

ARTICLE 20

CONDITIONAL USES

Section 2001. PURPOSE

In addition to the procedures and requirements of this ordinance, the Township Board of Supervisors may grant and deny conditional uses in accordance with Section 913.2 of the PA Municipalities Planning Code, Act 247. The following procedures and standards must be satisfied prior to approval of any application for a conditional use. The applicant shall be required to demonstrate compliance with these standards and furnish any evidence necessary to demonstrate such compliance. All uses must comply with the standards expressed within each underlying zone unless those standards expressed for each conditional use specify different standards; in such cases, the conditional use standards shall apply.

Section 2002. FILING OF A CONDITIONAL USE

For any use permitted by conditional use, a conditional use must be obtained from the Board of Supervisors. In addition to the information required on the zoning permit application, the conditional use application must show:

- A. Names and addresses of adjoining property owners including properties directly across a public right-of-way.
- B. A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
- C. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

Section 2003. GENERAL CRITERIA

Each applicant must demonstrate with appropriate evidence compliance with the following:

- A. The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance.
- B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties.
- C. The proposed use will not effect a change in the character of the subject property's neighborhood.

- D. Adequate public facilities are available to serve the proposed use (e.g. schools; fire, police and ambulance protection; sewer, water, and other utilities; vehicular access; etc.).
- E. For development within the Flood plain areas, that the application complies with those requirements listed in Article 11 of this Ordinance.
- F. The proposed use shall comply with those criteria specifically listed in Article 20, Section 2004 of this Ordinance. In addition, the proposed use must comply with all other applicable regulations of this Ordinance.
- G. The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.

Section 2004. SPECIFIC CRITERIA

In addition to the general criteria listed in Section 2003, the following sets forth specific standards that shall be applied to each individual conditional use. These standards must be satisfied prior to approval of a conditional use by the Lykens Township Board of Supervisors.

A. Adult Entertainment

Within the Commercial Business (CB) District adult entertainment uses are permitted, subject to the following specified conditions:

- 1. The applicant shall provide evidence to the Board of Supervisors that the adult entertainment uses shall meet the following standards:
 - a. No merchandise, pictures of the products, or entertainment on the premises shall be displayed in window areas or anywhere they can be viewed from a sidewalk or public street.
 - b. No building, structure, or premises shall be so constructed that private rooms or accommodations shall be offered to patrons of the business operated therein.
 - c. Location.
 - (1) Any Adult Entertainment Use shall be seven hundred and fifty (750') feet from any residential use, church, school, child care centers, public park or playground. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest

property line of the premises where an adult entertainment business is conducted, to the nearest property line.

- (2) Any Adult Entertainment Use shall be 1,000' from any parcel of land upon which another Adult Entertainment Use is located. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises where an adult entertainment business is conducted, to the nearest property line.

d. Physical Layout.

Any Adult Entertainment Use having available for customers, patrons or members, any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

- (1) Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the Adult Entertainment establishment, and shall be unobstructed by any door, lock, curtain, partition, portal partition or any other control type devices.
- (2) Each booth, room, or cubicle shall be separated from adjacent booth, room, or cubicle or any public areas by a solid wall.
- (3) Every booth, room, or cubicle shall have at least one (1) side totally open to a public lighted aisle so that there is unobstructed view at all times of anyone occupying any booth, room, or cubicle.
- (4) The lighting level of each booth, room, or cubicle when not in use shall be a minimum of ten (10) footcandles at all times as measured from the floor. The lighting level of each booth, room, or cubicle shall be a minimum of one (1) footcandle when in use.
- (5) Only one (1) individual shall occupy a booth, room, or cubicle at any time.

2. Written assurance shall be provided to the Board of Supervisors that authorization is given to allow Township Officials (i.e. Fire Marshall,

Codes and Zoning Officer, Building Inspector, Police) to inspect the premises for the purpose of ensuring compliance with this Ordinance or other laws, at any time that the Adult Entertainment use is occupied or open for business.

B. Airport

Within the Agriculture (A) District and Light Industrial (L-I) District, airports are permitted, subject to the following special conditions:

1. The minimum lot area for an airport shall be thirty (30) acres, unless the applicant can provide evidence that a smaller area is feasible and in conformance with State and Federal regulations. Minimum area for a heliport and/or helicopter landing spaces shall be five (5) acres.
2. Evidence should be provided ensuring that all facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
3. The applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application.
4. No part of the take-off/landing strip and/or pad shall be located nearer than three hundred (300') feet from any property line.

C. Campground

Within the Conservation (C) District, campgrounds are permitted, subject to the following specific conditions:

1. Setbacks.

All campsites shall be located at least fifty (50') feet from any side or rear property line at least one hundred (100') feet from any public street line.
2. To ensure adequate living space and parking, a campground shall be designed so that each camping space will be no less than the two thousand five hundred (2,500) square feet. Spaces for tents only shall be no less than eight hundred (800) square feet.
3. Evidence should be provided that adequate parking is provided for the campers and that parking for automobiles will not interfere with convenient and safe movement of traffic within the campground.

4. Roads constructed for campgrounds shall be provided and built in accordance with the standards set forth in the Lykens Township Subdivision and Land Development Ordinance.
5. All outdoor play areas shall be set back one hundred (100') feet from any property line and screened from adjoining residentially-zoned properties. Such outdoor play areas shall be designed for exclusive use.
6. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of one hundred (100') feet from any property line. Such facilities shall be screened from adjoining residentially-zoned properties.
7. Any accessory retail or service commercial uses shall be set back a minimum of one hundred (100') feet from any property line. Such accessory commercial uses shall be solely designed and constructed to serve the campground's registered guests and their visitors. Any parking spaces provided for these commercial uses shall only have vehicular access from the campground's internal road rather than the public street. All accessory commercial uses and related parking shall be screened from adjoining residentially-zoned parcels.
8. All campgrounds containing more than one hundred (100) campsites shall have vehicular access to an arterial or collector street.
9. During operation every campground shall have an office in which shall be located the person responsible for operation of the campground.
10. All water facilities, sewage disposal systems, rest rooms, solid waste disposal, and vector control shall be approved and maintained in accordance with the requirements of the PA DEP.
11. Evidence should be provided showing that all lighting shall be the minimum amount necessary for public safety and arranged and shielded so that no glare or direct illumination shall be cast upon adjacent properties or public streets.

D. Commercial Livestock and Poultry Farming Operations

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

1. Any area used for the housing, feeding and watering, and/or outdoor running of livestock and poultry shall be set back one thousand (1000') feet from any residential zone.
2. The applicant shall furnish qualified evidence that the proposed use has an approved nutrient management plan that complies with the Pennsylvania "Nutrient Management Act" of 1993-6, approved by the General Assembly of the Commonwealth of Pennsylvania, and/or criteria established by the Dauphin County Animal Waste Storage and Nutrient Management Ordinance as adopted and/or revised, and/or Federal Government regulations governing the development and operation of Concentrated Animal Operations and/or Concentrated Animal Feeding Operations. All subsequent operations on the site shall be required to strictly adhere to this approved nutrient/manure management plan.
3. The applicant shall furnish evidence from the United States Department of Agriculture's Soil Conservation Service (USDA SCS) that the proposed use has an approved conservation plan.
4. Daily Cleanup.

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

E. Country Club

Within the Agriculture-Residential (A-R) District country clubs and related facilities are permitted, subject to the following specific conditions:

1. The applicant should provide evidence that any golf course being constructed as part of the country club shall meet the conditions outlined in Article 20, Section 2004.G (Golf Courses).
2. Off-street parking shall be provided as required by the combination of elements comprising the country club, including accessory uses.
3. All outdoor recreation facilities shall be set back at least fifty (50') feet from the street right-of-way line, and twenty-five (25') feet from all other lot lines, and one hundred (100') feet from any residentially-zoned properties.

4. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building.
5. The applicant shall furnish expert evidence that all lighting of outdoor recreation areas has been arranged to prevent glare on adjoining properties and streets.

E. Dwelling (Industrialized Housing, Manufactured Home, Mobile Home, Seasonal, Single Family Detached)

Within the Conservation (C) and Agriculture (A) Districts, residential dwellings are permitted, subject to the following conditions.

1. In the Conservation (C) District:
 - a. All residential lots should have direct access to a public street.
 - b. The applicant should provide evidence as to how existing trees and vegetation between the principle structure and the street or road will be retained and protected.
 - c. The applicant should provide evidence that disturbances for the construction of roads, basins, and other improvements should be kept to a minimum.
 - d. Roads should following the existing contours, if possible.
 - e. Stone rows and tree lines that exist should be retained.
2. In the Agriculture (A) District:
 - a. All residential lots should have direct access to a public street.
 - b. To preserve open areas, promote efficient use of land for farming and minimize conflicts between residential and farming uses, residences should not be placed in open fields. Residences should be located adjacent to tree lines and wooded field edges.
 - c. For streets and driveway access, existing farm roads should be utilized if they possess safe sight distances consistent with the Township S&LD Ordinance.

- d. Existing agriculture structures such as barns and silos should be preserved where feasible.
 - e. The applicant should provide evidence that disturbances for the construction of roads, basins, and other improvements should be kept to a minimum.
 - f. Stone rows and tree lines that exist should be retained.
3. The placement of manufactured and mobile homes shall comply with the requirements of Article 19, Section 1902.S of this ordinance.

F. Flea Market

Within the Commercial Business (C-B) District, flea markets are permitted, subject to the following specific conditions.

1. The applicant shall provide a detail drawing that delineates all retail sales areas. The retail sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display stands, booths, tables or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale. The retail sales shall include all indoor and/or outdoor areas as listed above.
2. The retail sales area shall be set back at least fifty (50') feet from all property lines, and shall be calculated as part of the maximum permitted lot coverage, regardless of its surface treatment.
3. All outdoor display and sales of merchandise shall cease no less than one (1) hour after dusk.
4. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties.
5. Exterior trash receptacles shall be provided amid any outdoor retail sales area. Such trash receptacles shall be routinely emptied so as to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
6. All parking shall be off street parking. The applicant should provide evidence that spill over parking will be properly handled and that parking will not be directed to streets.
7. Access to the flea market shall not be through a residential development.

8. Overnight lodging shall be prohibited.

G. Golf Course

Within the Agriculture (A) District and Agriculture-Residential (A-R) District country club related golf courses and commercial and private golf courses are permitted, subject to the following specific conditions:

1. The applicant should provide evidence that in no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, access drive, or driveway.
2. The minimum lot area for golf courses shall be based on the following standards:

TABLE 20-1

TYPE OF COURSE	MINIMUM LOT AREA
Chip and Putt	25 acres
Executive Course	60 acres
Nine Hole - Regulation	75 acres
Eighteen Hole - Regulation	160 acres

3. The golf course design shall minimize golf path crossings of streets, access drives, and driveway. Easily identifiable golf paths must be provided for crossings of streets, access drives, or driveways. The golf course design shall both discourage random crossing and require use of the golf path crossings of streets, access drives, and driveways. Golf path crossings shall conform with the following:
 - a. Each crossing shall be perpendicular to the traffic movements.
 - b. All cart crossings must be provided with a clear sight triangle of seventy-five (75') feet, measured along the street, access drive, or driveway centerline and the golf path centerline, to a location on the centerline of the golf path, five (5') feet from the edge of the roadway. No permanent obstruction over three (3') feet high shall be placed within this area.

- c. Golf path crossings shall be signed warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with angle stripes.
- 4. All golf course buildings shall be set back seventy-five (75') feet from any adjoining roads and one hundred (100') feet from adjoining residential structures or parcels.
- 5. Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users. The applicant shall provide a drawing outlining in detail the size and location of all structures and accessory uses. Permitted activities include:
 - a. Clubhouse, which may consist of
 - (1) Restaurant, snack bar, lounge, and banquet facilities;
 - (2) Locker and rest rooms;
 - (3) Pro shop;
 - (4) Administrative offices;
 - (5) Golf cart and maintenance equipment storage and service facilities;
 - (6) Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms;
 - (7) Game rooms, including card tables, billiards, ping-pong, and other similar table games;
 - (8) Baby sitting rooms and connected fence-enclosed playlots; and
 - (9) Maintenance equipment storage.
 - b. Accessory recreation amenities located outside of a building, including:
 - (1) Driving range, provided that no lighting is utilized and minimum lot area of 10 acres;

- (2) Practice putting greens;
 - (3) Swimming pools;
 - (4) Tennis, platform tennis, handball, racquetball, squash, volleyball, and badminton courts;
 - (5) Boccie ball, croquet, shuffleboard, quoits, horseshoe pits, and washers courses;
 - (6) Picnic pavilions, picnic tables, park benches, and barbecue pits;
 - (7) Hiking, biking, horseback riding, and cross-country ski trails; and
 - (8) Playground equipment and playlot games, including 4-square, dodgeball, tetherball, and hopscotch.
6. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least one hundred (100') feet and screened from adjoining residential structures and roads.

G. Health Club

Within the Agriculture-Residential (A-R) District, a health club is permitted, subject to the following specific conditions:

1. Off-street parking shall be provided as required by the combination of elements comprising the health club, including accessory uses.
2. All outdoor recreation facilities shall be set back at least fifty (50') feet from the street right-of-way line, and twenty-five (25') feet from all other lot lines, and one hundred (100') feet from any residentially-zoned properties.
3. Any accessory eating, or retail use, shall not be directly accessible without passing through the main clubhouse building.
4. The applicant shall furnish expert evidence that all lighting of outdoor recreation areas has been arranged to prevent glare on adjoining properties and streets.

H. Incinerator

Within the Light-Industrial (L-I) District an incinerators is permitted, subject to the following specific conditions:

1. The applicant shall demonstrate continued compliance with all applicable State and Federal standards and regulations. Evidence of compliance shall be in the form of a written statement.
2. Any area used for the unloading, transfer, storage, processing, incineration or deposition of refuse must be completely screened with Level 3 screening from ground-level view at the property line.
3. The outdoor area(s) devoted to the storage of junk shall be completely enclosed by an eight (8') foot solid screened fence (See Level 3, Option A and B as an example).
4. The outdoor area(s) devoted to the storage of junk shall be setback at minimum of one hundred (100') feet from the property line unless reduced by the Board of Supervisors. In no case shall the minimum setback for an outdoor area devoted to the storage of junk be less than fifty (50') feet.
5. The applicant shall provide proof that the site is provided with stacking lanes into the facility so that vehicles waiting to be weighed, unloaded, or loaded will not backup onto public roads.
6. A contingency plan for the disposal of solid waste during a facility shutdown shall be submitted to the Township.
7. An incinerator shall be connected to a public sewer. The application shall submit documentation that the Water and Sewer Authority will supply the needed sewage service to the site.
8. If groundwater or surface water will be used to provide to the development, a water feasibility study shall be provided to enable the Township to evaluate the impact of the proposed development on the groundwater or surface water supply and on existing wells. The purpose of the study will be to determine if there is an adequate supply of water for the proposed development and to estimate the impact of the new development on existing wells in the vicinity. The water feasibility study shall be reviewed and approved by the Township Engineer.
9. The applicant shall provide an analysis of the physical conditions of the primary road system serving the proposed use. The analysis shall include information on current traffic flows on this road system, and projections of traffic generated by the proposed use. Improvements to the road shall

be provided by the applicant to ensure safe turning movements to and from the site and safe through movement on the existing road.

10. The applicant shall provide evidence that the proposed use will not be detrimental to adjoining properties with regard to the performance standards outlined in Article 15.

I. Junkyard

Within the Light-Industrial (L-I) District junkyards are a permitted use, subject to the following specific conditions:

1. Junkyards shall comply with standards set forth by Pennsylvania Act 4, as amended, when located in proximity to any interstate or applicable State Route road.
2. Junkyards shall be completely screened for security and from view of a public street and adjacent residential uses with Level 3 screening in accordance with Article 14, Section 1403 of this ordinance. The minimum height of the fence/screening shall be six feet and the maximum height shall not exceed 10 ft.
3. All fuel and oil shall be drained and properly stored or disposed of from all vehicles and other material.
4. All trunk lids shall have their locks removed. Refrigerators, freezers, and other similar material shall have their locks or doors removed.
5. Junk shall be neatly stored in piles not to exceed the height of the fence/screening, shall be arranged so as to permit adequate access for fire fighting purposes, and properly drained so as to prevent accumulation of stagnant water.
6. The outdoor area devoted to the storage of junk shall be setback at minimum of one hundred (100') feet unless reduced by the Board of Supervisors. In no case shall the minimum setback for an outdoor area devoted to the storage of junk be less than fifty (50') feet.
7. The setback area between the fence and the lot lines shall be kept free of weeds and all scrub growth.
8. All completely enclosed buildings used to store junk shall be setback at least fifty (50') feet from all property lines.

9. All junk shall be stored or arranged so as to permit access by fire fighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8') feet.
10. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies, or other vectors.
11. No junkyard shall be located on land with an average slope in excess of five (5%) percent.

J. Landfill

Within the Light-Industrial (L-I) District a landfill is permitted, subject to the following specific conditions:

1. The applicant shall provide evidence the use is in compliance with the Dauphin County Solid Waste Management Plan.
2. The applicant shall provide evidence that the landfill meets all applicable State and Federal regulations.
3. Level 3 screening in accordance with Article 14, Section 1403 shall be provided where a landfill abuts a residential zone or residential use.
4. The landfill shall be accessed from a State Road only.

K. Manufactured/Mobile Home Parks

Within the Agriculture-Residential (A-R) District, Manufactured/Mobile Home Parks are permitted, subject to the following specific conditions:

1. Minimum lot area shall be four (4) acres.
2. Maximum lot area shall be ten (10) acres.
3. Evidence should be provided to the Board of Supervisors that the design and construction of the manufactured/mobile home park is in conformance with the Township S&LD Ordinance (Article VII).

4. All mobile home parks shall be served by public water and public sanitary sewer facilities or suitable public authority approved by the PA DEP.
5. Maximum density in a manufactured/mobile home park shall be six (6) units per acre.
6. All mobile home lots or areas shall contain at least seven thousand two hundred (7,200) square feet.
7. **Parking.**
Each mobile home shall be provided with a minimum of two (2) paved parking spaces containing at least one hundred eighty (180) square feet of bituminous or concrete surface, which shall be located on the mobile home lot. If on-street parking is not provided, one additional off-street parking space per unit shall be provided in a common visitor parking compound. Such visitor parking compounds shall be sized, arranged, and located so that the spaces are within three hundred (300') feet walking distance to any unit served. Access to all parking spaces shall be limited to interior roads of the mobile home park; in no case shall access to such parking spaces be provided from adjoining public roads.
8. Individual mobile homeowners may install accessory or storage sheds, extensions and additions to mobile homes, and exterior patio areas. Any such facilities so installed shall not intrude into any required front, side, or rear yard, and, in every case, shall substantially conform in style, quality, and color to the existing mobile homes.
9. **Common Recreation Areas.**

Evidence should be provided assuring that there will be a minimum of twenty-five (25%) percent of the gross acreage of the mobile home park devoted to active and/or passive common recreational facilities. Responsibility for maintenance of the recreational areas shall be with the landowner and/or the operator. Should the landowner and/or the operator neglect to maintain the designated recreational areas, as depicted on the plan, the Township may then maintain said areas and assess the landowner for any costs incurred.

L. Mining

Within the Conservation (C) District, mining uses are permitted, subject to the following specific conditions:

1. The applicant must provide evidence and assurances that the mining operation will not:
 - a. substantially injury or detract from the lawful existing or permitted use of neighboring properties;
 - b. adversely affect any public or private water supply source;
 - c. adversely affect the logical, efficient, and economical extension of public services, facilities, and utilities throughout the Township;
 - d. create any damage to the health, safety, or general welfare of the Township's residents and property owners; and
 - e. result in the land area subject to mining being placed in a condition which will prevent the use of that land for economically and ecologically productive uses upon completion of the operation.
2. The applicant must demonstrate compliance with all applicable State and Federal regulations.
3. Site Plan Requirements.

As a part of each application, the applicant shall furnish the Board of Supervisors an accurately surveyed site plan on a scale no less than 1"=2400', showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be certified by a registered professional engineer or a registered professional land surveyor with assistance from experts in related fields and shall include the following:

- a. the boundaries of the proposed land affected, together with the drainage area above and below the area;
- b. the location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area;
- c. the location of all buildings within one thousand feet (1,000') of the outer perimeter of the area affected, and the names and addresses of the owners and present occupants;
- d. the purpose for which each building is used; and

e. The name of the owner of the affected area and the names of adjacent landowners, the municipality, and the county.

4. Minimum Lot Area: Fifty (50) acres.

5. Fencing.

A fence measuring at least eight (8') feet in height must enclose the area of actual quarrying. If a chain link fence is used, then said fence shall include a vegetative screen that is provided along the outside of the fence, away from the quarry.

6. Vehicle Access.

Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties. Access drives used by trucks shall only intersect with collector or arterial roads.

a. All access shall be designed and located so as to permit safe distances. Site distance will meet the Township's requirements as per Section 503.12.a. and Exhibit VI of the S&Ld Ordinance.

b. All access drives serving the site shall have a paved minimum thirty-five (35') foot wide cartway for a distance of at least two hundred (200') feet from the intersecting street right-of-way line. In addition, a fifty (50') foot long gravel section of access drive should be placed just beyond the preceding two hundred (200') foot paved section to help collect any mud that may have attached to a vehicle's wheels.

c. In general, access drives shall intersect public streets at ninety (90°) degrees as site conditions permit, however, in no case shall access drives intersect public streets at less than seventy (70°) degrees. Said angle shall be measured from the centerline of the street to the centerline of the access drive.

7. Setback.

The following table identifies minimum setbacks imposed upon specific features of the quarry and other extractive-related uses from adjoining and/or nearby uses:

TABLE 20-2

QUARRY-RELATED FEATURE	NEIGHBORING USES AND FEATURES				
	EXISTING RESIDENCE	EXISTING NON-RESIDENTIAL BUILDING	RESIDENTIAL ZONE	STREAM BANK	ADJOINING PROPERTY
stock piles or spoil piles	300 ft.	300 ft.	1,000 ft.	100 ft.	200 ft.
mineral processing equipment (e.g., crushers, sorters, conveyors, dryers, etc.)	300 ft.	300 ft.	1,000 ft.	100 ft.	200 ft.
quarry pit	300 ft.	300 ft.	1,000 ft.	100 ft.	200 ft.
on-site access roads and off-street parking, loading, and vehicle storage and weighing facilities	300 ft.	300 ft.	500 ft.	100 ft.	200 ft.
other operational equipment, structures, and/or improvements	300 ft.	300 ft.	500 ft.	100 ft.	100 ft.

8. Traffic Impact.

The applicant shall furnish a traffic study prepared by a professional traffic engineer.

9. Reclamation.

The applicant shall demonstrate compliance with Section 7.(c) of the Pennsylvania Act No. 1984-219, as may be amended. The applicant shall provide a detailed description of the proposed use of the site, once reclamation has been completed, including a description of any zoning and/or subdivision approvals or remedies that would be necessary to accommodate the proposed use. Finally, the applicant shall provide written notification to the Township within thirty (30) days, whenever a change in the reclamation plan is proposed to the PA DEP.

10. Screening.

Where the proposed use adjoins a residential zone, an existing residence and/or public road, Level 3 screening in accordance with Article 14, Section 1403 shall be provided.

11. Operations Progress Report.

Within ninety (90) days after commencement of surface mining operations, and each year thereafter, the operator shall file an operations progress report with the Zoning Officer setting forth all of the following:

- a. the name or telephone number of the operation;
- b. the location of the operation with reference to the nearest public road;
- c. a description of the tract or tracts, including a site plan showing the location of all improvements, stockpile, quarry pits, etc.;
- d. the name and address of the landowner or his duly authorized representative;
- e. an annual report of the type and quantity of mineral produced;
- f. the current status of the reclamation work performed in pursuance of the approved reclamation plan;
- g. a maintenance report for the site that verifies that all required fencing, berming, and screening has been specifically inspected for needed repairs and/or maintenance, and that such needed repairs and/or maintenance has been performed; and

- h. verification that the proposed use continues to comply with all applicable State regulations. The operation shall furnish copies of any approved permits and/or any notices of violation issued by the PA DEP.

M. Retail, Shopping Center

Within the Commercial Business (CB) District, retail shopping centers are permitted, subject to the following specific conditions:

- 1. The proposed shopping center design shall comply with the applicable regulations contained within the following Table 20-3:

TABLE 20-3

SHOPPING CENTER DESIGN REQUIREMENTS				
USE	MINIMUM REQUIRED LOT AREA	MINIMUM REQUIRED LOT WIDTH @ STREET LINE	MINIMUM REQUIRED LOT DEPTH	MINIMUM REQUIRED SETBACK FROM A RESIDENTIAL ZONING DISTRICT
Shopping Center, as defined herein, with up to 50,000 sq. ft. of gross floor area	2 acres	250 ft.	250 ft.	50 ft. for buildings, structures, off-street parking & loading spaces & dumpsters
Shopping center, as defined herein, with between 50,000 & 100,000 sq. ft. of gross floor area	6 acres	300 ft.	500 ft.	75 ft. for buildings, structures, off-street loading, dumpsters; 50 ft. for off-street parking
Shopping center, as defined herein, with over 100,000 sq. ft. of gross floor area; however, in no case shall any one unit of occupancy	14 acres	500 ft.	750 ft.	100 ft. for buildings, structures, off-street loading & dumpsters; 50 ft. for off-street

SHOPPING CENTER DESIGN REQUIREMENTS				
USE	MINIMUM REQUIRED LOT AREA	MINIMUM REQUIRED LOT WIDTH @ STREET LINE	MINIMUM REQUIRED LOT DEPTH	MINIMUM REQUIRED SETBACK FROM A RESIDENTIAL ZONING DISTRICT
contain more than 100,000 sq. ft. of gross leasable floor area				parking

2. The subject property shall front on a major collector road or minor collector road as defined in the Lykens Township Comprehensive Plan.
3. Public water and public sewage is preferred for this development. Evidence of other acceptable facilities should be provided to the Township for review.
4. In addition to vehicular access to the property, the applicant shall be required to design and construct pedestrian linkages with any nearby residentially-zoned areas, and industrially-zoned areas, even if they are not yet developed. Such pedestrian linkages shall be located so as to provide safe and convenient access to the shopping center from the nearby areas.
5. A Traffic Impact Report shall be submitted by the applicant, in accordance with applicable requirements in the Township S&LD Ordinance.

N. Slaughter House - Agricultural Commodities Processing

Within the (A) Agriculture and (L-I) Light-Industrial Districts slaughter houses and agriculture commodities processing operations are permitted uses, subject to the following specific conditions:

1. The subject property shall have direct access to a major collector or arterial road;

2. All aspects of the slaughtering, processing, rendering, and packaging operations, except loading and unloading and holding of live animals, shall be conducted within a completely-enclosed building;
3. No exterior animal holding pens and/or areas devoted to loading/unloading shall be located within three-hundred (300') feet of any property line nor five hundred (500') feet of any land within a residential zone;
4. No building related to the slaughter house or agriculture commodities processing operation shall be located within three-hundred (300') feet of any residential use or residential zoning district.
5. The applicant shall furnish written evidence that PA DEP-approved systems for wastewater disposal and water supply will be utilized;
6. Wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with PA DEP regulations;
7. All unusable animal by-products shall be stored indoors in leak- and vector-proof containers. In the case of slaughtering or processing operations which do not do their own rendering, the applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for extend periods of time (over 48 hours).

O. Timber Harvesting

Within the Conservation (C), Agriculture (A) and Agriculture-Residential (A-R) Districts and the (SP) and (HSP) Overlay Districts, timber harvesting is permitted activity, subject to the following specific conditions.

These standards shall apply to all timber harvesting operations within the Conservation, Agriculture (A), and Agriculture-Residential (A-R) Districts with the exception of those activities pertaining to the cultivation and harvesting of "ornamental trees" and/or nursery endeavors.

The removal of trees by a landowner for personal use shall not be deemed a tree harvesting operation.

1. Responsibility.

It shall be the responsibility of each landowner on whose land timber harvesting is to be carried out to have developed, by a person experienced in Erosion and Sedimentation Control procedures, a Township Erosion and Sedimentation Control Plan and to submit notification as required in this Chapter. It shall be the joint responsibility of the landowner and the timber harvesting operator to see that the provisions of the Township Erosion and Sedimentation Control Plan are carried out.

2. Regulations.

- a. A Township Erosion and Sedimentation Control Plan shall be prepared for each tree harvesting operation prior to issuance of the zoning permit.
- b. The Township Erosion and Sedimentation Control Plan shall address and comply with all applicable standards for erosion and sedimentation control and stream crossing regulations under 25 Pennsylvania Code, Chapter 102, Erosion Control Rules and Regulations, issued under the Act of June 22, 1937, P.L. 1987 (Clean Streams Law), and 25 Pennsylvania Code, Chapter 105, Dam and Waterway Management Rules and Regulations, issued under the Act of 1978, P.L. 1375, No. 325 (Dam Safety and Encroachment Act).
- c. The Township Erosion and Sedimentation Control Plan shall address and comply with all applicable standards for stormwater management as set forth in the Storm Water Management Act, and regulations stormwater managements plans and ordinances issued or enacted pursuant thereto.
- d. At a minimum, the Erosion and Sedimentation Control Plan shall address each of the following:
 - (1) Design of road system.
 - (2) Water control structures.
 - (3) Stream crossings.
 - (4) Log landings.
 - (5) Haul roads, skid roads, and skid trails.
 - (6) Maintenance.

- (7) Road and log landing retirement.
 - (8) The general location of the anticipated operation in relation to municipal and state highways.
 - (9) A sketch of the general location of property boundaries of the tract on which the logging will take place and the approximate boundaries of the proposed harvest area.
 - (10) Approximate starting and completion dates for the operation.
- e. The Erosion and Sedimentation plan will be available at the timber harvesting site.

3. General Operational Requirements.

Prior to issuance of a zoning permit, the Township Board of Supervisors must be provided evidence and assurance that the following operational requirements will be met for timber harvesting activities.

- a. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
- b. No tops or slash shall be left within twenty-five (25') feet of any public thoroughfare.
- c. Because trout streams are an important natural resource which needs special protection, logging within fifty (50') feet is prohibited unless all of the following conditions are met:
 - (1) The basal area of trees in the area within the fifty (50') foot zone shall not be reduced below fifty (50%) percent of the basal area present before cutting.
 - (2) The name and location of all trout streams which cross the area to be logged must be clearly indicated on the Township Erosion and Sedimentation Control Plan.
- d. Daily Cleanup.

All soil washed or carried onto public streets during tree harvesting operations shall be cleaned up each day. The landowner shall be responsible to protect and clean up lower properties of silt and debris which have washed down onto the lower properties as a result of the tree harvesting on the higher property.

e. Permanent Cleanup.

Litter, including but not limited to, shields, chains, oil and fuel cans, milk bottles, etc., resulting from any logging operation shall be cleaned up and removed from the site before it is vacated by the operator. Any roads or grading to facilitate roads necessary for the logging operation shall be completely regraded and reseeded to restore the property to a condition acceptable to the landowner while maintaining compliance with the Erosion and Sedimentation Control procedures. Proper erosion and sedimentation control measures shall be taken on disturbed property to prevent accelerated water run off.

f. Reseeding.

When a logging operation has been completed, all disturbed areas shall be reseeded in compliance with the Erosion and Sedimentation Plan.

4. Bonding.

Road bonding for timber harvesting shall be in compliance with the PennDOT regulations Chapter 189, found in Publication 221, "Posting and Bonding of Municipal Roads." This shall be initiated at the discretion of the Board of Supervisors for Township Roads.

5. Inspection.

a. The Township may go upon the site during any tree harvesting operation before, during, or after the active logging to review the tree harvesting operation, the Township Erosion and Sedimentation Control Plan, and other required documents to ensure that such plans and documents are in compliance with the provisions of this Chapter and to ensure that the actual operation is proceeding in compliance with the Township Erosion and Sedimentation Control Plan.

- b. Should the Township find a condition in a logging operation to be causing an immediate environmental risk, it shall immediately order operations to cease, and contact the Dauphin County Conservation District and request enforcement of the rules and regulations referred to under this Section.

Section 2005. CONDITIONS

The Board of Supervisors in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article.

Section 2006. SITE PLAN APPROVAL

Any site plan presented in support of the conditional use pursuant to Section 2002 shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval.

Section 2007. HEARING PROCEDURES

Before voting on the approval of a conditional use, the Township Supervisors shall hold a public hearing thereon, pursuant to public notice. The Township Supervisors shall submit each such application to the Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Township Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the application.

All public hearings shall be conducted in accordance with the requirements outlined in Article 24, Section 2407.D of this Ordinance, except that any reference to the "Zoning Hearing Board" shall be replaced with the "Township Supervisors."

Section 2008. TIME LIMITATION

- A. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the conditional

use is finally granted, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board of Supervisors may at any time, upon application in writing, extend either of these deadlines.

- B. Should the appellant or applicant fail to obtain the necessary permits within said two (2) year period, or having obtained the permit should he fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors.
- C. Should the appellant commence construction or alteration within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Board of Supervisors may, upon ten (10) days notice in writing, rescind or revoke the granted conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board of Supervisors further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified.
- D. As an alternative to the proceeding, an applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in Section A, B, and C. In so doing, the applicant must demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board must establish and bind a definite time frame for: 1) issuance of a zoning permit; and 2) completion of construction of the project.