried underground.
5. Any mechanical equipment associated and necessary for operation, including a building for batteries and storage cells, shall be enclosed by a six (6') foot fence. The supporting structure shall also be enclosed by a six (6') foot fence, unless the base of the tower is not climbable for a distance of twelve (12') feet.
6. When a building is necessary for storage cells or related mechanical equipment, the building shall not exceed 140 square feet.

7. One windmill, windwheel or W.E.C.S. shall be permitted per lot.
8. The resultant energy harnessed from the wind shall not be used on property other than that on which located, unless all applicable cogeneration requirements are met.
9. The supporting structure and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the supporting structure and related structures shall be dismantled and removed from the property within sixty (60) days.

#### **Section 1904. PROHIBITED USES**

A. The following uses are prohibited in all districts throughout the municipality.

1. The incineration, reduction, or storage of garbage, offal, animals, or refuse, unless by the authority of or under the supervision of Lykens Township. Such activities shall be permitted when properly conducted as an adjunct to a bona-fide farming/agricultural operation. Standards for determining proper conduct of such farming/agricultural activities shall be as set forth by the Pennsylvania Department of Agriculture, Dauphin County Conservation District, Pennsylvania State University Cooperative Extension Service, and U.S. Department of Agriculture Natural Resource Conservation Service.
2. Incineration which is generally accessory to and conducted by individual homeowners is permitted, subject to the rules and regulations of the Pennsylvania Department of Environmental Protection. In furtherance of the Pennsylvania Solid Waste Management Act and related Commonwealth goals, recycling and composting activities are permitted as an adjunct to residential uses.
3. Dumps and dumping of any kind, other than an approved sanitary land fill, unless by the authority of or under the supervision of the Township. Solid waste activities shall comply with the Dauphin County Solid Waste Management Plan.
4. Automobile wrecking, salvage, and junk yards, except when approved by the Township, in that case only when located in the (L-I) Light-Industrial District.
5. Race tracks for stock cars, midget cars, and other motorized vehicle racing.

6. Head Shops. No person shall operate a head shop or any other business which involves, in whole or in part, the sale, lease, trade, gift, or display for sale of any and all types of drug paraphernalia in any zoning district within the Township.
7. Massage parlors, in which there exists:
  - a. The offering or furnishing of service in which "Specified Sexual Activities;
    - (1) The treatment of any person of the opposite sex, except upon the signed order of a licensed physician, osteopath, chiropractor, or registered physical therapist, which order shall be dated and shall specifically state the number of treatments, not to exceed ten (10). The date and hour of each treatment given and the name of the operator shall be entered on such order by the establishment where such treatments are given and shall be subject to inspection by police. The requirements of this provision shall not apply to treatments given in the residence of the patient, the office of a licensed physician, osteopath, or registered physical therapist, chiropractor, or in a regularly established and licensed hospital or sanitarium.
    - (2) The massage of, or physical contact, with the sexual or genital parts of one person by any other person. Sexual or genital parts shall include the genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.
    - (3) The failure to conceal with a fully opaque covering, the sexual or genital parts of the body.

#### **Section 1905. USES NOT PROVIDED FOR**

Whenever in any district established under this ordinance, a use is neither specifically permitted or denied and an application is made by a property owner to the Zoning Officer for such use, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall have the authority to permit the use or deny the use. The use may be permitted if it is similar to and compatible with permitted uses in the district and in no way is in conflict with the general purpose and intent of this ordinance.

#### **Section 1906. MULTIPLE PRINCIPAL USES**

More than one principal use may be erected on a single lot provided that all lot, yard, buffering, screening, parking, and other standards and requirements of this ordinance shall be met for each structure, as though it were on an individual lot. In addition, such proposals shall gain approval for a land development plan, and provide individually approved methods of sewage disposal.

#### **Section 1907. HEIGHT REGULATIONS**

- A. No principal building shall be erected to a height in excess of thirty-five (35) feet.
- B. Height regulations shall not apply to any of the following provided the use is not for human occupancy: agriculture buildings, spires, belfries, cupolas, domes, chimneys, ventilators, skylights, water tanks, bulkheads, public utility poles or towers, silos, and ornamental or necessary mechanical appurtenances.
- C. For all residential uses, accessory buildings shall not exceed fourteen (14') feet in height. In the (A) and (A-R) districts, accessory buildings shall not exceed twenty-four (24') feet in height.

#### **Section 1908. LOT AREA AND LOT WIDTH REGULATIONS**

- A. Unless otherwise specified in this ordinance, lots not served by both a public water system and a public sanitary sewer system, shall be not less than one hundred (100) feet wide at the street right-of-way line and shall contain an area of not less than one (1) acre.
- B. On a unimproved lot held in single and separate ownership at the effective date of this Ordinance which does not fulfill the regulations for the minimum lot area and width for the district in which it is located, a building may be erected, altered, and used thereon providing the yard space is not less than the minimum specified herein, (and further that the proposed sanitary sewer system and water system is approved by the PA Department of Environmental Protection).
- C. The area, width, and depth of lots shall provide adequate open space for off-street loading, unloading and/or parking space. When necessary, septic tanks and drain fields shall be provided with open space in addition to the open space required for off-street parking, other paved areas, and the area covered by the main building and buildings and structures accessory thereto.
- D. In any district where residential structures are permitted and where a lot is held in single and separate ownership at the effective date of this Ordinance, only one (1) single-family dwelling may be erected on a lot with a lot width less than required for the zoning district.

#### **Section 1909. YARD REGULATIONS**

Yards shall be provided in accordance with the provisions set forth herein and shall be planted with trees, shrubs, grass seed, sod, ground cover excepting in cases where walks, access drives, off-street parking lots, patios and other types of surfaces are permitted by this ordinance. All yards shall be maintained and kept free of all debris and rubbish.

A. Front Yards - Setbacks

1. Where the street or private road upon which the lot abuts is less than fifty (50) feet in width, the front yard depth and the width of the side yard abutting the street or private road shall be measured from a line parallel to and not less than twenty-five (25) feet from the center line of the street or private road.
2. Double frontage lots shall provide the required front yard along each street. Residential double frontage lots are not permitted.

B. Front Yards - Adjustments to Setbacks

1. When an unimproved lot is situated between two (2) improved lots, each having a principal building which extends into the required front yard and has been so maintained since the effective date of this Ordinance, the setback in the front yard of such unimproved lot may be the same depth of the front yards of such two (2) adjacent improved lots, notwithstanding the yard requirements of the district in which it is located.
2. Where an unimproved lot adjoins only one improved lot containing a principal building within twenty-five (25) feet of the common side lot line, which extends into the required front yard, the setback in the front yard of such unimproved lot may be the average depth of the front yard of such adjacent improved lot and the front yard required for the district notwithstanding the yard requirements for such district.

C. Side Yards

1. On a corner lot, the side yard abutting the street shall have a width equal to the depth of the front yard required in the district and shall be subject to all front yard requirements of this ordinance.
2. Side yards shall be provided according to the following requirements:

- a. On interior lots with a width of fifty (50) feet or more, two (2) side yards shall be provided as required by the district regulations.
  - b. On corner lots with a width of fifty (50) feet or more, two (2) side yards shall be provided. The exterior side yard may be reduced by the number of feet by which the lot width is less than the district requires, but may not be reduced to less than the required interior side yard. The interior side yard shall be provided as required by the district regulations.
  - c. On lots less than fifty (50) feet but not less than twenty-seven (27) feet in width, two (2) side yards shall be provided, each equaling twenty (20%) percent of the lot width.
  - d. On lots less than twenty-seven (27) feet but not less than twenty (20) feet in width, the building shall be sixteen (16) feet in width and only one (1) side yard shall be provided, equaling in width the difference between the lot width and sixteen (16) feet. One (1) side wall of the building shall be constructed abutting the lot line without openings, but shall not be constructed as party walls.
  - e. On lots less than twenty (20') feet in width, a building shall be constructed the full width of the lot. Side walls abutting the lot lines shall have no openings and shall not be constructed as party walls. For such dwellings, constructed to a depth of more than two (2) rooms, a court not less than six (6') feet in width shall be provided, abutting the side wall for all rooms beyond the second room.
3. Where a side wall of a building is not parallel with the side lot line, or where a side yard is irregular, the average side yard may be considered the required minimum width, provided that the side yard shall not be narrower than five (5') feet nor less than one-half (1/2) the required minimum width at any point. The average side yard shall be determined by establishing the average distance from the two closest corners of the principle building and the side property line. The averaged side yard distance shall be measured from the center of the principal building.

#### D. Rear Yards

1. In the case of an irregular, triangular or gore shaped lot, the required minimum depth of a rear yard may be averaged, provided that no rear

yard so averaged shall be less than ten (10') feet nor one-half (1/2) the minimum depth at any point. The average rear yard shall be determined by establishing the average distance from the two closest corners of the principle building and the rear property line. The averaged rear yard distance shall be measured from the center of the principal building.

E. Accessory Buildings and Uses in Front, Side and Rear Yards

1. Except for driveways, parking shall not be permitted in a front yard within a residential district.
2. An accessory building may be erected within the side, rear, or front yards as follows:
  - a. An accessory building may be attached to the main building.
  - b. When not attached to a main building, the accessory building, shall be not less than ten (10) feet from the main building; except that when no windows are located in the opposing walls the minimum distance can be reduced to five (5) feet.
  - c. When a side or rear yard is along an alley the accessory building shall be located not less than twenty (20) feet from the center line of the alley.
  - d. When constructed in a rear yard the accessory building may be located not less than twenty-five (25') feet from the rear lot line.
  - e. When constructed in a side yard, the accessory building shall be no less than fifteen (15') feet from the side lot line.
  - f. A carport, open on three (3) sides, may be erected within one (1) of the side yards when attached to a dwelling, provided the carport shall be not less than six (6) feet from the side lot line.
  - g. When an accessory building is erected in the side or rear yard adjacent to a side street on a corner lot, the accessory building shall be not less than the required front yard depth from the exterior side lot line, however, that when the main building exists on both the corner lot and the lot abutting the rear of the corner lot, an accessory building may erected at the average distance from the street line, established by the existing main building.

- h. When an accessory building is constructed in the front yard, it shall be in compliance with the minimum yard requirements in which the property is located.

F. Projections in Yards

1. Cornices, eaves, gutters, bay windows, and chimneys, may project into the minimum required front, side, or rear yards of a lot not more 24 inches.
2. Covered porches and carports, whether enclosed or unenclosed, shall be considered as part of the dwelling and shall not project into any minimum required yard, unless permitted under Section 1909.E.2.f.
3. Patios, wooden decks, stoops, stairs, and window wells, customarily incidental to the dwelling may project into minimum required front, side, or rear yard setbacks of a lot, a distance not to exceed forty eight (48) inches.
4. For residential single-family dwellings, driveways and adjacent parking aprons shall be located no closer than two (2) feet from a side property line.

G. Courts

Courts shall conform to the following requirements:

1. An open space in the form of an inner court or outer court shall be provided in connection with any building in any residential or business district wherever any room therein in which a person or persons live, sleep, or congregate, cannot be adequately lighted and ventilated. Such court shall be adjacent to the room, the windows of which shall open in such court. (This Section shall not apply where controlled light and/or ventilation are required, nor to climatized structures of all kinds.)
2. Outer Court.
  - a. The width of any outer court upon which windows open from a living room, bedroom, or dining room shall be not less than the height of any wall opposite such windows.
  - b. The depth of an outer court formed by walls on three (3) sides shall be not greater than one and one-half (1 1/2) times the width.

- c. The width of an outer court shall be not less than two-thirds ( $2/3$ ) the height of any opposing wall forming said court.
- 3. Inner Court.
  - a. The least dimension of an inner court shall be not less than the full height of the walls enclosing such court, but not less than fifty (50) feet for apartment buildings and not less than ten (10) feet for two-family dwellings.
  - b. An open and unobstructed passageway shall be provided for each inner court. Such passageway shall have sufficient cross-section area and headroom for the passage of fire-fighting equipment and shall be continuous from the inner court to a yard or an unobstructed open area with access to a street.

#### **Section 1910. REDUCTION OF LOT DIMENSIONS**

The area, width, or depth of any lot shall not be reduced by subdivision, sale, or development so that the lot width, lot area, lot area per dwelling unit, courts and yards, or other spaces are less than, or so that the coverage is greater, than prescribed herein.

#### **Section 1911. OBSTRUCTION TO VISION**

- A. No fence, sign or other structure shall be erected, altered and no hedge, tree, shrub, or other growth shall be maintained or permitted which may cause danger to traffic on a street or public road by obscuring the view.
- B. On corner lots, no walls, fence, sign, or other structures in excess of three and one-half ( $3\frac{1}{2}$ ) feet in height shall be erected or altered, and no hedge or other plant material in excess of three and one-half ( $3\frac{1}{2}$ ) feet in height shall be permitted within twenty-five (25) feet in any direction of the intersection of the street right-of-way.

#### **Section 1912. HABITABLE FLOOR AREA**

- A. The minimum habitable floor area of a dwelling unit or any building or structure hereafter erected or used for living purposes, shall be seven hundred (700) square feet. In case of apartment units and conversion/accessory apartments, the minimum habitable floor area shall be not less than five hundred (500) square feet per apartment, except those apartments designed for and occupied

exclusively by one person, which apartment shall each contain not less than three hundred (300) square feet of habitable floor area.

**B. Habitable Floor Area Reduction.**

The minimum habitable floor area regulations may be reduced for mobile homes, camping trailers and cabins, when located in a mobile home park, recreation vehicle park or camp approved by the Pennsylvania Department of Environmental Protection and the Township and when used for temporary living quarters. In any district where single family dwellings are permitted, the Township Zoning Officer may authorize the reduction of minimum habitable floor area for a single family dwelling to six hundred (600) square feet provided all the following standards are met:

1. The reduction will not alter or interfere with the present character of the neighborhood.
2. The reduction will not substantially retard or reduce the development potential of the adjacent properties.
3. The reduction will not be hazards or detrimental to the public health and welfare.

**Section 1913. PERMANENT/TEMPORARY OCCUPANCY REQUIREMENTS**

No persons or family shall be permitted to permanently reside within any tent, travel trailer, bus, boat, camper, or motor home. However, temporary occupancy of a tent, travel trailer, camper, or motor home shall be permitted within an approved campground, Recreational Vehicle Park or for periods of up to fourteen (14) days in any calendar year on the property of a friend or relative.

**Section 1914. ROADWAY CLASSIFICATION**

For the purposes of this ordinances, public roads shall be classified in accordance with the Lykens Township Comprehensive Plan, Map 16 - Transportation Plan, as amended.

**Section 1915. REQUIRED NUTRIENT MANAGEMENT PLANS**

All intensive agriculture animal operations with more then two thousand (2,000) pounds live weight of livestock or poultry per acre shall comply with the Pennsylvania "Nutrient Management Act" of 1993, as amended.

**Section 1916. WASTE AND SEWAGE DISPOSAL**

All methods and plans for the on-lot disposal of sewage and wastes shall be designed in accordance with all applicable regulations pertaining to the treatment and disposal of sewage and wastes. A certificate or statement of adequacy from the Department of Environmental Protection shall be a prerequisite to the issuance of a building permit.

- A. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation or which will destroy aquatic life, be allowed to enter any stream.
- B. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors unless enclosed in containers which are adequate to eliminate such hazards.

#### **Section 1917. HAZARDOUS WASTE**

The temporary or permanent storage and transportation of hazardous waste, as defined in Article 2, herein, shall comply with the following conditions:

- A. All activities that generate, store, use, transport, and dispose of materials and substances regulated by this Section shall possess all applicable permits required by the Township, Pennsylvania, Department of Environmental Protection, United States Environmental Protection Agency, and any other agency having jurisdiction over such use.
- B. All activities and operations must be in compliance with the provisions of the Pennsylvania Solid Waste Management Act, as amended. Further, such activities shall be in compliance with the following Pennsylvania Department of Environmental Protection (DEP) Rules and Regulations, as amended:

Title 25. Environmental Protection  
Part I. Department of Environmental Protection  
Subpart C. Protection of Natural Resources  
Article I. Land Resources  
Chapter 75. Solid Waste Management  
Subchapter D. Hazardous Waste  
Subchapter F. Criteria for Siting Hazardous Waste Facilities

- C. As required by the above reference to regulations administered by the Pennsylvania Department of Environmental Protection, a copy of the Preparedness, Prevention and Contingency Plan shall be maintained at the site and submitted to the local police department, fire departments, hospitals, and emergency response teams that may be called upon to provide emergency

services. A copy shall concurrently be filed with the Township Zoning Officer to verify compliance with this section of the Zoning Ordinance. The Plan and copies furnished shall be maintained in current condition as a responsibility of the facility owner.

- D. Unless greater restrictions apply through the agencies identified in Section 1. above, no use regulated by this Section shall be established:
1. Within 200 yards of any dwelling, church, school or any other building or buildings which from time to time are utilized for human occupancy.
  2. Within 200 yards of:
    - a. Any body of water.
    - b. Any well.
    - c. Any water intake for a water supply system.
  3. In addition to any and all setbacks required by this Ordinance, any use regulated by this Section shall also be subject to the following:
    - a. A chain link fence, a minimum of eight (8') feet in height with at least a one (1') foot, three (3) stranded course of outward slanting barbed wire extension, shall completely encircle the premises, with any gates locked during nonbusiness hours.
    - b. A buffer yard of seventy-five (75') feet shall be maintained along all adjoining property lines. No structures, other than an approved fence or an earthen retaining mound shall be permitted within the buffer yard.

#### **Section 1918. CONTROL OF TRAFFIC AND PROTECTION TO PUBLIC SAFETY**

- A. The application for a permit for any and all uses shall be accompanied by a site plan showing building location, service and parking areas, and access to highways. Where a driveway or access road gives access to a State road or highway, approval by the Pennsylvania Department of Transportation shall be required.
- B. Where a driveway or access road gives access to a Township road, approval by the Lykens Township Board of Supervisors shall be required.

#### **Section 1919. DRAINAGE REGULATIONS**

- A. Prior to obtaining a permit for any construction or earthmoving activities the applicant must submit an erosion and sedimentation control plan and surface water management plan for approval by the Dauphin County Conservation District.
- B. Such plans shall be in conformance with those engineering standards deemed acceptable by the Township Engineer.

## **ARTICLE 20**

### **CONDITIONAL USES**

#### **Section 2001. PURPOSE**

In addition to the procedures and requirements of this ordinance, the Township Board of Supervisors may grant and deny conditional uses in accordance with Section 913.2 of the PA Municipalities Planning Code, Act 247. The following procedures and standards must be satisfied prior to approval of any application for a conditional use. The applicant shall be required to demonstrate compliance with these standards and furnish any evidence necessary to demonstrate such compliance. All uses must comply with the standards expressed within each underlying zone unless those standards expressed for each conditional use specify different standards; in such cases, the conditional use standards shall apply.

#### **Section 2002. FILING OF A CONDITIONAL USE**

For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use application must show:

- A. Names and addresses of adjoining property owners including properties directly across a public right-of-way.
- B. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
- C. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

#### **Section 2003. GENERAL CRITERIA**

Each applicant must demonstrate with appropriate evidence compliance with the following:

- A. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance.
- B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
- C. The proposed use will not effect a change in the character of the subject property's neighborhood.

- D. Adequate public facilities are available to serve the proposed use (e.g. schools; fire, police and ambulance protection; sewer, water, and other utilities; vehicular access; etc.).
- E. For development within the Flood plain areas, that the application complies with those requirements listed in Article 11 of this Ordinance.
- F. The proposed use shall comply with those criteria specifically listed in Article 20, Section 2004 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.
- G. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.

#### **Section 2004. SPECIFIC CRITERIA**

In addition to the general criteria listed in Section 2003, the following sets forth specific standards that shall be applied to each individual conditional use. These standards must be satisfied prior to approval of a conditional use by the Lykens Township Board of Supervisors.

##### **A. Adult Entertainment**

Within the Commercial Business (CB) District adult entertainment uses are permitted, subject to the following specified conditions:

- 1. The applicant shall provide evidence to the Board of Supervisors that the adult entertainment uses shall meet the following standards:
  - a. No merchandise, pictures of the products, or entertainment on the premises shall be displayed in window areas or anywhere they can be viewed from a sidewalk or public street.
  - b. No building, structure, or premises shall be so constructed that private rooms or accommodations shall be offered to patrons of the business operated therein.
  - c. Location.
    - (1) Any Adult Entertainment Use shall be seven hundred and fifty (750') feet from any residential use, church, school, child care centers, public park or playground. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest

property line of the premises where an adult entertainment business is conducted, to the nearest property line.

- (2) Any Adult Entertainment Use shall be 1,000' from any parcel of land upon which another Adult Entertainment Use is located. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises where an adult entertainment business is conducted, to the nearest property line.

d. Physical Layout.

Any Adult Entertainment Use having available for customers, patrons or members, any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

- (1) Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the Adult Entertainment establishment, and shall be unobstructed by any door, lock, curtain, partition, portal partition or any other control type devices.
- (2) Each booth, room, or cubicle shall be separated from adjacent booth, room, or cubicle or any public areas by a solid wall.
- (3) Every booth, room, or cubicle shall have at least one (1) side totally open to a public lighted aisle so that there is unobstructed view at all times of anyone occupying any booth, room, or cubicle.
- (4) The lighting level of each booth, room, or cubicle when not in use shall be a minimum of ten (10) footcandles at all times as measured from the floor. The lighting level of each booth, room, or cubicle shall be a minimum of one (1) footcandle when in use.
- (5) Only one (1) individual shall occupy a booth, room, or cubicle at any time.

2. Written assurance shall be provided to the Board of Supervisors that authorization is given to allow Township Officials (i.e. Fire Marshall,

Codes and Zoning Officer, Building Inspector, Police) to inspect the premises for the purpose of ensuring compliance with this Ordinance or other laws, at any time that the Adult Entertainment use is occupied or open for business.

B. Airport

Within the Agriculture (A) District and Light Industrial (L-I) District, airports are permitted, subject to the following special conditions:

1. The minimum lot area for an airport shall be thirty (30) acres, unless the applicant can provide evidence that a smaller area is feasible and in conformance with State and Federal regulations. Minimum area for a heliport and/or helicopter landing spaces shall be five (5) acres.
2. Evidence should be provided ensuring that all facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
3. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application.
4. No part of the take-off/landing strip and/or pad shall be located nearer than three hundred (300') feet from any property line.

C. Campground

Within the Conservation (C) District, campgrounds are permitted, subject to the following specific conditions:

1. Setbacks.  
  
All campsites shall be located at least fifty (50') feet from any side or rear property line at least one hundred (100') feet from any public street line.
2. To ensure adequate living space and parking, a campground shall be designed so that each camping space will be no less than the two thousand five hundred (2,500) square feet. Spaces for tents only shall be no less than eight hundred (800) square feet.
3. Evidence should be provided that adequate parking is provided for the campers and that parking for automobiles will not interfere with convenient and safe movement of traffic within the campground.

4. Roads constructed for campgrounds shall be provided and built in accordance with the standards set forth in the Lykens Township Subdivision and Land Development Ordinance.
5. All outdoor play areas shall be set back one hundred (100') feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be designed for exclusive use.
6. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100') feet from any property line. Such facilities shall be screened from adjoining residentially-zoned properties.
7. Any accessory retail or service commercial uses shall be set back a minimum of one hundred (100') feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially-zoned parcels.
8. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street.
9. During operation every campground shall have an office in which shall be located the person responsible for operation of the campground.
10. All water facilities, sewage disposal systems, rest rooms, solid waste disposal, and vector control shall be approved and maintained in accordance with the requirements of the PA DEP.
11. Evidence should be provided showing that all lighting shall be the minimum amount necessary for public safety and arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

D. Commercial Livestock and Poultry Farming Operations

Within the Agriculture (A) District commercial livestock and poultry farming operations are permitted, subject to the following specific conditions:

1. Any area used for the housing, feeding and watering, and/or outdoor running of livestock and poultry shall be set back one thousand (1000') feet from any residential zone.
2. The applicant shall furnish qualified evidence that the proposed use has an approved nutrient management plan that complies with the Pennsylvania "Nutrient Management Act" of 1993-6, approved by the General Assembly of the Commonwealth of Pennsylvania, and/or criteria established by the Dauphin County Animal Waste Storage and Nutrient Management Ordinance as adopted and/or revised, and/or Federal Government regulations governing the development and operation of Concentrated Animal Operations and/or Concentrated Animal Feeding Operations. All subsequent operations on the site shall be required to strictly adhere to this approved nutrient/manure management plan.
3. The applicant shall furnish evidence from the United States Department of Agriculture's Soil Conservation Service (USDA SCS) that the proposed use has an approved conservation plan.
4. Daily Cleanup.

All soil washed or carried onto public streets during any activities related to the livestock or poultry farm operation shall be cleaned up each day. The landowner shall be responsible to protect and clean up lower properties of silt and debris which have washed down onto the lower properties as a result of the operation on the higher property.

E. Country Club

Within the Agriculture-Residential (A-R) District country clubs and related facilities are permitted, subject to the following specific conditions:

1. The applicant should provide evidence that any golf course being constructed as part of the country club shall meet the conditions outlined in Article 20, Section 2004.G (Golf Courses).
2. Off-street parking shall be provided as required by the combination of elements comprising the country club, including accessory uses.
3. All outdoor recreation facilities shall be set back at least fifty (50') feet from the street right-of-way line, and twenty-five (25') feet from all other lot lines, and one hundred (100') feet from any residentially-zoned properties.

4. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building.
5. The applicant shall furnish expert evidence that all lighting of outdoor recreation areas has been arranged to prevent glare on adjoining properties and streets.

E. Dwelling (Industrialized Housing, Manufactured Home, Mobile Home, Seasonal, Single Family Detached)

Within the Conservation (C) and Agriculture (A) Districts, residential dwellings are permitted, subject to the following conditions.

1. In the Conservation (C) District:
  - a. All residential lots should have direct access to a public street.
  - b. The applicant should provide evidence as to how existing trees and vegetation between the principle structure and the street or road will be retained and protected.
  - c. The applicant should provide evidence that disturbances for the construction of roads, basins, and other improvements should be kept to a minimum.
  - d. Roads should following the existing contours, if possible.
  - e. Stone rows and tree lines that exist should be retained.
2. In the Agriculture (A) District:
  - a. All residential lots should have direct access to a public street.
  - b. To preserve open areas, promote efficient use of land for farming and minimize conflicts between residential and farming uses, residences should not be placed in open fields. Residences should be located adjacent to tree lines and wooded field edges.
  - c. For streets and driveway access, existing farm roads should be utilized if they possess safe sight distances consistent with the Township S&LD Ordinance.

- d. Existing agriculture structures such as barns and silos should be preserved where feasible.
  - e. The applicant should provide evidence that disturbances for the construction of roads, basins, and other improvements should be kept to a minimum.
  - f. Stone rows and tree lines that exist should be retained.
3. The placement of manufactured and mobile homes shall comply with the requirements of Article 19, Section 1902.S of this ordinance.

F. Flea Market

Within the Commercial Business (C-B) District, flea markets are permitted, subject to the following specific conditions.

- 1. The applicant shall provide a detail drawing that delineates all retail sales areas. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales shall include all indoor and/or outdoor areas as listed above.
- 2. The retail sales area shall be set back at least fifty (50') feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment.
- 3. All outdoor display and sales of merchandise shall cease no less than one (1) hour after dusk.
- 4. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties.
- 5. Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
- 6. All parking shall be off street parking. The applicant should provide evidence that spill over parking will be properly handled and that parking will not be directed to streets.
- 7. Access to the flea market shall not be through a residential development.

8. Overnight lodging shall be prohibited.

G. Golf Course

Within the Agriculture (A) District and Agriculture-Residential (A-R) District country club related golf courses and commercial and private golf courses are permitted, subject to the following specific conditions:

1. The applicant should provide evidence that in no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway.
2. The minimum lot area for golf courses shall be based on the following standards:

**TABLE 20-1**

TYPE OF COURSE	MINIMUM LOT AREA
Chip and Putt	25 acres
Executive Course	60 acres
Nine Hole - Regulation	75 acres
Eighteen Hole - Regulation	160 acres

3. The golf course design shall minimize golf path crossings of streets, access drives, and driveway. Easily identifiable golf paths must be provided for crossings of streets, access drives, or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives, and driveways. Golf path crossings shall conform with the following:
  - a. Each crossing shall be perpendicular to the traffic movements.
  - b. All cart crossings must be provided with a clear sight triangle of seventy-five (75') feet, measured along the street, access drive, or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five (5') feet from the edge of the roadway. No permanent obstruction over three (3') feet high shall be placed within this area.

- c. Golf path crossings shall be signed warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes.
- 4. All golf course buildings shall be set back seventy-five (75') feet from any adjoining roads and one hundred (100') feet from adjoining residential structures or parcels.
- 5. Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users. The applicant shall provide a drawing outlining in detail the size and location of all structures and accessory uses. Permitted activities include:
  - a. Clubhouse, which may consist of
    - (1) Restaurant, snack bar, lounge, and banquet facilities;
    - (2) Locker and rest rooms;
    - (3) Pro shop;
    - (4) Administrative offices;
    - (5) Golf cart and maintenance equipment storage and service facilities;
    - (6) Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms;
    - (7) Game rooms, including card tables, billiards, ping-pong, and other similar table games;
    - (8) Baby sitting rooms and connected fence-enclosed playlots; and
    - (9) Maintenance equipment storage.
  - b. Accessory recreation amenities located outside of a building, including:
    - (1) Driving range, provided that no lighting is utilized and minimum lot area of 10 acres;

- (2) Practice putting greens;
  - (3) Swimming pools;
  - (4) Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;
  - (5) Boccie ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses;
  - (6) Picnic pavilions, picnic tables, park benches, and barbecue pits;
  - (7) Hiking, biking, horseback riding, and cross-country ski trails; and
  - (8) Playground equipment and playlot games, including 4-square, dodgeball, tetherball, and hopscotch.
6. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred (100') feet and screened from adjoining residential structures and roads.

G. Health Club

Within the Agriculture-Residential (A-R) District, a health club is permitted, subject to the following specific conditions:

- 1. Off-street parking shall be provided as required by the combination of elements comprising the health club, including accessory uses.
- 2. All outdoor recreation facilities shall be set back at least fifty (50') feet from the street right-of-way line, and twenty-five (25') feet from all other lot lines, and one hundred (100') feet from any residentially-zoned properties.
- 3. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building.
- 4. The applicant shall furnish expert evidence that all lighting of outdoor recreation areas has been arranged to prevent glare on adjoining properties and streets.

H. Incinerator

Within the Light-Industrial (L-I) District an incinerators is permitted, subject to the following specific conditions:

1. The applicant shall demonstrate continued compliance with all applicable State and Federal standards and regulations. Evidence of compliance shall be in the form of a written statement.
2. Any area used for the unloading, transfer, storage, processing, incineration or deposition of refuse must be completely screened with Level 3 screening from ground-level view at the property line.
3. The outdoor area(s) devoted to the storage of junk shall be completely enclosed by an eight (8') foot solid screened fence (See Level 3, Option A and B as an example).
4. The outdoor area(s) devoted to the storage of junk shall be setback at minimum of one hundred (100') feet from the property line unless reduced by the Board of Supervisors. In no case shall the minimum setback for an outdoor area devoted to the storage of junk be less than fifty (50') feet.
5. The applicant shall provide proof that the site is provided with stacking lanes into the facility so that vehicles waiting to be weighed, unloaded, or loaded will not backup onto public roads.
6. A contingency plan for the disposal of solid waste during a facility shutdown shall be submitted to the Township.
7. An incinerator shall be connected to a public sewer. The application shall submit documentation that the Water and Sewer Authority will supply the needed sewage service to the site.
8. If groundwater or surface water will be used to provide to the development, a water feasibility study shall be provided to enable the Township to evaluate the impact of the proposed development on the groundwater or surface water supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed and approved by the Township Engineer.
9. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall

be provided by the applicant to ensure safe turning movements to and from the site and safe through movement on the existing road.

10. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties with regard to the performance standards outlined in Article 15.

I. Junkyard

Within the Light-Industrial (L-I) District junkyards are a permitted use, subject to the following specific conditions:

1. Junkyards shall comply with standards set forth by Pennsylvania Act 4, as amended, when located in proximity to any interstate or applicable State Route road.
2. Junkyards shall be completely screened for security and from view of a public street and adjacent residential uses with Level 3 screening in accordance with Article 14, Section 1403 of this ordinance. The minimum height of the fence/screening shall be six feet and the maximum height shall not exceed 10 ft.
3. All fuel and oil shall be drained and properly stored or disposed of from all vehicles and other material.
4. All trunk lids shall have their locks removed. Refrigerators, freezers, and other similar material shall have their locks or doors removed.
5. Junk shall be neatly stored in piles not to exceed the height of the fence/screening, shall be arranged so as to permit adequate access for fire fighting purposes, and properly drained so as to prevent accumulation of stagnant water.
6. The outdoor area devoted to the storage of junk shall be setback at minimum of one hundred (100') feet unless reduced by the Board of Supervisors. In no case shall the minimum setback for an outdoor area devoted to the storage of junk be less than fifty (50') feet.
7. The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth.
8. All completely enclosed buildings used to store junk shall be setback at least fifty (50') feet from all property lines.

9. All junk shall be stored or arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8') feet.
10. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors.
11. No junkyard shall be located on land with an average slope in excess of five (5%) percent.

J. Landfill

Within the Light-Industrial (L-I) District a landfill is permitted, subject to the following specific conditions:

1. The applicant shall provide evidence the use is in compliance with the Dauphin County Solid Waste Management Plan.
2. The applicant shall provide evidence that the landfill meets all applicable State and Federal regulations.
3. Level 3 screening in accordance with Article 14, Section 1403 shall be provided where a landfill abuts a residential zone or residential use.
4. The landfill shall be accessed from a State Road only.

K. Manufactured/Mobile Home Parks

Within the Agriculture-Residential (A-R) District, Manufactured/Mobile Home Parks are permitted, subject to the following specific conditions:

1. Minimum lot area shall be four (4) acres.
2. Maximum lot area shall be ten (10) acres.
3. Evidence should be provided to the Board of Supervisors that the design and construction of the manufactured/mobile home park is in conformance with the Township S&LD Ordinance (Article VII).

4. All mobile home parks shall be served by public water and public sanitary sewer facilities or suitable public authority approved by the PA DEP.
5. Maximum density in a manufactured/mobile home park shall be six (6) units per acre.
6. All mobile home lots or areas shall contain at least seven thousand two hundred (7,200) square feet.
7. **Parking.**  
Each mobile home shall be provided with a minimum of two (2) paved parking spaces containing at least one hundred eighty (180) square feet of bituminous or concrete surface, which shall be located on the mobile home lot. If on-street parking is not provided, one additional off-street parking space per unit shall be provided in a common visitor parking compound. Such visitor parking compounds shall be sized, arranged, and located so that the spaces are within three hundred (300') feet walking distance to any unit served. Access to all parking spaces shall be limited to interior roads of the mobile home park; in no case shall access to such parking spaces be provided from adjoining public roads.
8. Individual mobile homeowners may install accessory or storage sheds, extensions and additions to mobile homes, and exterior patio areas. Any such facilities so installed shall not intrude into any required front, side, or rear yard, and, in every case, shall substantially conform in style, quality, and color to the existing mobile homes.
9. **Common Recreation Areas.**  
  
Evidence should be provided assuring that there will be a minimum of twenty-five (25%) percent of the gross acreage of the mobile home park devoted to active and/or passive common recreational facilities. Responsibility for maintenance of the recreational areas shall be with the landowner and/or the operator. Should the landowner and/or the operator neglect to maintain the designated recreational areas, as depicted on the plan, the Township may then maintain said areas and assess the landowner for any costs incurred.

L. Mining

Within the Conservation (C) District, mining uses are permitted, subject to the following specific conditions:

1. The applicant must provide evidence and assurances that the mining operation will not:
  - a. substantially injury or detract from the lawful existing or permitted use of neighboring properties;
  - b. adversely affect any public or private water supply source;
  - c. adversely affect the logical, efficient, and economical extension of public services, facilities, and utilities throughout the Township;
  - d. create any damage to the health, safety, or general welfare of the Township's residents and property owners; and
  - e. result in the land area subject to mining being placed in a condition which will prevent the use of that land for economically and ecologically productive uses upon completion of the operation.
2. The applicant must demonstrate compliance with all applicable State and Federal regulations.
3. Site Plan Requirements.

As a part of each application, the applicant shall furnish the Board of Supervisors an accurately surveyed site plan on a scale no less than 1"=2400', showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be certified by a registered professional engineer or a registered professional land surveyor with assistance from experts in related fields and shall include the following:

- a. the boundaries of the proposed land affected, together with the drainage area above and below the area;
- b. the location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area;
- c. the location of all buildings within one thousand feet (1,000') of the outer perimeter of the area affected, and the names and addresses of the owners and present occupants;
- d. the purpose for which each building is used; and

- e. The name of the owner of the affected area and the names of adjacent landowners, the municipality, and the county.
- 4. Minimum Lot Area: Fifty (50) acres.
- 5. Fencing.

A fence measuring at least eight (8') feet in height must enclose the area of actual quarrying. If a chain link fence is used, then said fence shall include a vegetative screen that is provided along the outside of the fence, away from the quarry.
- 6. Vehicle Access.

Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with collector or arterial roads.

  - a. All access shall be designed and located so as to permit safe distances. Site distance will meet the Township's requirements as per Section 503.12.a. and Exhibit VI of the S&Ld Ordinance.
  - b. All access drives serving the site shall have a paved minimum thirty-five (35') foot wide cartway for a distance of at least two hundred (200') feet from the intersecting street right-of-way line. In addition, a fifty (50') foot long gravel section of access drive should be placed just beyond the preceding two hundred (200') foot paved section to help collect any mud that may have attached to a vehicle's wheels.
  - c. In general, access drives shall intersect public streets at ninety (90°) degrees as site conditions permit, however, in no case shall access drives intersect public streets at less than seventy (70°) degrees. Said angle shall be measured from the centerline of the street to the centerline of the access drive.
- 7. Setback.

The following table identifies minimum setbacks imposed upon specific features of the quarry and other extractive-related uses from adjoining and/or nearby uses:

**TABLE 20-2**

<b>QUARRY-RELATED FEATURE</b>	<b>NEIGHBORING USES AND FEATURES</b>				
	<b>EXISTING RESIDENCE</b>	<b>EXISTING NON-RESIDENTIAL BUILDING</b>	<b>RESIDENTIAL ZONE</b>	<b>STREAM BANK</b>	<b>ADJOINING PROPERTY</b>
stock piles or spoil piles	300 ft.	300 ft.	1,000 ft.	100 ft.	200 ft.
mineral processing equipment (e.g., rushers, sorters, conveyors, dryers, etc.)	300 ft.	300 ft.	1,000 ft.	100 ft.	200 ft.
quarry pit	300 ft.	300 ft.	1,000 ft.	100 ft.	200 ft.
on-site access roads and off-street parking, loading, and vehicle storage and weighing facilities	300 ft.	300 ft.	500 ft.	100 ft.	200 ft.
other operational equipment, structures, and/or improvements	300 ft.	300 ft.	500 ft.	100 ft.	100 ft.

8. Traffic Impact.

The applicant shall furnish a traffic study prepared by a professional traffic engineer.

9. Reclamation.

The applicant shall demonstrate compliance with Section 7.(c) of the Pennsylvania Act No. 1984-219, as may be amended. The applicant shall provide a detailed description of the proposed use of the site, once reclamation has been completed, including a description of any zoning and/or subdivision approvals or remedies that would be necessary to accommodate the proposed use. Finally, the applicant shall provide written notification to the Township within thirty (30) days, whenever a change in the reclamation plan is proposed to the PA DEP.

10. Screening.

Where the proposed use adjoins a residential zone, an existing residence and/or public road, Level 3 screening in accordance with Article 14, Section 1403 shall be provided.

11. Operations Progress Report.

Within ninety (90) days after commencement of surface mining operations, and each year thereafter, the operator shall file an operations progress report with the Zoning Officer setting forth all of the following:

- a. the name or telephone number of the operation;
- b. the location of the operation with reference to the nearest public road;
- c. a description of the tract or tracts, including a site plan showing the location of all improvements, stockpile, quarry pits, etc.;
- d. the name and address of the landowner or his duly authorized representative;
- e. an annual report of the type and quantity of mineral produced;
- f. the current status of the reclamation work performed in pursuance of the approved reclamation plan;
- g. a maintenance report for the site that verifies that all required fencing, berming, and screening has been specifically inspected for needed repairs and/or maintenance, and that such needed repairs and/or maintenance has been performed; and

- h. verification that the proposed use continues to comply with all applicable State regulations. The operation shall furnish copies of any approved permits and/or any notices of violation issued by the PA DEP.

M. Retail, Shopping Center

Within the Commercial Business (CB) District, retail shopping centers are permitted, subject to the following specific conditions:

1. The proposed shopping center design shall comply with the applicable regulations contained within the following Table 20-3:

**TABLE 20-3**

<b>SHOPPING CENTER DESIGN REQUIREMENTS</b>				
<b>USE</b>	<b>MINIMUM REQUIRED LOT AREA</b>	<b>MINIMUM REQUIRED LOT WIDTH @ STREET LINE</b>	<b>MINIMUM REQUIRED LOT DEPTH</b>	<b>MINIMUM REQUIRED SETBACK FROM A RESIDENTIAL ZONING DISTRICT</b>
Shopping Center, as defined herein, with up to 50,000 sq. ft. of gross floor area	2 acres	250 ft.	250 ft.	50 ft. for buildings, structures, off-street parking & loading spaces & dumpsters
Shopping center, as defined herein, with between 50,000 & 100,000 sq. ft. of gross floor area	6 acres	300 ft.	500 ft.	75 ft. for buildings, structures, off-street loading, dumpsters; 50 ft. for off-street parking
Shopping center, as defined herein, with over 100,000 sq. ft. of gross floor area; however, in no case shall any one unit of occupancy	14 acres	500 ft.	750 ft.	100 ft. for buildings, structures, off-street loading & dumpsters; 50 ft. for off-street

SHOPPING CENTER DESIGN REQUIREMENTS				
USE	MINIMUM REQUIRED LOT AREA	MINIMUM REQUIRED LOT WIDTH @ STREET LINE	MINIMUM REQUIRED LOT DEPTH	MINIMUM REQUIRED SETBACK FROM A RESIDENTIAL ZONING DISTRICT
contain more than 100,000 sq. ft. of gross leasable floor area				parking

2. The subject property shall front on a major collector road or minor collector road as defined in the Lykens Township Comprehensive Plan.
3. Public water and public sewage is preferred for this development. Evidence of other acceptable facilities should be provided to the Township for review.
4. In addition to vehicular access to the property, the applicant shall be required to design and construct pedestrian linkages with any nearby residentially-zoned areas, and industrially-zoned areas, even if they are not yet developed. Such pedestrian linkages shall be located so as to provide safe and convenient access to the shopping center from the nearby areas.
5. A Traffic Impact Report shall be submitted by the applicant, in accordance with applicable requirements in the Township S&LD Ordinance.

N. Slaughter House - Agricultural Commodities Processing

Within the (A) Agriculture and (L-I) Light-Industrial Districts slaughter houses and agriculture commodities processing operations are permitted uses, subject to the following specific conditions:

1. The subject property shall have direct access to a major collector or arterial road;

2. All aspects of the slaughtering, processing, rendering, and packaging operations, except loading and unloading and holding of live animals, shall be conducted within a completely-enclosed building;
3. No exterior animal holding pens and/or areas devoted to loading/unloading shall be located within three-hundred (300') feet of any property line nor five hundred (500') feet of any land within a residential zone;
4. No building related to the slaughter house or agriculture commodities processing operation shall be located within three-hundred (300') feet of any residential use or residential zoning district.
5. The applicant shall furnish written evidence that PA DEP-approved systems for wastewater disposal and water supply will be utilized;
6. Wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations;
7. All unusable animal by-products shall be stored indoors in leak- and vector-proof containers. In the case of slaughtering or processing operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for extend periods of time (over 48 hours).

O. Timber Harvesting

Within the Conservation (C), Agriculture (A) and Agriculture-Residential (A-R) Districts and the (SP) and (HSP) Overlay Districts, timber harvesting is permitted activity, subject to the following specific conditions.

These standards shall apply to all timber harvesting operations within the Conservation, Agriculture (A), and Agriculture-Residential (A-R) Districts with the exception of those activities pertaining to the cultivation and harvesting of "ornamental trees" and/or nursery endeavors.

The removal of trees by a landowner for personal use shall not be deemed a tree harvesting operation.

1. Responsibility.

It shall be the responsibility of each landowner on whose land timber harvesting is to be carried out to have developed, by a person experienced in Erosion and Sedimentation Control procedures, a Township Erosion and Sedimentation Control Plan and to submit notification as required in this Chapter. It shall be the joint responsibility of the landowner and the timber harvesting operator to see that the provisions of the Township Erosion and Sedimentation Control Plan are carried out.

2. Regulations.

- a. A Township Erosion and Sedimentation Control Plan shall be prepared for each tree harvesting operation prior to issuance of the zoning permit.
- b. The Township Erosion and Sedimentation Control Plan shall address and comply with all applicable standards for erosion and sedimentation control and stream crossing regulations under 25 Pennsylvania Code, Chapter 102, Erosion Control Rules and Regulations, issued under the Act of June 22, 1937, P.L. 1987 (Clean Streams Law), and 25 Pennsylvania Code, Chapter 105, Dam and Waterway Management Rules and Regulations, issued under the Act of 1978, P.L. 1375, No. 325 (Dam Safety and Encroachment Act).
- c. The Township Erosion and Sedimentation Control Plan shall address and comply with all applicable standards for stormwater management as set forth in the Storm Water Management Act, and regulations stormwater managements plans and ordinances issued or enacted pursuant thereto.
- d. At a minimum, the Erosion and Sedimentation Control Plan shall address each of the following:
  - (1) Design of road system.
  - (2) Water control structures.
  - (3) Stream crossings.
  - (4) Log landings.
  - (5) Haul roads, skid roads, and skid trails.
  - (6) Maintenance.

- (7) Road and log landing retirement.
  - (8) The general location of the anticipated operation in relation to municipal and state highways.
  - (9) A sketch of the general location of property boundaries of the tract on which the logging will take place and the approximate boundaries of the proposed harvest area.
  - (10) Approximate starting and completion dates for the operation.
- e. The Erosion and Sedimentation plan will be available at the timber harvesting site.

3. General Operational Requirements.

Prior to issuance of a zoning permit, the Township Board of Supervisors must be provided evidence and assurance that the following operational requirements will be met for timber harvesting activities.

- a. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
- b. No tops or slash shall be left within twenty-five (25') feet of any public thoroughfare.
- c. Because trout streams are an important natural resource which needs special protection, logging within fifty (50') feet is prohibited unless all of the following conditions are met:
  - (1) The basal area of trees in the area within the fifty (50') foot zone shall not be reduced below fifty (50%) percent of the basal area present before cutting.
  - (2) The name and location of all trout streams which cross the area to be logged must be clearly indicated on the Township Erosion and Sedimentation Control Plan.
- d. Daily Cleanup.

All soil washed or carried onto public streets during tree harvesting operations shall be cleaned up each day. The landowner shall be responsible to protect and clean up lower properties of silt and debris which have washed down onto the lower properties as a result of the tree harvesting on the higher property.

e. Permanent Cleanup.

Litter, including but not limited to, shields, chains, oil and fuel cans, milk bottles, etc., resulting from any logging operation shall be cleaned up and removed from the site before it is vacated by the operator. Any roads or grading to facilitate roads necessary for the logging operation shall be completely regraded and reseeded to restore the property to a condition acceptable to the landowner while maintaining compliance with the Erosion and Sedimentation Control procedures. Proper erosion and sedimentation control measures shall be taken on disturbed property to prevent accelerated water run off.

f. Reseeding.

When a logging operation has been completed, all disturbed areas shall be reseeded in compliance with the Erosion and Sedimentation Plan.

4. Bonding.

Road bonding for timber harvesting shall be in compliance with the PennDOT regulations Chapter 189, found in Publication 221, "Posting and Bonding of Municipal Roads." This shall be initiated at the discretion of the Board of Supervisors for Township Roads.

5. Inspection.

- a. The Township may go upon the site during any tree harvesting operation before, during, or after the active logging to review the tree harvesting operation, the Township Erosion and Sedimentation Control Plan, and other required documents to ensure that such plans and documents are in compliance with the provisions of this Chapter and to ensure that the actual operation is proceeding in compliance with the Township Erosion and Sedimentation Control Plan.

- b. Should the Township find a condition in a logging operation to be causing an immediate environmental risk, it shall immediately order operations to cease, and contact the Dauphin County Conservation District and request enforcement of the rules and regulations referred to under this Section.

#### **Section 2005. CONDITIONS**

The Board of Supervisors in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article.

#### **Section 2006. SITE PLAN APPROVAL**

Any site plan presented in support of the conditional use pursuant to Section 2002 shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval.

#### **Section 2007. HEARING PROCEDURES**

Before voting on the approval of a conditional use, the Township Supervisors shall hold a public hearing thereon, pursuant to public notice. The Township Supervisors shall submit each such application to the Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application.

All public hearings shall be conducted in accordance with the requirements outlined in Article 24, Section 2407.D of this Ordinance, except that any reference to the "Zoning Hearing Board" shall be replaced with the "Township Supervisors."

#### **Section 2008. TIME LIMITATION**

- A. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the conditional

use is finally granted, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board of Supervisors may at any time, upon application in writing, extend either of these deadlines.

- B. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors.
- C. Should the appellant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board of Supervisors further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified.
- D. As an alternative to the proceeding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in Section A, B, and C. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board must establish and bind a definite time frame for: 1) issuance of a zoning permit; and 2) completion of construction of the project.

## LKYENS TOWNSHIP ZONING ORDINANCE AMENDMENT #3

### TEXT REVISION TO ARTICLE 20, Section 2004.D

#### Section 2004. SPECIFIC CRITERIA

In addition to the general criteria listed in Section 2003, the following sets forth specific standards that shall be applied to each individual conditional use. These standards must be satisfied prior to approval of a conditional use by the Lykens Township Board of Supervisors.

##### D. Commercial Livestock and Poultry Farming Operations

Within the Agriculture (A) District commercial livestock and poultry farming operations are permitted, subject to the following specific conditions:

1. Any area used for the housing, feeding and watering, and/or outdoor running of livestock and poultry shall be set back one thousand (1000') feet from any residential zone.
2. **The applicant shall furnish qualified evidence that the proposed use has an approved nutrient management plan that complies with the Pennsylvania "Nutrient Management Act" of 1993-6, approved by the General Assembly of the Commonwealth of Pennsylvania, and/or criteria established by the Dauphin County Animal Waste Storage and Nutrient Management Ordinance as adopted and/or revised, and/or Federal Government regulations governing the development and operation of Concentrated Animal Operations and/or Concentrated Animal Feeding Operations. All subsequent operations on the site shall be required to strictly adhere to this approved nutrient/manure management plan.**
3. The applicant shall furnish evidence from the United States Department of Agriculture's Soil Conservation Service (USDA SCS) that the proposed use has an approved conservation plan.
4. Daily Cleanup.

All soil washed or carried onto public streets during any activities related to the livestock or poultry farm operation shall be cleaned up each day. The landowner shall be responsible to protect and clean up lower properties of silt and debris which have washed down onto the lower properties as a result of the operation on the higher property.

## **ARTICLE 21**

### **NON-CONFORMING BUILDINGS AND USES**

#### **Section 2101. PURPOSE**

Within any zoning district in Lykens Township, all lawful uses of land or of a lot, building, sign, or other structures in existence on the effective date of this Ordinance may be continued, altered, restored, reconstructed, changed, sold, or maintained even though such use may not conform to the use, height, area, yard, and other regulations of the district in which it is located.

The legitimate interests of those who lawfully established these non-conformities are recognized in Article 21 by permitting such uses to continue subject to regulations for and limitations upon their restoration, reconstruction or extensions.

Lykens Township, however, recognizes that non-conformities substantially or adversely affect the development, maintenance, use and taxable value of other properties in zoning districts which are subject to regulations of this Ordinance. In order to secure eventual compliance with the standards of this Ordinance, it is necessary to regulate non-conformities and to prevent their re-establishment once they have discontinued. It is the further intent of this Ordinance to ensure that non-conformities not be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the same zoning district.

#### **Section 2102. APPLICABILITY FOR EXISTING DEVELOPMENT**

To avoid undue hardship, nothing in this Ordinance shall affect the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date or amendment of this Ordinance. Actual building construction represents the placing and fastening of construction materials in a permanent manner.

In the case where a demolition or removal of an existing building or structure has been substantially begun in preparation to rebuilding, such demolition or removal shall be deemed to be actual construction if a building permit has been obtained, provided that the work shall be diligently carried on until completion of the building or structure is accomplished and any applicable certificate of occupancy is issued.

#### **Section 2103. CONTINUATION**

- A. The Zoning Officer is responsible for the proper registration of premises occupied by a lawful nonconforming use, building and/or structure, and building lot existing after the effective date of this ordinance. The Zoning Officer is responsible for the issuance of a Certificate of Nonconformance; which shall be for the purpose of insuring to the owner the right to continue such nonconformity in accordance with the provisions of Article.

- B. It is the property owners' responsibility to assist the Zoning Officer in the identification and registration of nonconforming lots, uses, buildings, and structures they are accountable for. A Certificate of Nonconformance shall be required when a nonconforming use, structure or building is proposed or changed to another nonconforming use, expanded or repaired prior to the issuance of building or zoning permits.

#### **Section 2104. NONCONFORMING LOTS OF RECORD**

- A. In any zoning district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record in existence at the effective date of this ordinance. Such lot shall be in separate ownership and have non-contiguous frontage or be not abutting other lots in the same ownership. This provision shall apply, even though such lot fails to meet the requirements for lot area and/or lot width which are applicable in the district, provided that the yard dimensions and other district requirements shall conform to the district in which such lot is located. Any variance of yard requirements shall be obtained through proper application and authorization by the Zoning Hearing Board.

#### **Section 2105. NONCONFORMING BUILDINGS AND USES**

- A. Where, at the effective date of adoption of this Ordinance, a lawful use of land, building or structures exists that is no longer permissible under the terms of this Ordinance, such use may be continued so long as it remains otherwise lawful, subject to the following provisions.

- 1. Restoration/Reconstruction

A nonconforming building, structure, or use which is damaged by fire, explosion, windstorm or other natural or criminal acts, may be reconstructed and used for the same purposes, provided that:

- a. The reconstruction and/or restoration is commenced within one (1) year from the date of occurrence of the damage and is carried to completion without undue delay. The one (1) year time may be extended if the delay is caused by insurance regulations or investigations not caused by negligence or default by the applicant.

- b. The reconstructed building or occupied area does not exceed the height, area, and volume of the original structure and occupied use.
- c. The remains of any such buildings, structures, or other improvements so destroyed shall be removed from the premises within six (6) months so that the same shall not remain as a nuisance or safety hazard.

2. Alterations

Repairs and structural alterations may be made to a nonconforming building or structure and a building occupied by a nonconforming use; providing such alterations and repairs are in conformance with the regulations set forth in this Ordinance and other applicable codes and ordinances adopted by the Township.

3. Repairs and Maintenance

On any building or structure devoted in whole or in part to a nonconforming use, work may be done as ordinary repairs, or on repair or replacement on non bearing walls, fixtures, wiring or plumbing or other infrastructure.

4. Moving

No such nonconforming use of land, building or structure shall be moved in whole or in part to any other position on the property occupied by such use at the effective date of adoption or amendment of this Ordinance.

- B. Nothing in Section 2105.A shall be deemed to prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe by an owner, a building inspector, or by order of such inspector.

**Section 2106. CHANGES IN NONCONFORMING USES**

- A. A lawful nonconforming use may be changed to another nonconforming use of the same or more restricted classification. Whenever a nonconforming use has been changed to a more restricted classification or to a conforming use, such use shall not hereafter be changed to a use of less restricted classification.

**Section 2107. DISCONTINUANCE OR ABANDONMENT**

- A. A nonconforming use of land or building which has been abandoned or ceases operations shall conform to this Ordinance and not thereafter be returned to such nonconforming use, except when the abandonment or discontinuance is due to a death and administration of the decedent's estate, in which event the discontinuance shall not be presumed to start until estate administration is terminated or a court order concerning the disposition of the estate has been entered.

For the purpose of administration of the Zoning Ordinance, a nonconforming use shall be considered abandoned or discontinued when:

1. The building or use has been abandoned or discontinued for a period of eighteen (18) months; or
2. The characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within eighteen (18) months.

#### **Section 2108. REPLACEMENT OF NONCONFORMING BUILDINGS AND USES**

- A. Any land, building, or structure which is superseded by a permitted use, building or structure shall thereafter conform to the regulations for the zoning district in which such use, structure or building is located and the nonconforming use may not thereafter resume.

#### **Section 2109. EXTENSIONS, ENLARGEMENTS, EXPANSIONS**

- A. The types of extensions, enlargements or expansions listed below are permitted for nonconforming uses and buildings existing on the effective date of this Ordinance:
1. The extension of a nonconforming use of land upon a lot occupied by such use.
  2. The extension, enlargement or expansion of a conforming building occupied by a nonconforming use.
  3. The extension, enlargement or expansion of a nonconforming building occupied by a nonconforming use.
  4. The extension, enlargement or expansion of a nonconforming building occupied by a conforming use.
- B. Requirements for Extensions, Enlargements or Expansions

The foregoing extensions, enlargements or expansions of such nonconforming buildings, structures, or uses shall be subject to the following requirements:

1. The extension, enlargement or expansion shall conform to the height, area, yard, and coverage regulations of the district in which it is located.
2. Where a structure is nonconforming as to a required front, side or rear yard setback, the established nonconforming setback shall not be continued with any proposed extension, enlargement or expansion. Any extension, enlargement or expansion of a nonconforming building shall meet the requirements of the zoning district in which it is located.
3. Any extension, enlargement or expansion shall not exceed twenty-five (25%) percent of the existing floor area or area occupied by the nonconforming use;
4. The entire building or use shall be provided with off-street parking and loading spaces as required by Article 17, Parking Requirements, herein;
5. The extension, enlargement or expansion of a nonconforming use does not replace a conforming use;
6. Where vacant parcels have been recorded separately or acquired following the effective date of this Ordinance, any extension, enlargement or expansion of a non-conforming building, structure, or nonconforming use shall not be permitted to extend into the adjacent vacant parcel of land existing and occupied on the effective date of this Ordinance.

#### **Section 2110. NONCONFORMING SIGNS**

- A. Signs in existence at the effective date of this Ordinance or amendments thereto, may be continued subject to the regulations contained in Article 18, Sign Requirements, herein.

#### **Section 2111. ZONING DISTRICT CHANGES**

- A. Whenever the boundaries or uses of a district shall be changed the foregoing provisions shall also apply to any non-conforming lots, uses, structures or buildings existing therein or created thereby.

#### **Section 2112. ACCESSORY STRUCTURE**

- A. No accessory structure or building which does not conform to the requirements of this Ordinance shall be erected in connection with such nonconforming use of

land, building or structure. Any existing accessory structure shall be permitted to expand in accordance with the requirements of Section 2109 of this Ordinance.

**Section 2113. UNSAFE STRUCTURE**

- A. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a structure or building declared unsafe by proper authority.

## **ARTICLE 22**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Section 2201. APPOINTMENT AND POWERS OF ZONING OFFICER**

**A. Appointment**

For the administration of this Zoning Ordinance, a zoning officer, who shall not hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall administer the zoning 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 the zoning ordinance. The Zoning Officer shall meet the qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning.

**B. Zoning Application Review and Administration**

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 Board of Supervisors may require. Permits for construction and uses which are a variance or special exception to the requirements of this ordinance shall be issued only upon approval of the Zoning Hearing Board. Permits for construction and uses which are a conditional use shall be issued only upon approval of such conditional use by the Board of Supervisors.

**C. Inspection**

It shall be the duty of the Zoning Officer, or a duly appointed representative, to inspect of property for which a zoning permit has been issued. The minimum inspections shall meet the procedures and standards set forth in Section 2203.

**D. Enforcement**

It shall be the duty of the Zoning Officer, to enforce the provisions of this Ordinance and such power and authority as it is necessary for enforcement is hereby conferred upon the Zoning Officer. If violations of this Ordinance are found, the Zoning Officer shall notify the person responsible for such violations in accordance with the procedures outlined in Section 2207 of this Ordinance.

## **Section 2202. ZONING PERMITS**

### **A. Requirements of Permits.**

It shall be a violation of this Ordinance for any person, or property owner to commence work for the erection or alteration of any building or structure, or the change any land use until a zoning permit has been duly issued. No such permit shall be required in case of normal maintenance activities, minor repairs, or alterations which do not alter the structure of the building. A zoning permit shall be required prior to any of the following activities:

1. The erection, alteration, enlargement or relocation of any building, structure, land, or portion thereof;
2. The use of or change in the use of a building, structure or land;
3. The alteration or expansion of a nonconforming use, building or structure;
4. The issuance of a building permit, if required;
5. The erection, placement, installation, alteration, relocation or replacement of a sign as specified in Article 18 of this Ordinance;
6. The construction of any driveway or parking areas; or
7. The placement of temporary construction or office trailers.

### **B. Application for Permits**

All applications for permits shall be accompanied by plans in duplicate, which may be drawn to scale, showing the shape and dimensions of the lot to be built upon, showing the 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 ordinances. One (1) copy of such plans shall be returned to the owner when such plans have been reviewed and acted upon by the Zoning Officer. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

### **C. Issuance of Permits**

No permit shall be issued until the Zoning Officer has certified that the proposed use, building, addition or alteration, complies with all the provisions of this Ordinance, as well as the provisions of all other applicable ordinances. A permit issued hereunder shall become void twelve (12) months after issuance date, unless a request for extension has been submitted to and approved by the Zoning Officer. Such request shall be filed with the Zoning Officer at least thirty (30) days prior to the permit expiration date.

**D. Temporary Permits**

A temporary permit may be authorized by the Board of Supervisors for a structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Township. Such permits shall be issued by the Zoning Officer for a specified period of time not to exceed one (1) year, and may be renewed annually for an aggregate period not exceeding three (3) years.

**Section 2203. INSPECTION BY THE ZONING OFFICER**

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

**A. Inspection At the Beginning of Construction**

A record shall be made indicating the time and date of inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the approved permit application. If the actual construction does not conform to the application, a written notice of 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.

**B. Inspection At the Completion of Construction**

A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to this Ordinance, and the opinion of the Zoning Officer in regard to the issuance of a Certificate of Use Permit.

**Section 2204. CERTIFICATE OF ZONING COMPLIANCE**

- A. A Certificate of Zoning Compliance shall be a statement issued by the Zoning Officer setting forth that a building, structure, parcel, and/or use of land complies with the provisions of this Ordinance.
- B. No vacant land shall be occupied or used, and no structure or part of a structure, hereafter erected, substantially altered or changed in use shall be occupied or used, until a Certificate of Zoning Compliance shall have been issued by the Zoning Officer.
- C. A Certificate of Zoning Compliance 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, either for a whole or part of a new building or for the alteration of an existing building, shall be applied for coincident with the application for a building or zoning permit, and shall be issued or denied within fifteen (15) days after a final inspection and approval by the Zoning Officer.
- D. A Certificate of Zoning Compliance 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 authorized by the Zoning Officer before any such non-conforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after a final inspection by the Zoning Officer.
- E. A record of all Certificates of Zoning Compliance shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

#### **Section 2205. CERTIFICATE OF NONCONFORMANCE**

A Certificate of Non-conformance shall be issued by the Zoning Officer to the owner of any property which, at the time of the effective date of this Ordinance, is identified as containing a non-conforming use, or structure. The owner's property and the issuance date of such certificate shall be registered in the records of the Township as follows:

- A. The Certificate of Nonconformance shall set forth in detail all of the nonconforming conditions of said property.
- B. A copy of the Certificate of Non-conformance shall be retained and filed by the Zoning Officer for the municipal registration.
- C. The Certificate shall be for the purposes of insuring the owner, his heirs, successors and assigns the right to continue a non-conforming use in accordance with the regulations of this Ordinance.

#### **Section 2206. FEES**

The Township Supervisors shall establish a schedule of fees, charges and expenses, as well as a collection procedure for zoning permits, certificates of zoning compliance, appeals, variances, conditional uses, special exceptions, amendments, bonds and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township building, and may be amended only by the Township Supervisors. Such fees shall be payable to the Township and until all applicable fees, charges and expenses have been paid in full, the application shall be considered incomplete and no action shall be taken on any applications or appeal.

## **Section 2207. VIOLATIONS**

Failure to comply with any provision of this Ordinance, failure to secure a permit, Zoning Hearing Board or Township Supervisor's Certification, when required, previous to the erection, construction, extension, or addition to a building; or failure to secure a Certificate of Use, shall be violations of this Ordinance.

### **A. Notice of Violation**

1. When written notice of a violation of any of the provisions of this Ordinance has been served by the Zoning Officer on the owner, agent or occupant, or contractor, such violation shall be discontinued immediately.
2. The enforcement notice prepared by the Zoning Officer shall state the following and include maps and other supporting documentation as necessary:
  - a. Name of the owner of record and any other person against whom the Township intends to take action;
  - b. The location of the property in violation;
  - c. The specific violation and a description of the requirements which have not been met, citing in each instance the applicable provisions of the Zoning Ordinance;
  - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
  - e. A statement 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 the procedures set forth herein; and

f. A statement that failure to comply with the notice within the time specified in Section 2203.A.3, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly defined.

3. All appeals from determinations by the Zoning Officer under this section shall be to the Zoning Hearing Board within thirty (30) days of the date of the determination.

B. Causes of Action

In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted maintained, or used in violation of this Ordinance, the proper officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping of land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township Supervisors. No such action may be maintained until such notice has been given.

C. Enforcement Remedies

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or 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 Township may enforce the judgment pursuant to the applicable rules of civil procedure. 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 shall be paid over to the Township of Lykens.

2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

#### **Section 2208. CONDITIONAL USES**

- A. Conditional uses such as provided herein shall be allowed or denied by the Township Supervisors pursuant to public notice and hearing, and pursuant to the standards set forth in this ordinance. Applications for a conditional use specified in this Ordinance shall be submitted to the Zoning Officer with the information required in Article 20.
- B. A conditional use application will be returned to the applicant if the forms provided by the Township and information required in this section and Section 2002 is incomplete at the time of submission.
- C. Unless otherwise specified or extended by the Board of Supervisors, a conditional use authorized by the Board of Supervisors will expire if the applicant fails to obtain, where required to do so, a building permit or certificate of use and occupancy within 6 months of the date of the authorization of the conditional use.

- D. Referral to the Planning Commission

All conditional use applications shall be reviewed by the Planning Commission prior to the conduct of the public hearing before the Board of Supervisors.

- E. Standards and Criteria for Conditional Use Approval

A conditional use may be granted by the Board of Supervisors when the applicant demonstrates compliance with the general and specific standards for conditional uses provided in Article 20 Sections 2003 and 2004 of this Ordinance. The applicant for conditional use shall have the burden of proof, which shall include the burden of going forward with the evidence, and the burden of persuasion on all questions of fact which are to be determined by the Board of Supervisors.

- F. Site Plan Approval

1. Any site plan presented in support of the conditional use pursuant Article 20, Section 2002.B shall become part of the official record for the said conditional use. Approval of the conditional use shall bind the use in accordance with the site plan. Should a change in the site plan be required as part of the approval of the conditional use, the applicant shall revise the site plan prior to the issuance of a building permit or certificate of use.
2. Any subsequent change to the use on the subject property shall not reflect on the originally approved site plan, and shall require the obtainment of another conditional use approval.

G. Condition Use Public Hearing Procedures

1. Before voting on the approval or denial of a conditional use, the Board of Supervisors shall hold a public hearing, pursuant to public notice. The Board of Supervisors shall submit each such application to the Planning Commission at least 30 days prior to the hearing on such application to provide the Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed conditional use is revised, the Board of Supervisors shall hold another public hearing, pursuant public notice, before proceeding to vote on the conditional use application.
2. All public hearings shall be conducted in accordance with the requirements outlined in Article 24, Section 2407.B and Section 2407.D of this Ordinance except that any reference to the "Zoning Hearing Board" shall be replaced with "Board of Supervisors" and any reference to "special exception" shall be replaced with "conditional use".

## **Section 2209. SPECIAL EXCEPTIONS**

Applications for any special exceptions to be granted as permitted by this Ordinance shall be made to the Zoning Hearing Board through the Zoning Officer. Filing for a special exception shall be processed in accordance with Article 24.

## **Section 2210. APPEALS AND APPLICATIONS**

An appeal, or application for an amendment, special exception, conditional use, or variance from the terms of this Ordinance shall be filed with the Zoning Officer, and shall contain:

- A. The name and address of the applicant;

- B. The name and address of the owner of the real estate to be affected by such proposal, as well as, names and addresses of all adjoining property owners;
- C. A brief description and location of the real estate to be affected by such proposal;
- 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 the appeal or application is filed and reasons why it should be allowed; or, a statement of the section of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
- F. A reasonably accurate description of the present improvements, and the additions intended to be made under this application, indicating the size of such proposed improvements, materials, 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 locations of improvements now erected, and proposed to be erected thereon; and
- G. Any other pertinent data required by the Zoning Hearing Board, Township Supervisors, and/or Zoning Officer, as appropriate to their individual authorities set forth in this Article.

#### **Section 2211. INTERPRETATION, PURPOSE, AND CONFLICT**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances, provided that where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building, or requires larger open spaces than are imposed by such other rules, easements, covenants, restrictions, regulations or ordinances, the provisions of this Ordinance shall control.

## ARTICLE 23

### ZONING AMENDMENTS

#### **Section 2301. AMENDMENTS**

- A. The Board of Supervisors shall have final authority to enact by resolution zoning change application, amend, supplement or repeal any of the regulations and provisions of this Ordinance and the Lykens Township Zoning Map. Any amendment, supplement, change, or repeal may be initiated by the Planning Commission, or by petition to the Board of Supervisors by any interested party.

- B. Public Hearing and Procedures for Zoning Amendments

Before hearing and enacting Zoning Ordinance and/or Zoning Map amendments, the Board of Supervisors shall conduct a public hearing to inform the general public of the nature of the amendment, and to obtain public comments. Such public hearing shall be conducted after public notice has been given. Public notice for a zoning amendment shall be provided as follows:

1. Notice shall be published once each week for 2 successive weeks in a newspaper of general circulation in the Township. Such notice shall 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 thirty (30) days, and the second publication shall not be less than 7 days from the date of the hearing.

Publication of the proposed amendment shall include either the full text thereof or the title and brief summary setting forth all the provisions in reasonable detail. If the full text is not included, the full text may be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.

2. In Zoning Map amendments, the notice of public hearing shall also be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract shall be posted at least 1 week prior to the date of the hearing.
3. For curative amendments, public notice shall also indicate that the validity of the Ordinance and/or map is in question, and shall give the place where and the times when a copy of the request including any plans, explanatory material or proposed amendments may be examined by the public.

4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract shall be posted at least one week prior to the date of the public hearing.

C. Enactment Notice - Publication, Advertisement and Availability of Ordinances

1. In addition to the public notice requirements for a public hearing defined herein, the Board of Supervisors shall publish a reference to the time and place of the meeting at which passage of the zoning ordinance amendment will occur.

Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Township Supervisors shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- a. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
  - b. An attested copy of the proposed ordinance shall be filed in the Dauphin County Law Library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
2. In the event substantial amendments are made in the proposed ordinance or amendment, before voting on enactment, the governing body shall, at

least ten days prior to enactment, readvertise, in one newspaper of general circulation in the municipality, a brief summary setting forth all provisions in reasonable detail together with a summary of amendments.

3. Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effects as if duly recorded therein.

D. Township Planning Commission Comments

1. When an amendment is proposed by parties other than the Planning Commission, the Board of Supervisors shall submit each amendment to the Planning Commission for comments. The amendment application shall be submitted at least 30 days prior to the public hearing on such amendment.
2. A report of the review by the Planning Commission, together with any recommendations, may be given to the Board of Supervisors within thirty (30) days from the date the amendments were received. The recommendation of the Township Planning Commission may include a specific statement as to whether the proposed action is consistent with the intent of the Ordinance and the Township's officially adopted Comprehensive Plan.

E. Dauphin County Planning Commission Comments

1. At least thirty (30) days prior to the hearing on the Ordinance amendment by the Township Supervisors, the Township shall submit the proposed ordinance or amendments to the Dauphin County Planning Commission for recommendations. Within thirty (30) days after enactment, a copy of the zoning amendment shall be forwarded to the Dauphin County Planning Commission. Amendment procedures shall be in compliance with Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

F. Amendments Initiated by the Board of Supervisors

When an amendment, supplement, change, or repeal is initiated by the Board of Supervisors, such amended shall follow the prescribed for a petition under Section 2301.B.

G. Amendments Initiated by the Planning Commission

When an amendment, supplement, change, or repeal is initiated by the Planning Commission, proposal shall be presented to the Board of Supervisors, which shall then proceed with the amendment process in accordance with Section 2301.B.

H. Amendments Initiated by a Petition from an Interested Party

A petition for amendment, supplement, change, or repeal for a portion of this Ordinance shall include an accurate legal description and surveyed plan of any land to be rezoned and/or text amended, and a narrative describing all of the reasons supporting the petition to be considered. the petition shall also be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all facts and information presented in the petition. A fee to be established by the Board of Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein. The Board of Supervisors may require duplicate sets of petition materials.

**Section 2302. PROCEDURE UPON CURATIVE AMENDMENTS**

The procedure upon curative amendments shall be in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, Section 609.1 and Section 609.2.

## **ARTICLE 24**

### **ZONING HEARING BOARD**

#### **Section 2401. MEMBERSHIP OF THE ZONING HEARING BOARD**

- A. The Board of Supervisors shall appoint a Zoning Hearing Board which shall be composed of three (3) Township residents as members, organized, empowered and conducted in accordance with Article IX of The Pennsylvania Municipalities Planning Code (53 P.S. Subsection 10901) existing or hereafter as amended and supplemented (the "Code"). Members of the Zoning Hearing Board shall have terms of 5 years and shall be so fixed that the term of office of no more than one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township.
- B. The Board of Supervisors may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Board. Alternates shall serve on the Zoning Hearing Board only pursuant to the requirements set forth in Article IX, Section 903. (b), of the Municipalities Planning Code, Act 247, as amended.

#### **Section 2402. REMOVAL OF MEMBERS OF THE ZONING HEARING BOARD**

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

#### **Section 2403. ORGANIZATION OF THE ZONING HEARING BOARD**

- A. The Zoning Hearing Board shall elect from its own members its officers, who shall serve annual terms as such and may succeed themselves. For the conduct on any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 2405.
- B. If by reason of absence or disqualification of a member a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate

members of the board to sit on the Zoning Hearing Board as may be necessary to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to the Section 2401.B and the MPC, Act 247, as amended, shall be made on a case by case basis in rotation according to declining seniority among all alternates.

- C. The board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the Commonwealth. The board shall keep full public records of its business, which records shall be the property of the municipality, and shall submit a report of its activities to the governing body as requested by the governing body.

#### **Section 2404. EXPENDITURE OF SERVICES**

Within limits of funds appropriated by the governing body, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the governing body, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the governing body. Alternate members of the Zoning Hearing Board designated pursuant to the Section 2401.B and the MPC, Act 247, as amended, may receive compensation, as may be fixed by the governing body, for the performance of their duties, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the governing body.

#### **Section 2405. JURISDICTION OF ZONING HEARING BOARD**

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters, as set forth in the Municipalities Planning Code, Act 247, as amended.

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code, Act 247, as amended.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
- C. 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

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

- D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.
- E. 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 Municipalities Planning Code, Act 247, as amended.
- F. Applications for special exceptions under the zoning ordinance or flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 912.1, of the Code.
- G. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of the zoning ordinance.
- H. Appeals from the Zoning Officer's determination under Section 916.2, Procedure to Obtain Preliminary Decision, of the Code.
- I. Appeals from the determination of the Zoning Officer or Township 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 applications under Article V or VII of the Municipalities Planning Code, Act 247, as amended.

#### **Section 2406. APPLICABILITY OF JUDICIAL REMEDIES**

Nothing contained in this Article shall be construed to deny the appellant the right to proceed directly to court where appropriate, pursuant to the Pennsylvania Rules of Civil Procedure No. 1091 (relating to action in mandamus).

#### **Section 2407. DUTIES OF THE ZONING HEARING BOARD**

The duly established Zoning Hearing Board shall have the following functions:

- A. Variances

The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board shall prescribe the form of application and

require application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided the following findings are made where relevant in a given case:

1. 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 ordinance in the neighborhood or district in which the property is located;
2. 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 therefor necessary to enable the reasonable use of the property;
3. That such unnecessary hardship has not been created by the appellant;
4. 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 be detrimental to the public welfare; and,
5. That the variance, if authorized, will represent the minimum variance that will afford relief and 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 this Ordinance.

B. Special Exceptions

Special exceptions may be granted or denied by the Zoning Hearing Board pursuant to expressed standards and criteria contained in this Ordinance. The Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria and prescribe the application form to be used. In granting a special exception, the Zoning Hearing 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. The Zoning Hearing Board shall pursue the following procedure:

1. The Zoning Hearing Board's decision to grant a permit for use by special exception shall be made only after application, public notice and a public

hearing. Such permit shall apply specifically to the application and plans submitted and presented at this public hearing. Any subsequent amendments or additions shall be subject to review and public hearing by the Zoning Hearing Board as a special exception.

2. The Zoning Hearing Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear cases and make exceptions to the provisions of this Ordinance. The Zoning Hearing Board may thereafter direct the Zoning Officer to issue a permit if, in its judgement, the request will not be detrimental to the health, safety and general welfare of the Township.
3. A special exception use for which a permit is granted by the Zoning Hearing Board pursuant to the provisions of this section shall be construed to be a conforming use.

C. Parties Appellant Before the Zoning Hearing Board

1. Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Township Supervisors) pursuant to the Pennsylvania Municipalities Code, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or 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, structures or lot; from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of the Zoning Officer or Township Engineer in the reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and development or planned residential development may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.
2. Any appeal from the term outlined in Section 2405.C.1 of this ordinance shall be filed with the Zoning Officer and shall state the following:
  - a. The name and address of the appellant and/or applicant;
  - b. The name and address of the landowner of the real estate affected;

- c. A brief description and location of the real estate to be affected by such proposal or change together with a plot plan drawn to scale with sufficient clarity to show the nature and character of the appeal request;
- d. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof; and
- e. A statement of the section of this Ordinance under which the request may be allowed, and reasons it should, or should not be granted.

#### D. Conduct of Hearings

1. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 908 of the Municipalities Planning Code, Act 247, as amended.

2. Public Notice

Public notice shall be given and written notice shall be given to the applicant, the zoning officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such a time and in such a manner as shall be prescribed by ordinance or, in the absence of ordinance provisions, by rules of the board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

3. Zoning Hearing Fees

The Township Supervisors may establish reasonable fees with respect to hearings before the zoning hearing board. Fees for said hearings may include compensation for the secretary and members of the zoning hearing board, notice and advertising costs and necessary overhead connected with the hearing. The costs, however, shall not include legal expenses of the zoning hearing board, expenses for engineering, architectural or other technical consultants or expert witness costs.

4. Timing of Hearings

The hearing shall be held within 60 days from the date of the applicants request, unless the applicant has agreed in writing to an extension of time.

5. Hearing Decisions

The hearing shall be conducted by the board or the board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the board and accept the decision of findings of the hearing officer as final.

6. Parties Before the Zoning Hearing Board

The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board. The Zoning Hearing Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the board for that purpose.

7. Issuance of Subpoenas

The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

8. Representation by Counsel

The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

9. Rules of Evidence

Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

10. Stenographic Record of Hearings

The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

11. Communication with Parties

The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representative in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearing with any party or his representative unless all parties are given an opportunity to be present.

12. Hearing Decisions

The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board of hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Municipalities Planning Code, Act 247, as amended, or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

If the hearing is conducted by the hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendation available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 30 days after the report of the hearing officer.

Where the Zoning Hearing Board fails to render a decision within the period required by this subsection, or fails to hold the required hearing within 60 days of the applicant's request for a hearing, 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. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as herein above provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as prescribed in Section 2407.D.1. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

13. Decision Notification

A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

**Section 2408. TIME LIMITATIONS**

- A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Township if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him.
- B. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Ordinance or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

- C. No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall be raised in any proceeding filed with the Board later than thirty (30) days from the time such ordinance, map or amendment takes effect, unless the person raising such issues alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of the ordinances, adequate notice to his predecessor in interest shall be deemed adequate notice to him.
- D. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

#### **Section 2409. STAY OF PROCEEDINGS**

- A. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.
- B. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
- C. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses, and attorney fees incurred by the petitioner.

#### **Section 2410. PROCEDURE TO OBTAIN PRELIMINARY OPINION**

- A. In order not to unreasonably delay the time when a landowner may secure assurance that the ordinance or zoning map under which he proposes to build is free from challenge, and recognizing the procedure for preliminary approval of his development may be too cumbersome or may be unavailable, the land owner may advance the date from which time for any challenge to the ordinance or map run under Section 2405.F.1 by the following procedure:
1. The land owner may submit plans and other materials describing the proposed development or use to the Zoning Officer for a preliminary opinion as to their compliance with the Zoning Ordinance and Zoning Map. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed development or use and a sufficient basis for a preliminary opinion as to its compliance with the Ordinance.
  2. If the Zoning Officer's preliminary opinion is that the development or use complies with the Ordinance and/or Zoning Map, notice thereof shall be published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public. The favorable preliminary approval under Section 2405.F.1 and in the time therein specified for commencing a proceeding with the board shall run from the time when the second notice thereof has been published.

#### **Section 2411. APPLICATION OF ZONING APPEALS**

- A. Any appeal from the terms of this ordinance shall be filed with the Zoning Officer on forms provided by the Township and shall contain the following information:
1. The name and address of the appellant and/or applicant;
  2. The name and address of the landowner of the real estate affected by such appeal;
  3. A brief description and location of the real estate to be affected by such appeal;
  4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof;

5. A statement of the section of this Ordinance under which the appeal is being filed;
6. A narrative shall be submitted with the application as an attachment to the application stating the reasons why the appeal should be granted; or a narrative describing the situation in which the alleged erroneous decision is being appealed;
7. An accurate description of the present improvements and the additions intended to be made under the application, indicating the size and use of such proposed improvements and general construction thereof. In addition, a site plan of the real estate to be affected shall be submitted as an attachment to the application, as required to accompany applications for permits, indicating the location, size of the lot and locations of improvements now erected and proposed to be erected thereon.
8. The signature of the applicant and the owner; and the date the application was signed.

B. Zoning Appeal Fee

A filing fee, established by the Board of Supervisors by resolution, shall accompany the application. The application shall not be processed until the filing fee has been paid in full.

**Section 2412. APPEALS TO COURT**

Nothing contained in this Article shall be construed to deny the appellant the right to appeal a zoning hearing decision to higher court authority. Any person, taxpayer, or Township aggrieved by any decision of the Zoning Hearing Board may within 30 days after such decision of the Zoning Hearing Board seek review by the Court of Common Pleas of such decision in the manner provided by the law of the Commonwealth of Pennsylvania and Article X-A of the Municipalities Planning Code, Act 247, as amended.

## ARTICLE 25

### VALIDITY, REPEAL, CONFLICTS, CODIFICATION, AND EFFECTIVE DATE

#### **Section 2501. VALIDITY**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or of any other part thereof.

#### **Section 2502. REPEALER**

All ordinances or part of ordinances inconsistent herewith are hereby repealed.

#### **Section 2503. CODIFICATION STATEMENT**

It is the intention of the Township Supervisors and it is ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Township of Lykens, Pennsylvania and the sections of this Ordinance may be renumbered to accomplish that intention.

#### **Section 2504. ENACTMENT**

Enacted and ordained into an Ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

BOARD OF SUPERVISORS  
TOWNSHIP OF LYKENS

By: \_\_\_\_\_  
Chairman

ATTEST: \_\_\_\_\_  
Secretary

## AMENDMENT #3 - ARTICLE 20 - Conditional Uses - Section 2004.D

*This amendment revises Section 2004.D.2 only the remainder of the Section does not change*

### D. Commercial Livestock and Poultry Farming Operations

Within the Agriculture (A) District commercial livestock and poultry farming operations are permitted, subject to the following specific conditions:

1. Any area used for the housing, feeding and watering, and/or outdoor running of livestock and poultry shall be set back one thousand (1000') feet from any residential zone.

*Section D.2 is Revised to read*

2. **The applicant shall furnish qualified evidence that the proposed use has an approved nutrient management plan that complies with the Pennsylvania "Nutrient Management Act" of 1993-6, approved by the General Assembly of the Commonwealth of Pennsylvania, and/or criteria established by the Dauphin County Animal Waste Storage and Nutrient Management Ordinance as adopted and/or revised, and/or Federal Government regulations governing the development and operation of Concentrated Animal Operations and/or Concentrated Animal Feeding Operations. All subsequent operations on the site shall be required to strictly adhere to this approved nutrient/manure management plan.**
3. The applicant shall furnish evidence from the United States Department of Agriculture's Soil Conservation Service (USDA SCS) that the proposed use has an approved conservation plan.
4. Daily Cleanup.

All soil washed or carried onto public streets during any activities related to the livestock or poultry farm operation shall be cleaned up each day. The landowner shall be responsible to protect and clean up lower properties of silt and debris which have washed down onto the lower properties as a result of the operation on the higher property.

ORDINANCE NO. 2011-1

AN ORDINANCE AMENDING THE ZONING CODE OF LYKENS TOWNSHIP, COUNTY OF DAUPHIN, COMMONWEALTH OF PENNSYLVANIA, AMENDING ARTICLE 19, ADDING SECTION 1920, ADDING REGULATIONS FOR OIL AND GAS EXPLORATION, AMENDING DEFINITIONS, ESTABLISHING PERMIT REQUIREMENTS; REGULATING THE OPERATION, INSTALLATION AND MAINTENANCE OF THE EXPLORATION; ESTABLISHING THE PENALTIES FOR VIOLATIONS OF THE ORDINANCE; ESTABLISHING A RIGHT OF ORDINANCE SEVERABILITY AND SETTING FORTH AN ORDINANCE DATE OF EFFECT.

BE IT ENACTED AND ORDAINED BY LYKENS TOWNSHIP, COUNTY OF DAUPHIN, PENNSYLVANIA, AND IT IS HEREBY ENACTED AND ORDAINED BY THE AUTHORITY THE SAME AS FOLLOWS:

**Section 1.** The Code of the Township of Lykens Dauphin County, Article , Table of Contents is amended to add the following:

1. 1920. Oil and Gas Exploration

**Section 2.** The Code of the Township of Lykens Dauphin County, Article 2, Section 203, List of Definitions is amended to add the following definitions:

1. "Applicant" – Any person, Owner, Operator, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting Oil or Gas.
2. "Building" – An occupied structure with walls and roof in which persons live or customarily work.
3. "Dam" – A body of water directly fed by discharge of a stream or river.
4. "Department" – The Department of Environmental Protection of the Commonwealth.
5. "Drilling Pad" – The area of surface operations surrounding the surface location of a well or wells.
6. "Collector Street" – A public street or road which, in addition to providing access to abutting lots, intercepts Local Streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

7. "Local Street" – A public street or road designed to provide access to abutting lots and to discourage through traffic.
8. "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.
9. "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.
10. "Oil and Gas" – Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an Oil or Gas Well.
11. "Oil and Gas Development or Development" – The well site preparation, construction, drilling, hydraulic fracturing, and/or site restoration associated with an Oil or Gas Well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of Oil and Gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of Oil and Gas. The definition does not include Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions.

12. "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.
13. "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.
14. "Operator" – The person designated as the well Operator on the permit application or well registration.
15. "Owner" – A person, who owns, manages, leases, controls or possesses an Oil or Gas Well.
16. "Pad Drilling" – The drilling of multiple wells from a single location.
17. "Pond" – A body of water directly fed by discharge of an underground spring.
18. "Storage Well" – A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure.
19. "Well Pad" – The area used for development and production of Oil and Gas including buildings and structures and all activities associated with an Oil and Gas Well after drilling activities are complete.

**Section 2.** The Code of the Township of Lykens Dauphin County, Article 19, General Regulations, Section 1920, Oil and Gas Exploration is added to read as follows:

**Section 1920. Oil and Gas Exploration.**

- A. PURPOSE: The purpose of this ordinance is to provide, through zoning and flood plain management provisions, for the reasonable development of land for Oil and Gas drilling while providing adequate health, safety and general welfare protections of the Lykens Township residents. Oil and Gas exploration, drilling and extraction

operations involve activities that are economically important and will impact the Lykens Township. Accordingly, it is necessary and appropriate to adopt reasonable requirements for Oil and Gas resource development so that these resources can be obtained in a manner that is economically remunerative, and that minimizes the potential impact on the residents of the Lykens Township. Local governments are preempted from regulating the same features Oil and Gas Well operations or accomplishing the same purposes regulated under the PA Oil and Gas Act. Local zoning regulates surface land use.

**B. ZONING CLASSIFICATIONS:** Subject to the provisions of this ordinance:

1. An Oil or Gas Well Site may be permitted in, Conservation, Light Industrial and Commercial-Business Zoning Districts as a special exception. To apply for a special exception refer to Section 2209.
2. A Natural Gas Compressor Station or a Natural Gas Processing Plant or any similar facilities performing the equivalent functions may be permitted in Conservation, Light Industrial and Commercial-Business Zoning Districts as a special exception. To apply for a special exception refer to Section 2209.

**C. APPLICABILITY:**

1. This ordinance applies to all Oil and Gas Well Sites, Natural Gas Compressor Stations, and Natural Gas Processing Plants that will be permitted or constructed after the effective date of the ordinance.
2. Oil and Gas Well Sites, Natural Gas Compressor Stations, and Natural Gas Processing Plants that were permitted or constructed prior to the adoption of this ordinance shall not be required to meet the requirements of this ordinance; provided that any modification to an existing or permitted Oil or Gas Well Site that occurs after the effective date of this ordinance and materially alters the size, type, location, number of wells and other accessory equipment or structures, or any expansion (capacity or footprint) to an existing Natural Gas Compressor Station or Natural Gas Processing Plant shall require compliance with and a permit under this ordinance.

**D. PERMIT REQUIREMENT:**

1. No Oil or Gas Well Site, Natural Gas Compressor Station, or Natural Gas Processing Plant or an addition to an existing Oil or Gas Well Site, Natural Gas Compressor Station, or Natural Gas Processing Plant shall be constructed or located within Lykens Township unless a permit under this

ordinance has been issued by Lykens Township to the Owner or Operator approving the construction or preparation of the site for Oil or Gas Development or construction of Natural Gas Compressor Stations or Natural Gas Processing Plants.

2. The permit application, or amended permit application, shall be accompanied by a fee as established in the Lykens Township's schedule of fees.
3. Any modification to an existing and permitted Oil or Gas Well Site that materially alters the size, location, number of wells or accessory equipment or structures, or any modification to an existing Natural Gas Compressor Station or Natural Gas Processing Plant shall require a modification of the permit under this ordinance. Like-kind replacements shall not require a permit modification.

E. PRE-APPLICATION CONFERENCES: (optional)

1. Purpose. Before submitting an application the Applicant is strongly encouraged to meet with the Lykens Township staff to determine the requirements of and the procedural steps and timing of the application. The intent of this process is for the Applicant to obtain necessary information and guidance from the Lykens Township staff before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation. Lykens Township shall schedule a conference within thirty (30) days of receiving any such request from an Applicant.
2. Process. A pre-application conference is totally voluntary on the part of the Applicant and shall not be deemed the beginning of the time period for review as prescribed by law. The pre-application conferences are intended for the benefit of the Applicant in order to address the required permit submittals and are advisory only and shall not bind the Lykens Township to approve any application for a permit or to act within any time limit relative to the date of such conference.

F. PROCEDURE:

1. Seismic Testing does not require a zoning permit.
2. Installation of gathering and transmission pipelines does not require a zoning permit.

3. A Zoning/Development Permit shall be obtained for each Well Pad (Consideration may be given to create a streamlined process for well pads, pipelines, and compressors, as determined reasonable by Lykens Township.
4. When multiple wells are located on the same Well Pad, a separate permit for each well is not required. However, written notification must be provided to the Zoning Administrator at least 14 days, but no more than 90 days, prior to drilling of each well not already identified in a Zoning/Development Permit.

G. PERMIT APPLICATION:

1. The Applicant shall provide to Lykens Township at the time of permit application:
  - a. A narrative describing an overview of the project including the number of acres to be disturbed for development, the number of wells to be drilled including DEP permit number(s) for any or all wells, if available, at the time of submittal and provided when issued later, and the location, number and description of equipment and structures to the extent known.
  - b. For Natural Gas Compressor Stations or Natural Gas Processing Plants, a narrative describing an overview of the project.
  - c. The address of the Oil or Gas Well Site, Natural Gas Compressor Station or Natural Gas Processing Plant as determined by the County 911 addressing program 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 Well Site shall be provided to Lykens Township and all applicable Emergency Responders as determined by Lykens Township. 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. Upon any change of relevant circumstances, the Applicant, as necessary in order to comply with this requirement, shall update such information and provide it to Lykens Township and all applicable Emergency Providers.
  - e. A location map of the Oil or Gas Well Site showing the Drilling Pad, planned access roads, the 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 resources. Included in this map shall be an area within the development site for vehicles to locate while gaining access to the Oil or Gas Well Site configured such that the normal flow of traffic on public streets shall be undisturbed.

- f. A location map of the Natural Gas Compressor Station or Natural Gas Processing Plant including any major equipment and structures and all permanent improvements to the site.
- g. A description of the transportation of materials and equipment to construct and maintain the Oil or Gas Well Site during construction, drilling and operation.
- h. A statement or evidence that, prior to the commencement of any activity at the Oil or Gas Well Site, the Applicant shall have accepted and complied with any applicable bonding and permitting requirements and shall have entered into a Lykens Township roadway maintenance and repair agreement with Lykens Township, in a form acceptable to the Lykens Township regarding the maintenance and repair of Lykens Township streets that are to be used by vehicles for site construction and drilling activities. Include a description of how damage to public roads adjacent to the tract will be addressed.
- i. A description of, and commitment to maintain, safeguards that shall be taken by the Applicant to ensure that Lykens Township streets utilized by the Applicant shall remain substantially 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 significant dirt, mud and debris occur as a result of Applicant's usage.
- j. A statement that the Applicant will make the operation's Preparedness, Prevention and Contingency Plan available to Lykens Township and all Emergency Responders at least 30 days prior to drilling of an Oil or Gas Well and at least annually thereafter while drilling activities are taking place at the Oil or Gas Well Site.

- k. An appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders. The cost and expense of the orientation and training shall be sole responsibility of the Applicant. If multiple wells/Well Pads are in the same area (covered by the same emergency response agencies), evidence of a training course issued to the appropriate emergency responders in the last 12 months shall be accepted. Site orientation for each well/Well Pad shall still be required for the appropriate Emergency Responders, as determined by Lykens Township.
2. Within 30 days after receipt of a permit application, Lykens Township will determine whether the application is complete and adequate and advise the Applicant accordingly.
3. If the application is complete and adequate, the Applicant shall receive its permit within 45 days following the date the application was first submitted.
4. If the application is incomplete and/or inadequate Lykens Township will notify the Applicant of the missing or inadequate material and, upon receiving said material, issue the permit within 30 days following receipt.
5. As a condition of permit approval, Applicant shall provide all permits and plans from the Pennsylvania Department of Environmental Protection and all other appropriate regulatory agencies within 30 days of receipt of such permits and plans.
6. Access directly to State roads shall require Pennsylvania Department of Transportation (PADOT) Highway Occupancy Permit Approval. Prior to initiating any work at a drill site, Lykens Township shall be provided a copy of the Highway Occupancy Permit.
7. Access directly to Lykens Township roads shall require a Lykens Township Driveway Permit prior to initiating any work at a Well Site.

8. If temporary housing for Well Site workers is proposed on the well site, a plan showing the number and location of the units shall be provided to Lykens Township. Temporary housing plans shall be in compliance with all applicable Lykens Township regulations.

#### G. SITE DESIGN AND INSTALLATION:

1. Access.
  - a. Vehicular access to any Natural Gas Well, Oil Well or Well Pad shall minimize danger to traffic and nuisance to surrounding properties.
  - b. No oil or gas well site shall have access solely through a local street. Whenever possible, access to the oil or gas well site should be from a collector street.
  - c. Accepted professional standards pertaining to minimum traffic sight distances for all access points shall be adhered to.
  - d. Beginning with its intersection with a public street, any access road or driveway for the development or drill site shall be paved with an impervious material for the first one hundred sixty feet (160').
2. Height.
  - a. Permanent structures associated with an Oil and Gas Well Site, both principal and accessory, shall comply with the height regulations for the zoning district in which the Oil or Gas Well Site is located.
  - b. Permanent structures associated with Natural Gas Compressor Stations or Natural Gas Processing Plants shall comply with the height regulations for the zoning district in which the Natural Gas Compressor Station or Natural Gas Processing Plant is located.
  - c. There shall be an exception to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, Pad Drilling and other accessory uses necessary for the actual drilling or redrilling of an Oil or Gas Well. The duration of such exemption shall not exceed the actual time period of drilling or redrilling of an Oil or Gas Well or Pad Drilling.
3. Setbacks/Location.
  - a. Setback distances shall follow requirements listed in the Pennsylvania Oil and Gas Act (PA Act 223), 25 Pa. Code Sec. 78.1 et seq., 25 Pa.

Code Sec. 79.1 et seq., and general setback requirements of the zoning district in which the Oil or Gas Development is located.

- b. Drilling rigs and water storage dams shall be located a minimum setback distance of five-hundred feet (500') from any property line, public or private street, or building not related to the drilling operations on either the same lot or an adjacent lot.
- c. Drilling rigs and water storage dams shall be located a minimum setback distance of one-thousand feet (1,000') from any water well.
- d. Drilling rigs and water storage dams shall be located a minimum setback distance of five hundred feet (500') from any stream, dam, or pond.
- e. Natural Gas Compressor Stations or Natural Gas Processing Plants shall comply with all general setback and buffer requirements of the zoning district in which the Natural Gas Compressor Station or Natural Gas Processing Plant is located.
- f. Recognizing that the specific location of equipment and facilities is an important and integral part of the Oil and Gas Development, and as part of the planning process, Operator shall strive to consider location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Lykens Township's residents' enjoyment of their property and future Lykens Township development activities as authorized by Lykens Township applicable ordinances.

4. Screening and Fencing.

- a. Security fencing shall not be required at Oil or Gas Well Sites during the initial drilling, or redrilling operations, as long as manned 24-hour on-site supervision and security are provided.
- b. Upon completion of drilling or redrilling in Commercial Zones, security fencing consisting of a permanent chain link fence shall be promptly installed at the Oil or Gas Well Site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the Oil or Gas Well Site. Lykens Township may use its discretion to

determine whether fencing requirements shall be enforced in other zones.

- c. Security fencing shall be at least 6 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide. Additional lockable gates used to access Oil and Gas Well Sites by foot may be allowed, as necessary.
- d. Lykens Township First Responders shall be given means to access Oil or Gas Well Sites in case of an emergency. Applicant must provide County 911 Communications Center necessary information to access the Well Pad in case of an emergency.
- e. Warning signs shall be placed on the fencing surrounding the Oil or Gas Well Site providing notice of the potential dangers and the contact information in case of an emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the pad site.
- f. In construction of Oil or Gas Well Sites the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation. Existing trees and respective root systems should not be disturbed whenever possible.

5. Lighting.

- a. Lighting at the Oil or Gas Well Site, or other facilities associated with Oil and Gas Drilling Development, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and adjacent properties.
- b. Lighting at a Natural Gas Compressor Station or a Natural Gas Processing Plant shall, when practicable, be limited to security lighting.

6. Noise.

- a. The Applicant shall take the following steps to minimize, to the extent possible, noise resulting from the Oil or Gas Well Development.
- b. Prior to drilling of an oil or gas well or the operation of a natural gas compressor station or a natural gas processing plant, the applicant shall establish by generally accepted testing procedures, the

continuous seventy-two hour ambient noise level at the nearest property line of a residence or public building, school, medical, emergency or other public facility, or one-hundred feet from the nearest residence or public building, medical, emergency or other public facilities, whichever point is closer to the affected residence or public building, school medical, emergency or other public facility. In lieu of the establishment of the ambient noise level established by the continuous seventy-two hour test the applicant may assume and use, for the purpose of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

- c. The applicant shall provide the township documentation of the established ambient noise level prior to starting oil or gas drilling and/or production operations.
- d. The noise generated during the oil and gas operations or the natural gas compressor station or the natural gas processing plant shall not exceed the average ambient noise level established in subsection (2) by more than:
  - (1) 5 decibels during drilling activities,
  - (2) 10 decibels during hydraulic fracturing operations,
  - (3) 5 decibels for a gas compressor station or a natural gas processing plant,
  - (4) Allowable increase in subsection c shall not exceed the average ambient noise level for more than 10 minutes within any one-hour period,
  - (5) A cap of 73 decibels is allowable at the property line.
- e. Effective sound mitigation devices shall be installed to permanent facilities to address sound levels that would otherwise exceed the noise level standards when located near a residence, public building, school, medical, emergency or other public facilities.

- f. Exemption from the standards established in this subsection may be granted by the Township during the drilling stage or at the oil or gas well site, or the gas compressor station, or at the natural gas processing plant for good cause shown and upon written agreement between the applicant and the township.
- g. Operators shall make reasonable efforts to address any noise complaints received by Lykens Township within 24 hours following receipt of notification.
- h. Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions shall be constructed so as to mitigate sound levels, or have installed mitigation devices to mitigate sound levels so as to prevent such activity from being a nuisance to nearby residential or public buildings, medical, emergency or other public facilities.
- i. No operation of heavy equipment, trucks, or drilling or pumping apparatus shall be conducted between the hours of 7 p.m. and 7 a.m. daily, or on Sundays or holidays.
- j. The applicant shall demonstrate compliance with the noise standards contained in Section 1503.

7. Prohibitions.

- a. No drilling shall be allowed in the floodway designated as such on the FEMA maps.

**Section 3.** SEVERABILITY: If any sentence, clause, section or part of this ordinance is for any reason to be 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 of this ordinance. It is hereby declared as the intent of Lykens 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 4.** PENALTIES: Any Owner, Operator, or other person who violates or permits a violation of this chapter shall, upon being found liable therefore in a civil enforcement proceeding before a Magisterial District Judge, pay to Lykens Township a fine of a minimum of \$1,000, plus all court costs, including but not limited to accrued damages, public or private, and reasonable attorney's

fees incurred by Lykens Township on account of such violation. No penalty or cost shall be imposed until the date the determination of the violation by the Magisterial District Judge becomes final. If the defendant neither pays nor timely appeals the judgment, Lykens Township may enforce the judgment as provided by law. Each day a violation exists after final judgment shall constitute a separate offense. The amount of the fine imposed shall be multiplied by the number of such days and may be charged and collected by Lykens Township without further judicial proceedings. Further, the appropriate officers or agents of Lykens Township are hereby authorized, to issue a cease and desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith. No Bond will be required if injunctive relief is sought by Lykens Township. A person who violates this Ordinance shall also be responsible for Lykens Township's attorney's fees, engineering fees, expert fees and court costs reasonably incurred by Lykens Township on account of such violation.

**Section 5.** REPEALER: All other ordinances or parts thereof, which are in conflict with this ordinance are hereby repealed.

**Section 6.** EFFECTIVE DATE:

1. This ordinance shall take effect immediately upon enactment for all new oil and gas exploration applications.



- A. Agricultural Services \*
- B. Agricultural Uses \*
- C. Animal Hospital \*
- D. Animal Services \*
- E. Auction House \*
- F. Bed and Breakfast \*
- G. Boarding Stable \*
- H. Breeding Farm \*
- I. Cemetery \*
- J. Church \*
- K. Commercial Greenhouse
- L. Communication Facilities \*
- M. Day Care, Home
- N. Dwelling, Manufactured Home \*
- O. Dwelling, Single-Family Detached
- P. Electric Substation \*
- Q. Electric Distribution Facilities \*
- R. Farm \*
- S. Feedlot \*
- T. Fish Farm \*
- U. Forestry
- V. Government Uses\*
- W. Nature Preserve
- X. Nursery, Horticulture
- Y. Public Stable \*
- Z. Public Utility Facilities \*
- AA. Recreation, Private \*
- BB. Recreation, Public \*
- CC. Recycling Collection Facility
- DD. Repair Services
- EE. Riding Academy \*
- FF. Saw Mill
- GG. School Facility
- HH. Silviculture
- II. Timber Harvesting \*
- JJ. Veterinary Hospital \*
- KK. Veterinary Services
- LL. Wildlife Preserve
- MM. Wildlife Propagation
- NN. Any use Determined by the ZO to be of the same general character of the above list of permitted uses.

#### OTHER USES TO CONSIDER

- OO. Animal husbandry.
- PP. Auction House.
- QQ. Auto Body Shop
- RR. Automobile Garage
- SS. Automobile Service Stationmobile