

## 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 accidently 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, not withstanding 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 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 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.