

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF LYKENS, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING ARTICLE 2 DEFINITIONS OF THE LYKENS TOWNSHIP ZONING ORDINANCE BY ADDING A DEFINITION FOR "NORMAL AGRICULTURAL OPERATION", "CONCENTRATED ANIMAL OPERATION" AND CONCENTRATED ANIMAL FEEDING OPERATION"; AMENDING ARTICLE 5 TO AMEND PERMITTED USES TO REFLECT NEW DEFINITIONS, AND TO AMEND SUBDIVISION REQUIREMENTS; ARTICLE 6 TO CHANGE THE NAME OF THE A-R AGRICULTURAL-RESIDENTIAL DISTRICT TO "R-R RURAL RESIDENTIAL", ARTICLE 6, TO AMEND THE PERMITTED USES IN THE R-R RURAL RESIDENTIAL ZONING DISTRICT; ARTICLE 19 TO AMEND GENERAL REGULATIONS RELATIVE TO ANIMALS AND HORTICULTURE; PART 20 TO REQUIRE ENVIRONMENTAL TESTING PRIOR TO CONSTRUCTION OF CAFO AND CAO; ARTICLE 20 TO REGULATE PRINCIPAL SOLAR ENERGY SYSTEMS.

WHEREAS, the Second Class Township Code authorizes the Board of Supervisors to plan for development of the Township through zoning, subdivision and land development regulations under the Pennsylvania Municipalities Planning Code, 53 P.S. §66517, *et seq.*; and

WHEREAS, the Board of Supervisors believe it in the best interest of Lykens Township to amend the Lykens Township Zoning Ordinance to promote consistency, throughout the zoning ordinance, in the allowance of certain permitted, special exception and conditional uses; and

WHEREAS, the Board of Supervisors held a Public Hearing on the proposed Zoning Ordinance on _____, pursuant to requirements set forth in the Pennsylvania Municipalities Planning Code, 53 P.S. §10609, *et seq.*; and

WHEREAS, a copy of the proposed Zoning Amendment was submitted to the Township Planning Commission and the Dauphin County Planning Department at least forty-five (45) days prior to the Hearing held on _____.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of the Township of Lykens, Dauphin County, Pennsylvania, as follows:

1. The following definitions shall be added to Article 2, Definitions:

Normal Agricultural Operation: The activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities that is:

- a. Not less than ten (10) contiguous acres in area; or
- b. Less than ten (10) contiguous acres in area but has an anticipated yearly gross income of at least \$10,000.

Concentrated Animal Operation (CAO): An agricultural operation that meets the criteria established by the State Conservation Commission under the authority of 3 Pa.C.S. Chapter 5 (relating to nutrient management and odor management) in Chapter 83, Subchapter D (relating to nutrient management). Concentrated Animal Operation is a "normal agricultural operation."

Concentrated Animal Feeding Operation (CAFO): A CAO with greater than 300 AEUs, or any agricultural operation with greater than 1,000 AEUs, or any

agricultural operation defined as a large CAFO under 40 CFR 122.23(b)(4) (relating to concentrated animal feeding operations (applicable to State NPDES programs, see 123.25). Concentrated Animal Feeding Operation is a "normal agricultural operation."

2. Article 2 – remove definition for "Commercial Livestock and Poultry Operation"

3. Article 5 shall be amended as follows:

- (1) Section 501. Purpose – 4) shall be amended to read, "maintaining agricultural land parcels to preserve agricultural and farm land."
- (2) Section 502. Permitted uses shall be amended to add "Concentrated Animal Operation (CAO)", and "Concentrated Animal Feeding Operation (CAFO)." The permitted uses list will be renumbered to read as follows:
 - 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. Concentrated Animal Operation (CAO)
 - N. Concentrated Animal Feeding Operation (CAFO)
 - O. Day Care, Home
 - P. Dog Kennel
 - Q. Dwelling, Manufactured Home
 - R. Dwelling, Single-Family Detached
 - S. Electric Substation
 - T. Electric Transmission and Distribution Facilities
 - U. Farm
 - V. Feedlot

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

- (3) Section 504.C "Commercial Livestock and Poultry Farming" shall be removed and conditional uses shall be renumbered as follows:
 - A. Airport
 - B. Agriculture Commodities Processing
 - C. Dwelling, Industrialized Housing
 - H. Dwelling, Seasonal
 - I. Golf Course
 - J. Slaughter House
 - K. Timber Harvesting
- (4) Section 506.A, shall be amended to read: The minimum lot size for a farm and agriculture tracts shall be ten (10) acres.
- (5) Section 506.A.1 - EXCEPTION – lots of less than 10 acres are permitted so long as the anticipated yearly gross income is at

least \$10,000. Information shall be submitted showing a business plan justifying this anticipated income.

- (6) Section 506.B shall be amended to read: "The minimum lot size for permitted residential dwelling units and accessory uses shall be one (1) net acre (the calculation of one net acre shall be EXCLUSIVE of access easements, utility easements, or legal rights of way)
- (7) 506.C shall be amended to read: The maximum lot size for permitted residential uses shall be one (1) net acre, unless the requirements of Section 509 are met. (the calculation of one net acre shall be EXCLUSIVE of access easements, utility easements, or legal rights of way)
- (8) Section 509.A.1 shall be amended to read, "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
- (9) Section 509.A.1.a - EXCEPTION – lots of less than 10 acres are permitted so long as the anticipated yearly gross income is at least \$10,000. Information shall be submitted showing a business plan justifying this anticipated income.
- (10) Section 509.A.2 shall be REMOVED, and REPLACED with the following, "For parcels of land containing more than 35 acres, the total property area represented by lots permitted, excluding the remainder lot, shall not exceed 10% of the total area of the parcel at the time of initial property subdivision or development occurring after the effective date of this chapter (June 16, 1997)"

4. Article 6 shall be amended as follows:

- (1) The name of the zoning district shall be changed from "A-R Agricultural-Residential" to "R-R - Rural Residential"
- (2) Section 602.A – "Agricultural Uses" shall be removed from permitted uses

(3) Section 604 shall be amended to include Agricultural uses and read as follows:

- A. Agricultural Uses/Normal Agricultural Operations
- B. Golf Course
- C. Health Club
- D. Manufactured/Mobile Home Park
- E. Timber Harvesting

5. Article 9 – “C-B Commercial-Business District” shall be renamed “C – Commercial District”

6. Article 18 Shall be amended as follows:

- (1) Section 1805.A – “Agriculture Residential (A-R)” shall be replaced with “Rural Residential (R-R)”

7. Article 19 Shall be amended as follows:

- (1) 1902.B.6 shall be amended to read, “Carcasses of dead animals shall be promptly removed and disposed of within 48 hours of discovery of the animal.

- (2) Insert 1902.B.6(a) – Burial – when a property owner proposes to utilize burial of expired animals as a means of disposal, the following shall apply:

- i. shall not be buried within the limits of the special flood hazard area

ii. shall not be buried closer than 200 feet from top of bank of any stream or waterway.

iii. shall be covered with minimum of two feet (2') of soil within 48 hours of expiration of the animal

iv. shall be buried not less than 150 feet from any well or sinkhole

v. any animals buried on a property shall ONLY be generated from that property. It is not permitted to bury expired animals from another property.

(3) Section 1902.B.1 shall be amended to read, "Buildings in which poultry, fowl and hooved animals are kept shall not hereafter be erected within two hundred (200) feet of any lot line."

(4) Section 1902.B.2 shall be amended to read, "Dog Kennels shall be located and erected in accordance with Article 19, Section 1902.R.1"

8. Article 20 Shall be amended as follows:

(1) 2004.D – title shall be replaced to read, "Normal Agricultural Operations"

(2) 2004.D.1 shall be amended to read, "Any area used for the housing, feeding and watering, and/or outdoor running of livestock and poultry shall be set back a minimum of four hundred (400') feet from any residential zoning district.

(3) INSERT – 2004.D.5 – minimum lot size for CAFO or CAO shall be 30 acres

(4) INSERT – 2004.d.6 – Before construction of CAO, wells on adjacent properties shall be tested for potability at expense of the CAO owner. Test results shall be submitted along with any land development plans or permit applications.

9. Section 2207.C.1- REPLACE, "...of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof." With, "...of not less than \$300 nor more than \$1000 plus all enforcement costs and court costs, including reasonable attorney fees incurred by the Township as a result thereof."

10. The provisions of this Ordinance are severable. If any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Lykens Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

11. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

12. This Ordinance shall become effective five (5) days after its passage or adoption.

ORDAINED AND ENACTED into law this _____ day of _____,
2024.

TOWNSHIP OF LYKENS

By _____
Rick Schadel, Chairman

[Township Seal]

Attest:

Amy Hoffman, Township Secretary