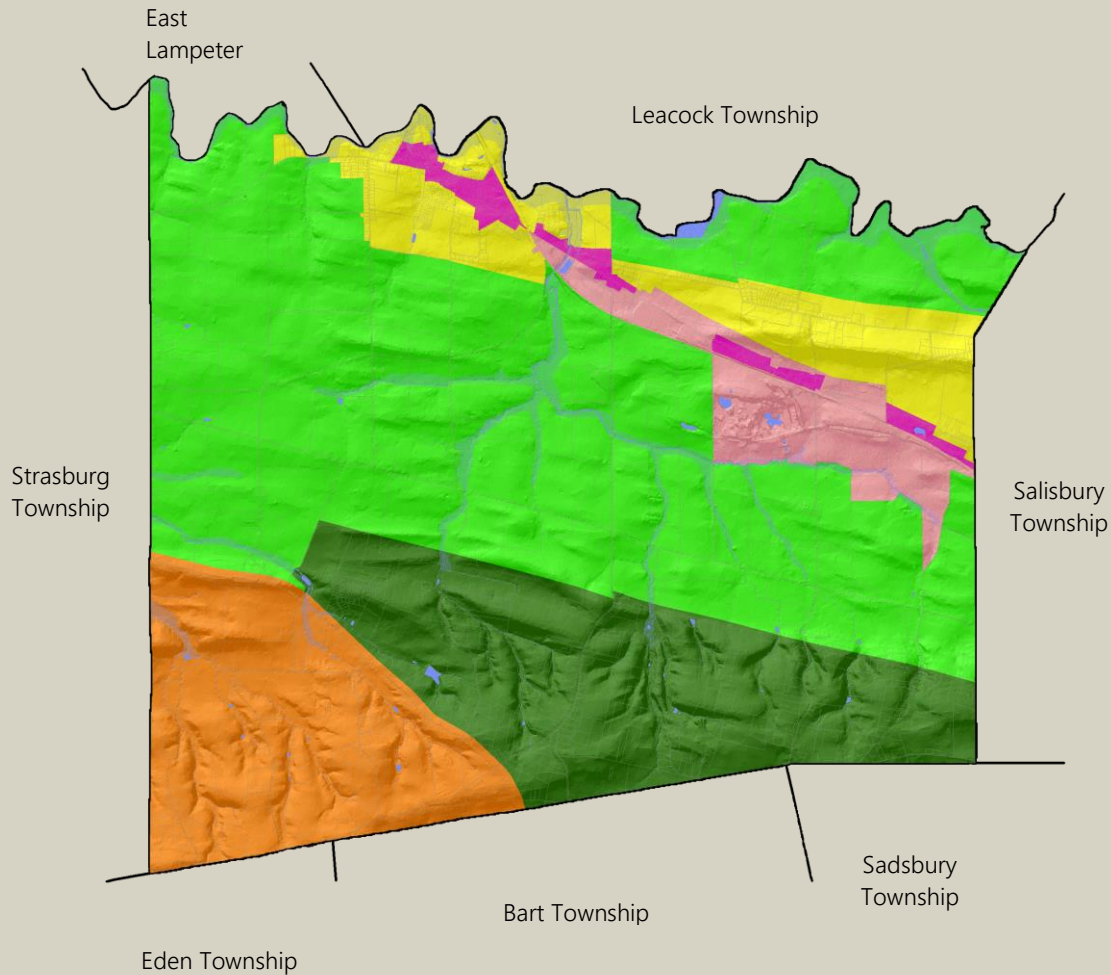


Paradise Township Zoning Ordinance 2003



Prepared For:
Paradise Township
2 Township Drive
P.O. Box 40
Paradise, PA 17562

Prepared By:

RETTEWSM

Adopted September 16, 2003

Amended by Ordinance No. 2005-1: Adopted May 17, 2005
Amended by Ordinance No. 2006-2: Adopted June 20, 2006
Amended by Ordinance No. 2007-2: Adopted July 17, 2007
Amended by Ordinance No. 2011-1: Adopted September 20, 2011
Amended by Ordinance No. 2016-1, Adopted February 16, 2016
Amended by Ordinance No. 2016-2, Adopted March 22, 2016
Amended by Ordinance No. 2017-1, Adopted April 18, 2017
Amended by Ordinance No. 2020-3, Adopted January 6, 2020
Amended by Ordinance No. 2020-4, Adopted March 17, 2020

TABLE OF CONTENTS

ARTICLE	SECTION	PAGE
I	TITLE	1
II	PURPOSE	1
III	INTERPRETATION AND APPLICATION OF THIS ORDINANCE	3
	300 Interpretation	3
	301 Application	3
IV	DEFINITIONS	5
V	ZONING DISTRICTS	17
	500 Types of Zoning Districts	17
	501 Official Zoning Map	17
	502 District Boundaries	17
	503 Amendments to the Official Zoning Map	17
VI	A - AGRICULTURAL DISTRICT	19
	600 Permitted Uses	19
	601 Special Exceptions	19
	602 Height and Area Regulations of Principal Buildings	20
	603 Height and Yard Requirements of Accessory Buildings	21
VII	RR - RURAL RESIDENTIAL DISTRICT	23
	700 Permitted Uses	23
	701 Special Exceptions	23
	702 Height and Area Regulations of Principal Buildings	24
	703 Height and Yard Requirements of Accessory Buildings	25
VIII	RES - RESIDENTIAL DISTRICT	27
	800 Permitted Uses	27
	801 Special Exceptions	28
	802 Height and Area Regulations of Principal Buildings	29
	803 Height and Yard Requirements of Accessory Buildings	30
IX	VMU - VILLAGE MIXED USE DISTRICT	31
	900 Permitted Uses	31
	901 Special Exceptions	32
	902 Height and Area Regulations of Principal Buildings	32
	903 Height and Yard Requirements of Accessory Buildings	34

X	OS - OPEN SPACE	35
	1000 Permitted Uses	35
	1001 Special Exceptions	35
	1002 Height and Area Regulations of Principal Buildings	36
	1003 Height and Yard Requirements of Accessory Buildings	37
XI	C-I - COMMERCIAL-INDUSTRIAL DISTRICT	39
	1100 Permitted Uses	39
	1101 Special Exceptions	40
	1102 Height and Area Regulations	41
	1103 Screening	42
	1104 Parking	42
	1105 Off-Street Loading	42
XII	FLOODPLAIN DISTRICT	43
	1200 Purpose and Intent	43
	1201 Definition of District	43
	1202 Boundary Disputes	45
	1203 Overlay Concept	45
	1204 Permitted Uses	45
	1205 Special Exception Uses	46
	1206 Prohibited Uses	46
	1207 Design and Performance Standards	47
	1208 Non-Conforming Uses and Structures	49
	1209 Floodplain Permit and Application Procedures	50
	1210 Standards and Criteria for Special Exceptions and Variances	50
	1211 Definitions	51
	1212 Municipal Liability	55
	1213 Administration	56
	1214 Abrogation and Greater Restrictions	56
XIII	RH – RAILROAD HERITAGE DISTRICT	57
	1300 Purpose	57
	1301 Permitted Uses	57
	1302 Height and Area Regulations of Principal Buildings	58
	1303 Height and Area Regulations of Accessory Buildings	58
XIV	GENERAL REGULATIONS	59
	1400 General Intent and Application	59
	1401 Access To Structures	59
	1402 Building Setback Lines	59
	1403 Carriage House/Horse Barn	60
	1404 Communications Antennas and Communications Equipment Buildings	61
	1405 Establishment of More Than One Principal Use On A Lot	62

1406	Height Limit Exceptions	62
1407	Land Development Requirements	62
1408	Lot Size Reductions	63
1409	Municipal Services	63
1410	Natural and Historic Features	63
1411	Non-Conforming Uses	63
1412	Screening	67
1413	Vision Obstruction	67
1414	Water Supply Requirement	67
XV	SUPPLEMENTAL REGULATIONS	69
1500	Special Exceptions	69
1501	Adaptive Reuse of Existing Agricultural Buildings	70
1502	Agricultural Use Standards	71
1503	Airports	72
1504	Campgrounds	73
1505	Churches and Related Uses	73
1506	Communication Towers As Special Exceptions	74
1507	Double-Family Dwelling	76
1508	Fire and Ambulance Companies	76
1509	Forestry	77
1510	Junk Yards	78
1511	Kennels	78
1512	Landfill and Disposal Sites and Quarry and Mine Sites	79
1513	Mobile Homes – Permanent Foundations	80
1514	Neighborhood Shopping Center	80
1515	No-Impact Home-Based Business, Home Occupations, Home-Based Business, and Rural Occupations	80
1516	Preservation of Existing Woodlands/Woodlands Management	83
1517	Roadside Stands	83
1518	Non-Commercial Hunting or Fishing Club	84
1519	Uses Not Provided For	85
XVI	PARKING REGULATIONS	87
1600	Application	87
1601	Design Requirements for Parking Facilities	87
1602	Minimum Parking Requirements	87
1603	Special Exceptions	88
1604	Off-Street Loading and Unloading Space	88
1605	Parking and Storage of Vehicles	89
1606	Driveway Requirements	89
XVII	SIGN REGULATIONS	91
1700	Purpose	91
1701	Sign Classification	91
1702	Regulations	92
1703	Expansion, Continuity and Damage to Non-Conforming Signs	94
1704	Signs for Non-Conforming Buildings and Uses	94

XVIII	MOBILE HOME PARK REGULATIONS	95
	1800 General	95
	1801 Area and Density Regulations	95
	1802 Mobile Home Stand	95
	1803 Mobile Home Requirements	96
	1804 Service and Accessory Buildings	96
	1805 Water Supply	96
	1806 Sewage Disposal	97
	1807 Storm Drainage, Erosion and Sedimentation	97
	1808 Mobile Home Park Streets	97
	1809 Vehicular Parking Facilities	98
	1810 Ground Cover, Screening and Landscaping.	98
	1811 Electrical Distribution	98
	1812 Solid Waste Disposal	98
XIX	ADMINISTRATION AND ENFORCEMENT	99
	1900 Zoning Officer	99
	1901 Duties and Responsibilities of Zoning Officer	99
	1902 Permits	100
	1903 Conditions of Permit	101
	1904 Certificate of Use and Occupancy	101
	1905 Enforcement, Penalty and Remedy	102
XX	ZONING HEARING BOARD	105
	2000 Zoning Hearing Board	105
	2001 Organization	105
	2002 Hearings	105
	2003 Appeals	107
XXI	AMENDMENTS	109
	2100 Amendments	109
	2101 Amendments Initiated by the Township Planning Commission	109
	2102 Amendment Initiated by the Board of Township Supervisors	109
	2103 Procedure for Petition	109
	2104 Referral to Township Planning Commission	109
	2105 Public Hearing	110
	2106 Action by the Board of Township Supervisors	110
	2107 Authentication of Official Zoning Map	110
XXII	VALIDITY, REPEALER, AND EFFECTIVE DATE	111
	2201 Validity	111
	2202 Repealer	111
	2203 Effective Date	112
	CERTIFICATION	112

ZONING ORDINANCE
OF
PARADISE TOWNSHIP - 2003

AN ORDINANCE REGULATING AND RESTRICTING THE SIZE OF YARDS AND OTHER OPEN SPACES; THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; THE LOCATION AND SIZE OF SIGNS; THE ESTABLISHMENT AND MAINTENANCE OF BUILDING LINES AND SETBACK BUILDING LINES UPON ANY OR ALL PUBLIC ROADS OR HIGHWAYS; CREATING ZONING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; CREATING THE OFFICE OF ZONING OFFICER, CREATING A ZONING HEARING BOARD AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

ARTICLE I

TITLE

This Ordinance shall be known and, may be cited as "Zoning Ordinance of Paradise Township - 2003".

ARTICLE II

PURPOSE

The zoning regulations are enacted for the following purposes:

1. To promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public ground and other public requirements, as well as,
2. To prevent overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Zoning Ordinance is made in accordance with the community development objectives as set forth in the Comprehensive Plan and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.

This ordinance supports the Community Planning Goals of the Paradise Comprehensive Plan, adopted February 18, 1997. These goals are as follows.

1. To provide housing opportunities for diverse income levels.
2. To protect the rural character of the township.
3. To continue planning that includes community input and public participation.
4. To support parks and recreation.
5. To preserve historic sites and structures within the township.
6. To protect current water resources and develop watershed protection to assure quality drinking water for the future.
7. To promote and protect prime agricultural land.
8. To provide adequate waste disposal for Paradise Township.
9. To maintain adequate fire protection in the community.
10. To maintain safety in the community.
11. To develop greater communication between the school district and the township.
12. To encourage additional services in the Paradise area to address community needs.
13. To acknowledge and plan for increased traffic on US Route 30, a result of development outside the township.
14. To explore multiple solutions that minimize congestion and safety problems on out transportation routes.
15. To coordinate existing road functions with appropriate accommodations to address safety.
16. To protect public health and welfare through effective environmental monitoring and controls.
17. To operate with taxing at a minimum.
18. To protect the culture and character of the township through coordination of the future land use and road functions.
19. To promote and accommodate an agricultural land use.
20. To utilize effective planning to prevent development of prime farmland and open space.

ARTICLE III

INTERPRETATION AND APPLICATION OF THIS ORDINANCE

300. INTERPRETATION

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

301. APPLICATION

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

This Page Intentionally Left Blank

ARTICLE IV

DEFINITIONS

Unless otherwise stated, the following words and phrases shall be construed throughout this Ordinance to have the meaning herein indicated. Words in the present tense include the future tense.

Words in the singular include the plural and words in the plural include the singular. The word shall is mandatory. The word may is permissive. Terms not herein defined shall have the plain and ordinary meaning provided within a standard reference dictionary.

1. Accessory Building: A detached building, the use of which is customarily incidental to any of the permitted uses within the zoning district where the accessory building is located.
2. Accessory Use: A use customarily incidental to any of the permitted uses within the zoning district where the accessory use is located.
3. Adjacent Building: For purposes of determining the minimum front yard requirements, an adjacent building shall be any existing principal building located, when facing the property from the adjoining street, immediately left and or right of the property and within a maximum distance of two hundred (200) feet of the property. If there are no principal buildings meeting these locational criteria, the applicant shall comply with the minimum front yard requirements of this Ordinance.
4. Agriculture: The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of domestic animals, fowl and riding horses, and including sale of crops, dairy and horticultural farm products incidental to the operation of a farm.
5. Agricultural Operation: An enterprise that is actively engaged in commercial production and preparation for market of crops, livestock, etc. The term includes activities that are consistent with the practices and procedures that are normally engaged in by farmers or are consistent with technological development within the agricultural industry.
6. Alteration: As applied to a building, structure or sign, means a change, rearrangement, renovation, relocation or enlargement in the structural parts or exterior or which would change its use classification.
7. Animal Unit: One thousand pounds live weight of livestock or poultry animals, on an annualized basis, regardless of the actual number of individual animals comprising the unit.
8. Apartment: Any building or portion of a building containing three or more dwelling units, which is designed, built, rented, leased, let, or hired out to be occupied as a dwelling unit.
9. Building: Any structure constructed or used for a residence, business, industry, or other public or private purpose, or accessory thereto, and including porches, swimming pools, greenhouses, stables, garages, roadside stands, mobile homes and similar structures, whether stationary or movable, but excluding fences and walls which are part of the landscaping, signs and awnings.
10. Building Area: The total areas of the greatest outside dimensions on a horizontal plane of the principal building and all accessory buildings.
11. Building Height: The height of a building in all districts shall be measured from the average ground level at the corners of the building to a point four (4) feet lower than the highest point

of the roof, provided that chimneys, spires, towers and elevator penthouses, tanks and other similar projections shall not be included in calculating the height.

12. Building Line: A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered or projected section of a building, except overhanging eaves, gutters and cornices, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.
13. Building, Principal: A building in which is conducted the principal use of the lot on which it is situated.
14. Building Setback Line: A line parallel to, and the distance from, a public or private street as specified in this Ordinance which determines the location of a future building or structure.
15. Campground: A lot or tract of ground where persons or families may live temporarily, not exceeding four (4) consecutive weeks, in tents, trailers or mobile homes. The tents, trailers, mobile homes and/or vehicles used for camping shall not be owned by the campground owner.
16. Carriage House/Horse Barn: An accessory use of an accessory building for the storage and protection of carriages (i.e. buggy, coaches, etc) and horses used as the owner(s) principal method of transportation. The accessory use and building includes the storage of hay, feed, and/or other related accessory support goods and implements needed to care for and maintain the operation of carriage and horse. The Carriage House/Horse Barn specifically includes those facilities used by members of a religious sect for the purposes of housing horses and storing carriages for the owner(s) principal method of transportation.
17. Cartway: The surface of a road or street available for vehicular traffic.
18. Certificate of Use and Occupation: A certificate issued and enforced by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building which certifies that all applicable requirements for occupancy have been complied with.
19. Child Day Care Center: A building in which more than five (5) children are cared for during the day. The care to be provided may include some or all of the meals but does not include overnight lodging.
20. Commercial Keeping and Handling: Producing and/or maintaining with the express purpose and intent of selling the product for a livelihood.
21. Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by a person or entity licensed by the Federal Communications Commission (FCC) to operate such a device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including, without limitation, ham citizen band radio antennas.
22. Communications Equipment Building: An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.
23. Communications Tower: A Structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

24. Community Club: A building or portion thereof designed for or occupied by a chartered non-profit organization, comprised of residents of the community in which it is located, the primary purpose of which is the advancement of its members or of the community in educational, cultural, recreational or civic pursuits and activities and in which there is neither the sale nor dispensation of intoxicating beverages.
25. Dwelling: A building or portion thereof designed for and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourist courts, and the like, offering overnight accommodations for guests or patients. Dwellings may include prefabricated units which are capable of being transported to a site in whole or in part, provided the unit is permanently affixed to the ground, subject to section 1513.
26. Dwelling Unit: A group of habitable rooms (two or more) designed for or occupied by not more than one family or non-family unit as a single housekeeping unit, whether occupied or unoccupied.
- A. Dwelling, Single-Family Detached: A detached building designed and used for one dwelling unit. Units which are placed on one lot (two or more dwelling units on one lot) shall provide the minimum lot area per dwelling unit required by the zoning district in which the unit is located, and shall provide one front and rear yard and two side yards. Units placed on individual lots, (one unit on one lot), in addition to providing the minimum lot area per dwelling unit required by the zoning district in which the unit is located, shall provide one front, one rear and two side yards as required by the zoning district in which the units are located.



- B. Dwelling, Single Family Semi-Detached: (Two-Family, Duplex) A detached building containing two dwelling units for two families arranged in a side by side configuration sharing one (1) common party wall or an over and under configuration. Units which are placed on one lot (two or more dwelling units on one lot) shall provide the minimum lot area per dwelling unit required by the zoning district in which the unit is located, shall provide one front and rear yard and two side yards. Units placed on individual lots (one unit on one lot) in addition to providing the minimum lot area per dwelling unit required by the zoning district in which the unit is located, and shall one front, one rear and one side yard as required by the zoning district in which the units are located.



- C. Dwelling, Single-Family Attached: (Townhome, Row-Home) An attached building designed and used for one dwelling unit, sharing a common party wall with two (2) adjoining attached buildings in a side-by-side configuration for three (3), but not more than six (6) dwelling units. Units which are placed on one lot (three to six units on one lot) shall provide the minimum lot area per dwelling unit required by the zoning district in which the unit is located, and shall provide one front and rear yard and two side yards. Units placed on individual lots (one unit on one lot) in addition to providing the minimum lot area per dwelling unit required by the zoning district in which the unit is located, shall provide one front and one rear yard for each interior unit and one front, one rear and one side yard for end of row units as required by the zoning district in which the units are located.



- D. Dwelling, Apartment: Any building or portion of a building containing three (3) or more dwelling units on one (1) lot, which is designed, built, rented, leased, let, or hired out to be occupied as a dwelling unit. Apartments shall provide the minimum lot area per dwelling unit required by the zoning district in which the unit is located, and shall provide one front and rear yard and two side yards.
27. Employee: Jobber, Full Time, Part time, Casual, Temporary, Contract Employee.
28. Essential Services: The erection, construction, alteration or maintenance, by public utilities or municipal or other government agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems and their essential Buildings, excluding Communications Towers and Communications Antennas, as defined herein.
29. Extended Care Facility: A long-term care facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for aged, or a governmental medical institution.
30. Family: Any number of persons living, cooking and utilizing sanitary facilities together in a

single housekeeping unit, not including more than three (3) persons unrelated by blood, marriage or adoption.

31. Floor Area: The total floor area of a building including cellars, basements, storage attics, garages and the like.
32. Forestry: The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.
33. Garage, Private: An accessory building for the storage of one (1) or more automobiles and/or vehicles accessory and incidental to the primary use of the premises; provided, however, that one (1) commercial vehicle of not more than one (1) ton capacity may be stored therein whether the use of such vehicle is not incidental to the use of the premises. No business, occupation or service shall be conducted therein, nor shall space therein for more than one (1) vehicle be leased to a non-occupant of the premises.
34. Garage, Public: A building or portion thereof, other than private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor-driven vehicles.
35. Group Home: Any building or portion thereof which is designed or used as a single dwelling unit for four (4) but not more than eight (8) persons unrelated to each other or the family occupying the dwelling unit.
36. Golf Course:
 - A. Conventional Golf Course: A golf course with a minimum of two thousand eight hundred (2,800) yards of play in nine (9) holes.
 - B. Special Golf Course: Any form of golf which is not included under the definition of the Conventional Golf Course.
37. Granny Flat: An additional temporary dwelling unit placed on a property for occupancy by elderly, handicapped or disabled persons related by blood, marriage or adoption to the occupants of the principal dwelling. The additional dwelling unit shall be removed from the property within three (3) months after it is no longer occupied by a person who qualifies for the use. A granny flat is only granted by special exception of the Zoning Hearing Board.
38. Habitable Room: A room or enclosed floor space used, or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, foyers, pantries, hallways, staircases, closets, cellars, basements, and storage spaces.
39. Height of a Communications Tower: The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.
40. Home Occupation: A low intensity business or commercial activity that is conducted as an accessory use in a dwelling unit or accessory building thereto, which is clearly incidental and subordinate to the residential use of the property. A home occupation typically involves activities of a professional nature and does not result in any outward evidence or indication that the dwelling contains a business or commercial activity. A day care facility providing care for no more than six (6) children or adults not related to the care-giver shall be considered a home occupation. A home occupation shall not include a rural occupation or a bed and breakfast.
41. Horticulture: The growing of fruits, vegetables, flowers, ornamental plants or trees for a profit.

42. Hotel: A building containing rooms intended or designed to be used or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building as an accessory use.
43. Housekeeping Unit: One or more habitable rooms within a building which contains living, sleeping, cooking and eating facilities.
44. Intermediate Care Facility: A facility which provides, on a regular basis, health related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designated to provide, but who, because of their mental or physical condition, require care and services (above the level of room and board) which can be made available to them only through institutional facilities such as these.
45. Junk: Shall mean scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste iron, steel and other old or scrap ferrous or non-ferrous material, including wrecked, scrapped, ruined, dismantled or junked motor vehicles or parts thereof.
46. Junk Yard: Any area and/or structure used primarily for the collecting, storage and/or sale of those items defined under "Junk".
47. Kennel: Any lot or structure where five (5) or more dogs or cats that are older than six (6) months are kept, raised, boarded, bred, groomed, treated or trained.
48. Land Development: The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - A. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - B. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or,
 - C. A subdivision of land.

Land Development shall not include the following:

- A. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- C. The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park.
 - i. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.
- D. A building addition to an existing non-residential principal structure, provided that:
 - i. The addition does not create a need for any additional parking, per the Township Zoning Ordinance; and

- ii. The addition does not, in accordance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, create the need for a sewer facility's plan revision (plan revision module for land development), or supplement; and
 - iii. The addition is not for the creation of additional units of occupancy; and
 - iv. The addition does not require approval from the Zoning Hearing Board; and
 - v. The addition complies with all provisions of applicable Township ordinances.
 - vi. For the purpose of this subclause, the building addition exemption shall be limited cumulatively from the date of this Ordinance. The net addition shall be the sum of all additions after the date of the adoption of this Ordinance.
49. Landfill and Disposal Sites: A lot or land or part thereof used primarily for the disposal of waste materials resulting from industrial, commercial, agricultural and residential activities.
50. Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance for a lot in the district which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.
51. Lot Area: The area contained within the property lines of a lot, excluding that area within any street or ultimate right of way.
52. Lot, Corner: A lot bounded on at least two (2) sides by streets whenever the lines of such streets extended form an interior angle of one hundred thirty-five (135) degrees or less. Yards adjacent to such streets shall be considered front yards.
53. Lot Coverage: The ground area covered by all impervious surfaces on a lot.
54. Lot Depth: The horizontal distance between the front lot line and the rear lot line measured perpendicular to the front lot line.
55. Lot Line or Property Line: Lines generally described by metes and bounds forming the front, rear and sides of lots which when combined together delineate a lot or parcel of ground. Any lot line which abuts a street or other public way shall be measured from the legal street right of way line.
- A. Front Lot Line: Front lot line shall mean the line separating such lot from any street or other public way.
 - B. Rear Lot Line: Rear lot line shall mean that lot line which is opposite and most distant from the front line. But in the case of corner lots, the owner shall, for the purpose of this Zoning Ordinance, have the privilege of selecting any lot line, other than one of the front lot lines, to be the rear lot line; provided that such choice, in the opinion of the Zoning Officer, will not be injurious to the existing or the desirable future development of adjacent property. Where appropriate, the rear lot line of any irregular or triangular lot shall, for the purpose of establishing the rear yard setback, be deemed to be a line entirely within the lot, ten (10) feet long.
56. Lot Width: The horizontal distance between side lot lines measured parallel to the front lot line.
57. Minerals: Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone,

earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

58. Mobile Home: A transportable, single family dwelling intended for permanent occupancy, office or place of assembly, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.
59. Mobile Home Park: A parcel of land, under single ownership, which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile homes lots.
60. Mobile Home Space or Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.
61. Motel: A building or group of buildings, whether detached or in connection units, used as individual sleeping or dwelling units, designed primarily for transient motor vehicle travelers and provided with accessory off-street parking facilities. The term “motel” includes buildings designed as tourist courts, motor lodges, auto courts and other similar designations but shall not be construed to include mobile or immobile trailers or homes.
62. Municipal Services: Those uses and facilities designed to furnish necessary support for the general public health, safety and welfare, that are typically the responsibility of local governments and other locally-operated service agencies, and are not operated on a commercial basis.
63. No-Impact Home-Based Business: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.
64. Non-Commercial Hunting or Fishing Club: A facility owned or occupied by a chartered non-profit organization intended for the recreational use of members and their guests, the primary purpose of which is the hunting or taking of game released under the authority of a permit for a regulated hunting ground issued by the Pennsylvania Game Commission, or the catching of fish from a body of water stocked under the authority of a permit or license issued by the Pennsylvania Fish and Boat Commission, for which no fee is charged except for members' dues, and in which there is neither the sale or dispensing of intoxicating beverages.

65. Non-conforming Structure: A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such Ordinance or amendment or prior to the application of such Ordinance or amendment to its location by reason of annexation. Such non-conforming structures include, but are not limited to, non-conforming signs.
66. Non-conforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions of this Zoning Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such Ordinance or amendment, or prior to the application of such Ordinance or amendment to its location by reason of annexation.
67. Person: The term shall be construed to include any natural person, association, partnership, corporation or other entity; and when used in any provisions of this Ordinance prescribing a penalty shall in the case of partnerships and associations include the individual partners, members or managers thereof, and in the case of corporations shall include the individual officers and managers thereof.
68. Preservation or Protection: When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use but shall not be interpreted to authorize the unreasonable restriction of forestry, mining, or other lawful uses of natural resources.
69. Prime Agricultural Land: Land used for agricultural purposes that contains soils of the first, second, and third class as defined by the United States Department of Agriculture Natural Resources Natural Resource and Conservation Services County Soil Survey.
70. Public Sanitary Sewer: A system of providing sanitary sewage collection and treatment which is owned or operated by a municipal governing body or an approved or created by the Township Municipal Authority.
71. Public Utility Transmission Tower: A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.
72. Public Water Facilities: A system of providing potable water which is owned or operated by a municipal governing body or an approved or created by the Township Municipal Authority, or a private water company that has obtained all required regulatory approvals.
73. Roadside Stand: The structure for the retail sale of agricultural products such as vegetables, fruits and eggs, produced on the property.
74. Rooming or Boarding House: A building or part thereof designed for and occupied as a residence by the owner thereof and containing not more than three (3) rooming units intended to be rented and occupied by not more than one (1) person per unit who is not a member of the owner's immediate family.
75. Rooming Unit: A single room for sleeping purposes only, no cooking or bathing facilities shall be included in the unit.
76. Rural Occupation: A commercial or industrial activity that is conducted as an accessory use

to the primary agricultural or residential use of a property, which is clearly incidental and subordinate to the agricultural or residential use of the property. A bed and breakfast establishment shall be considered a rural occupation

77. School: A principle use in which supervised education or instruction is offered according to the following categories:
- A. Public School: a school licensed by the Department of Education for the purpose of providing elementary, secondary, post-secondary, post-graduate and adult education, and operated by the school district.
 - B. Private School: a school that offers elementary, secondary, post-secondary and/or post-graduate education that may not be operated as a gainful business.
 - C. Private Schools for Profit: a school that may offer a wide range of educational or instructional activities operated as a gainful business.
78. Signs: Any advertisement, announcement, direction or communication produced in whole or in part by constructing, erecting, affixing or placing a structure on land or any other structure, or produced by painting, pasting or otherwise placing any printed, lettered, pictured, figured or colored material on any building structure or surface but not including lettering or other identification which is an integral part of the architectural design of the building.
79. Setback: The required horizontal distance between a setback line and a property or street right-of-way line. Unless otherwise noted, all setbacks listed within this Ordinance shall be considered to be minimum required setbacks.
- A. Setback, Front: The distance between the street line and the front setback line projected the full width of the lot. Commonly called “required front yard.”
 - B. Setback, Rear: The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called “required rear yard.”
 - C. Setback, Side: The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called “required side yard.”
80. Special Event Facility: The use of land or structures (including buildings, tents, and related temporary or permanent structures, such as a band shell or a wedding chapel) for gatherings and events including, but not limited to, weddings, parties, banquets, fundraisers, performances and other similar events.
81. Special Exception: A conditional use in one (1) or more districts for which the Zoning Hearing Board may grant a special use permit pursuant to certain specified conditions and the provisions of this Ordinance.
82. Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.
83. Street Right of Way Line: The line dividing a lot from the legal street right of way, not just the cartway.
84. Street Centerline: The center of the surveyed street right of way or, where not surveyed, the center of the traveled cartway.

85. Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
86. Tourist Home: A building or part thereof designed for and occupied as a residence by the owner thereof in which overnight accommodations are provided or offered for transient guests for compensation.
87. Use: The purpose or activity for which buildings, structures or land is occupied or maintained.
88. Variance: A modification of the regulations of this Ordinance granted by the Zoning Hearing Board on grounds of unnecessary hardship, not self-imposed, pursuant to the provisions of this Ordinance.
89. Yard: The unobstructed open space around a building. Porches and carports shall be considered a part of the building. Overhanging eaves, gutters and cornices shall not be considered an infringement of the yard requirements.
 - A. Front Yard: The required open space between a building and the street right of way line and extending the full width of the lot.
 - B. Rear Yard: The required open space between a building and the rear property or street right of way line, whichever is the closer to the building, and extending the full width of the lot.
 - C. Side Yard: The required open space between a building and the side property line and extending the full depth of the lot.
90. Zoning Permit: A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Ordinance for the zone in which it is located or is to be located.
91. Zoning Officer: The duly constituted municipal official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms.

ARTICLE V

ZONING DISTRICTS

500. TYPES OF ZONING DISTRICTS

For the purpose of this Ordinance, Paradise Township is hereby divided into the following districts:

- A Agricultural District
- RR Rural Residential District
- RES Residential District
- VMU Village Mixed Use District
- OS Open Space District
- C-I Commercial-Industrial District
- F Floodplain District
- RH Railroad Heritage District

501. OFFICIAL ZONING MAP

The boundaries of the zoning districts shall be as shown on the Zoning Map which is on file in the office of the Paradise Township Supervisors. Said map and all notations, references and data shown thereon are hereby incorporated by referenced into this Ordinance, and shall be as much a part of this Ordinance as if all were fully described herein. The Floodplain District is an unmapped district and a legend or notation shall be placed on the said map to this effect. The Floodplain District shall be an overlay district and shall be considered a part of the said map.

The Zoning Map shall be so labeled, and identified by the signature of the Chairman of the Board of Supervisors and attested by the Secretary of the Board of Supervisors, and bear the seal of the Township under the following words: "This is to certify that this sheet comprises the Official Zoning Map of Paradise Township, Lancaster County, Pennsylvania, adopted this 16th day of September 2003".

502. DISTRICT BOUNDARIES

The boundaries between districts are, unless otherwise indicated, either the centerlines of public roads or parallel thereto. Where figures are shown on the Zoning Map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the centerline a distance equivalent to the number of feet so indicated. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale on the map. Should any other uncertainty exist, the Zoning Hearing Board shall interpret the intent of the Zoning Ordinance and Map as to the exact location of district boundaries.

503. AMENDMENTS TO THE OFFICIAL ZONING MAP

If, in accordance with the provisions of the Zoning Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly by the Zoning Officer or some other competent person designated by the Board of Supervisors. This change shall be accompanied by an entry on the Official Zoning Map stating the date of the amendment and the ordinance number which amends the Official Zoning Map.

This Page Intentionally Left Blank

ARTICLE VI

A - AGRICULTURAL DISTRICT

600. PERMITTED USES

Land, buildings and structures in the Agricultural District shall be used for the following purposes and no other:

1. Any form of agriculture or horticulture and related buildings and uses subject to the provisions in Section 1502 of this Ordinance.
2. Single family detached dwellings.
3. Churches and their related uses subject to the provisions in Section 1505 of this Ordinance.
4. Municipal Services.
5. Double family farm dwellings subject to the provisions of Section 1507 of this Ordinance.
6. No-Impact Home-Based Business subject to provisions of Section 1515 of this Ordinance.
7. Roadside Stands not exceeding 32 sq. ft. and subject to the provisions of Section 1517 of this Ordinance.
8. Kennels limited to between five (5) and nine (9) dogs and cats and subject to the provisions of Section 1511 of this Ordinance.
9. Accessory buildings and uses customarily incidental to the above permitted uses.
10. Communications Antennas mounted on an existing Public Utility Transmission Tower, existing Building or other Structure, and existing Communications Equipment Buildings.

601. SPECIAL EXCEPTIONS

The following uses may be permitted by the Zoning Hearing Board as a special exception in accordance with Section 1500:

1. Parks and playgrounds not operated for profit.
2. Fire and ambulance houses and similar public buildings and subject to the provisions of Section 1508 of this Ordinance.
3. Public utility service buildings.
4. Cemeteries.
5. Roadside Stands greater than 32 sq. ft. and subject to the provisions of Section 1517 of this Ordinance.
6. Airports subject to the provisions of Section 1503 of this Ordinance.
7. Landfills and disposal sites but only if operated by a municipality or municipal authority and subject to the provisions of Section 1512 of this Ordinance.

8. Home Occupations subject to the provisions of Section 1515 of this Ordinance.
9. Rural Occupations subject to the provisions of Section 1515 of this Ordinance.
10. Tourist homes, Rooming or Boarding Homes provided adequate sewage facilities exist to handle the maximum number of guests to be accommodated at the premises.
11. Veterinary facilities.
12. Kennels with 10 or more dogs and cats, subject to the provisions of Section 1511 of this Ordinance.
13. Radio and television transmitting towers.
14. Commercial greenhouses.
15. Adaptive Reuse of Existing Agricultural Buildings, subject to the provision of Section 1501 of this Ordinance.
16. Communications Towers subject to the Standards for Communications Towers as Special Exceptions set forth in Article XV, Section 1506 and Communications Equipment Buildings.
17. Granny Flats.
18. Public Schools.
19. Private Schools.
20. Non-commercial hunting or fishing clubs subject to the provisions of Section 1518 of this Ordinance.

602. HEIGHT AND AREA REGULATIONS OF PRINCIPAL BUILDINGS

1. Minimum Lot Area: The minimum lot area shall be two (2) acres.
2. Minimum Lot Width: The minimum lot width shall be two hundred (200) feet at the building setback line.
3. Minimum Lot Depth: The minimum lot depth shall be two hundred seventy-five (275) feet.
4. Minimum Front Yard:
 - A. The minimum building setback line from all streets shall be in compliance with the requirements of Article XIV, Section 1402; provided, however, that the minimum distance shall be ninety (90) feet from the centerline of the street.
 - B. In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the same setback distance as the adjacent buildings. If the adjacent buildings have varying setback distances, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing adjacent buildings.
5. Minimum Side Yard: There shall be two (2) side yards each to a minimum of forty (40) feet.
6. Minimum Rear Yard: Rear yards shall be a minimum of fifty (50) feet.

7. Maximum Coverage:
 - A. Lot area of 3 acres or less – Twenty-five percent (25%)
 - B. Lot area of greater than 3 acres – Twenty percent (20%)
8. Height: An additional side yard setback of one (1) foot shall be provided for every two (2) feet, or fraction thereof, increase in height above thirty-five (35) feet. Buildings devoted to agricultural and horticultural uses shall be exempted from the height regulations set forth in this paragraph.

603. HEIGHT AND YARD REQUIREMENTS OF ACCESSORY BUILDINGS

The following regulations apply to unattached buildings for accessory uses:

1. Maximum Height: Twenty (20) feet.
2. Front Yard Minimum Depth: The minimum building setback line from all streets shall be that distance as required for principal buildings plus an additional fifteen (15) feet.
3. Minimum Side Yard: Twenty (20) feet except ten (10) feet shall be permitted for rear corner placement.
4. Minimum Rear Yard: Ten (10) feet.

This Page Intentionally Left Blank

ARTICLE VII

RR – RURAL RESIDENTIAL DISTRICT

700. PERMITTED USES

Land, buildings and structures in the Rural Residential District shall be used for the following purposes and no other:

1. Any form of agriculture or horticulture and related buildings and uses subject to the provisions of Section 1502 of this Ordinance and provided the commercial raising, care and keeping of animals on lots of less than five (5) acres shall not be permitted except by special exception from the Zoning Hearing Board.
2. Single family detached dwellings.
3. Churches and their related uses subject to the provisions in Section 1505 of this Ordinance.
4. Municipal Services.
5. Public utility service buildings.
6. Parks and playgrounds.
7. Fire and ambulance houses and similar public buildings subject to the provisions in Section 1508 of this Ordinance.
8. Double family farm dwellings subject to the provisions of Section 1507 of this Ordinance.
9. Golf courses.
10. Cemeteries.
11. Roadside Stands not exceeding 32 sq. ft. and subject to Section 1517 of this Ordinance.
12. No-Impact Home-Based Occupations subject to provisions of Section 1515.
13. Accessory buildings and uses customarily incidental to the above permitted uses.
14. Communications Antennas mounted on an existing Public Utility Transmission Tower, existing Building or other Structure, and existing Communications Equipment Buildings.

701. SPECIAL EXCEPTIONS

The following uses may be permitted by the Zoning Hearing Board as a special exception in accordance with Section 1500:

1. Home occupations subject to the provisions of Section 1515 of this Ordinance.
2. Rural Occupations subject to the provisions of Section 1515 of this Ordinance.
3. Airports subject to the provisions of Section 1503 of this Ordinance.
4. Veterinary facilities.

5. Kennels subject to Section 1511 of this Ordinance.
6. Adaptive Reuse of Existing Agricultural Buildings, subject to the provisions of Section 1501 of this Ordinance.
7. Roadside Stands greater than 32 sq. ft. and subject to the provisions of Section 1517 of this Ordinance.
8. Radio and television transmitting towers.
9. Retirement homes, nursing homes, children's homes and medical facilities.
10. Tourist homes, Rooming or Boarding Homes provided adequate sewage facilities exist to handle the maximum number of guests to be accommodated at the premises.
11. Child day care centers.
12. Retail grocery and convenience stores of not more than two thousand five hundred (2,500) square feet of gross floor area with or without gasoline dispensing facilities.
13. Commercial greenhouses.
14. Communications Towers subject to the Standards for Communications Towers As Special Exceptions set forth in Article XV, Section 1506 and Communications Equipment Buildings.
15. Granny Flat.
16. Private Schools.
17. Public Schools.

702. HEIGHT AND AREA REGULATIONS OF PRINCIPAL BUILDINGS

1. Minimum Lot Area: The minimum lot area shall be two (2) acres.
2. Minimum Lot Width: The minimum lot width shall be two hundred (200) feet at the building setback line.
3. Minimum Lot Depth: The minimum lot depth shall be two hundred seventy five (275) feet.
4. Minimum Front Yard:
 - A. The minimum building setback line from all streets shall be in compliance with the requirements of Article XIV, Section 1402; provided, however, that the minimum distance shall be ninety (90) feet from the centerline of the street.
 - B. In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the same setback distance as the adjacent buildings. If the adjacent buildings have varying setback distances, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing adjacent buildings.
5. Minimum Side Yard: There shall be two (2) side yards each to be a minimum of forty (40) feet.
6. Minimum Rear Yard: Rear yards shall be a minimum of fifty (50) feet in depth.

7. Maximum Coverage:
 - A. Lot area of 3 acres or less – Twenty-five percent (25%)
 - B. Lot area of greater than 3 acres – Twenty percent (20%)
8. Height: An additional side yard setback of one (1) foot shall be provided for every two (2) feet, or fraction thereof, increase in height above thirty-five (35) feet. Buildings devoted to agricultural and horticultural uses shall be exempted from the height regulations set forth in this paragraph.

703. HEIGHT AND YARD REQUIREMENTS OF ACCESSORY BUILDINGS

The following regulations apply to unattached buildings for accessory uses:

1. Maximum Height: Twenty (20) feet.
2. Front Yard Minimum Depth: The minimum building setback line from all streets shall be that distance as required for principal buildings plus an additional fifteen (15) feet.
3. Minimum Side Yard: Twenty (20) feet except ten (10) feet shall be permitted for rear corner placement.
4. Minimum Rear Yard: Ten (10) feet.

This Page Intentionally Left Blank

ARTICLE VIII

RES - RESIDENTIAL DISTRICT

800. PERMITTED USES

Land, buildings and structures in the Residential District shall be used for the following purposes and no others:

1. Any form of agriculture or horticulture and related buildings and uses subject to the provisions of Section 1502 of this Ordinance, provided the commercial raising, care and keeping of animals on lots of less than five (5) acres shall not be permitted except by special exception from the Zoning Hearing Board.
2. Single-Family Detached dwellings.
3. Single-Family Semi-detached dwellings.
4. Single-Family Attached Dwellings.
5. Apartments.
6. Churches and their related uses subject to the provisions in Section 1505 of this Ordinance.
7. Municipal Services.
8. Public utility service buildings.
9. Parks and playgrounds not operated for private profit.
10. Fire and ambulance houses and similar public buildings subject to the provisions in Section 1508 of this Ordinance.
11. No-Impact Home-Based Occupations subject to the provisions of Section 1515 of this Ordinance.
12. Double family farm dwelling subject to the provisions of Section 1507 of this Ordinance.
13. Rooming or boarding houses.
14. Roadside Stands not exceeding 32 sq. ft. and subject to the provisions of Section 1517 of this Ordinance.
15. Accessory buildings and uses customarily incidental to the above permitted uses.
16. Carriage/Horse barn subject to the provisions of Section 1403 of this Ordinance.
17. Communications Antennas mounted on an existing Public Utility Transmission Tower, existing Building or other Structure, and existing Communications Equipment Buildings.

801. SPECIAL EXCEPTIONS

The following uses may be permitted by the Zoning Hearing Board as a special exception in accordance with Section 1500:

1. Conversion of existing single-family or multi-family dwellings within two hundred (200) feet of Route 30 to retail, office or personal service establishments provided:
 - A. There are no substantial external alterations to the building.
 - B. Parking and other design standards set forth in this Ordinance are met.
2. Home Occupations subject to the provisions of Section 1515 of this Ordinance.
3. Rural Occupations subject to the provisions of Section 1515 of this Ordinance.
4. Medical and dental clinics.
5. Adaptive reuse of existing agricultural buildings, subject to the provisions of Section 1501 of this Ordinance.
6. Private and public recreational clubs and structures including pools, tennis and racquetball courts, skating rinks and similar recreational uses.
7. Tourist homes provided adequate sewage facilities exist to handle the maximum number of guests to be accommodated at the premises.
8. Roadside stands greater than 32 sq. ft. and subject to the provisions of Section 1517 of this Ordinance.
9. Veterinary facilities.
10. Kennels subject to Section 1511 of this Ordinance.
11. Radio and television transmitting towers.
12. Intermediate care facility, extended care facility, children's homes.
13. Child day care centers.
14. Commercial greenhouses.
15. Group homes.
16. Communications towers subject to the standards for communications towers as special exceptions set forth in Article XV, Section 1506 and Communications Equipment Buildings.
17. Granny flat.
18. Public schools.
19. Private schools.

802. HEIGHT AND AREA REGULATIONS OF PRINCIPAL BUILDINGS

1. Minimum lot area and lot width shall be as follows:

Water & Sewer Supply	Single Family Detached Dwelling		Single Family Semi-Detached Dwelling		Single Family Attached Dwelling		*Apartment		Non-Residential	
	Lot Area	Lot Width	Lot Area	Lot Width	Lot Area	Lot Width	Lot Area	Lot Width	Lot Area	Lot Width
On-Lot Water On-Lot Sewer	1 acre	150 ft.	1 acre	150 ft.	1 acre	150 ft.	1 acre	150 ft.	1 acre	150 ft.
On-Lot Water and Public or Community Sewer	10,000 sq. ft.	75 ft.	5,000 sq. ft.	45 ft.	3,000 sq. ft.	20 ft.	3,000 sq. ft.	100 ft.	10,000 sq. ft.	75 ft.
Public or Community Water and Sewer	7,500 sq. ft.	60 feet	5,000 sq. ft.	40 ft.	3,000 sq. ft.	20 ft.	3,000 sq. ft.	100 ft.	7,500 sq. ft.	75 ft.

*Apartment lot width shall be increased by fifteen (15) additional feet for each dwelling unit over six (6) dwelling units.

2. Minimum Lot Depth:

The minimum lot depth for all permitted uses and uses by special exception shall be one hundred twenty (120) feet.

3. Minimum Front Yard:

- A. The minimum building setback line from all streets shall be in compliance with the requirements of Article XIV, Section 1402; provided, however, that the minimum distance shall be fifty (50) feet from the centerline of the street.
- B. In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the same setback distance as the adjacent buildings. If the adjacent buildings have varying setback distances, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing adjacent buildings.

4. Minimum Side Yard:

- A. Single-Family Detached dwellings and non-residential principal buildings shall have two (2) side yards, neither of which shall be less than ten (10) feet in width.
- B. Single-Family Semi-detached dwellings shall have one (1) side yard per dwelling unit which shall be a minimum of twelve (12) feet wide.
- C. Single-Family Attached Dwellings shall have a side yard not less than fifteen (15) feet on each end house in the row.
- D. Apartments with four (4) dwelling units or less shall have two (2) side yards, neither of which shall be less than fifteen (15) feet in width.
- E. Apartments with more than four (4) dwelling units shall be setback a minimum of fifty (50) feet from all lot boundaries.

5. Interior Yard For Residential Buildings Located On One Lot:

- A. When front to front, rear to rear, or front to rear, parallel residential buildings shall have fifty (50) feet between faces of the building for buildings up to two (2) stories in height, plus five (5) feet for each additional story or part thereof above two (2) stories. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by an equal or greater distance at the other end.
 - B. A yard space of twenty-five (25) feet is required between end walls of residential buildings up to two (2) stories in height for each two (2) story building, plus five (5) feet for each additional story or part thereof above two (2) stories.
 - C. A yard space of thirty (30) feet is required between end walls and front or rear faces of residential buildings up to two (2) stories in height, plus five (5) feet for each additional story or part thereof above two (2) stories.
 - D. When two (2) adjacent residential buildings differ in the number of stories, the spacing shall be not less than one-half (1/2) of the sum of the required distance between two (2) buildings of lower height, plus that distance between two (2) buildings of greater height.
6. Minimum Rear Yard: Rear yards shall be a minimum of thirty-five (35) feet in depth except that apartment buildings with more than four (4) dwelling units shall have a rear yard of fifty (50) feet.
7. Maximum Coverage: Thirty (30) percent.
8. Height: An additional side yard setback of one (1) foot shall be provided for every two (2) feet, or fraction thereof, increase in height above thirty-five (35) feet. Buildings devoted to agricultural and horticultural uses shall be exempted from the height regulations set forth in this paragraph.

803. HEIGHT AND YARD REQUIREMENTS OF ACCESSORY BUILDINGS

The following regulations apply to unattached buildings for accessory uses:

- 1. Maximum Height: Twenty (20) feet.
- 2. Front Yard Minimum Depth: The minimum building setback line from all streets shall be that distance as required for principal buildings plus an additional fifteen (15) feet.
- 3. Minimum Side Yard: Ten (10) feet.
- 4. Minimum Rear Yard: Six (6) feet.

ARTICLE IX

VMU – VILLAGE MIXED USE DISTRICT

900. PERMITTED USES

Land, buildings and structures in the Village Mixed Use District shall be used for the following purposes and no others:

1. Any form of agriculture or horticulture and related buildings and uses subject to the provisions of Section 1502 of this Ordinance.
2. Single-Family Detached Dwellings.
3. Single-Family Semi-Detached Dwellings also known as Duplex Dwellings.
4. Townhouses, only where public sanitary sewer is available.
5. Apartments, only where public sanitary sewer is available.
6. Dwellings in combination with other permitted uses of the Village Mixed Use District when located in the same building and occupied by the owner or manager of a business.
7. Professional offices.
8. Medical and dental clinics.
9. Banks and other financial institutions.
10. Retail stores, shops, restaurants, motels, hotels and theaters.
11. Tourist homes provided public sewer is available.
12. Funeral homes.
13. Child day care centers.
14. Churches and their related uses subject to the provisions of Section 1505 of this Ordinance.
15. Municipal services.
16. Public utility service buildings.
17. Fire and ambulance houses and similar public buildings subject to the provisions of Section 1508 of this Ordinance.
18. No-Impact Home-Based Occupations subject to the provisions of Section 1515 of this Ordinance.
19. Home Occupations subject to the provisions of Section 1515 of this Ordinance.
20. Rooming or boarding houses.
21. Parks and playgrounds not operated for private profit.
22. Roadside Stands not exceeding 32 sq. ft. subject to the provisions of Section 1517 of this Ordinance.

23. Accessory buildings and uses customarily incidental to the above permitted uses.
24. Communications Antennas mounted on an existing Public Utility Transmission Tower, existing Building or other Structure, and existing Communications Equipment Buildings.

901. SPECIAL EXCEPTIONS

1. Neighborhood shopping center subject to the provisions of Section 1514 of this Ordinance.
2. Veterinary facilities.
3. Roadside Stands greater than 32 sq. ft. subject to the provisions of Section 1517 of this Ordinance.
4. Private and public recreational clubs and structures including pools, tennis and racquetball courts, skating rinks and similar recreational uses.
5. Radio and television transmitting towers.
6. Commercial greenhouses.
7. Group Homes.
8. Communications Towers subject to the Standards for Communications Towers as Special Exceptions set forth in Article XV, Section 1506 and Communications Equipment Buildings.
9. Granny Flats.
10. Public Schools.
11. Private Schools.

902. HEIGHT AND AREA REGULATIONS OF PRINCIPAL BUILDINGS

1. Minimum Lot Areas:
 - A. The minimum lot area per dwelling unit or other principal building where not served by public sanitary sewer or by public water facilities shall be forty three thousand five hundred sixty (43,560) square feet.
 - B. The minimum lot area for single-family detached dwellings and non-residential principal buildings where served by public sanitary sewer shall be ten thousand (10,000) square feet; when served by both public sanitary sewer and public water facilities, the minimum lot size shall be seven thousand five hundred (7,500) square feet.
 - C. The minimum lot area for duplex dwellings, also known as Single Family-Semi Detached dwellings (Side By Side and separate lot) or (Up and Down and separate lot), where served by public sanitary sewer shall be five thousand (5,000) square feet per dwelling unit; without public sanitary sewer facilities, the minimum lot area shall be subject to the provisions of paragraph 1(A) above.
 - D. The minimum lot area for Townhouses (3 Single Dwellings in a Row) and Apartments, where served by public sanitary sewer shall be three thousand (3,000) square feet per dwelling unit.

2. Minimum Lot Width:
 - A. The minimum lot width for those lots served by neither public sanitary sewer nor public water facilities shall be one hundred (100) feet at the building setback line.
 - B. The minimum lot width for single-family detached dwellings and nonresidential principal buildings served by public sanitary sewer facilities shall be fifty (50) feet at the building setback line.
 - C. The minimum lot width for single-family semi-detached dwellings served by public sanitary sewer facilities shall be thirty (30) feet at the building setback line.
 - D. The minimum lot width for Townhouses served by public sanitary sewer facilities shall be twenty (20) feet at the building setback line for each dwelling unit.
 - E. The minimum lot width for apartments served by public sanitary sewer facilities shall be fifty (50) feet at the building setback line plus an additional ten (10) feet for each dwelling unit over six (6).
3. Minimum Lot Depth: The minimum lot depth for all land uses and uses by special exception shall be one hundred twenty (120) feet.
4. Minimum Front Yard:
 - A. The minimum building setback line from all streets shall be in compliance with the requirements of Article XIV, Section 1401; provided, that the minimum distance shall be no less than fifty (50) feet from the centerline of the street.
 - B. In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the same set back as the adjacent buildings. In such a situation, a new building may be placed at the same setback distance as the buildings on adjacent properties. If said adjacent buildings have varying setback distances, the proposed building shall not be located closer to the street than the average setback distance of the two (2) adjacent buildings.
5. Minimum Side Yard:
 - A. Single-Family Detached dwellings and non-residential principal buildings shall have two (2) side yards, neither, of which shall be less than ten (10) feet in width.
 - B. Single-Family Semi-Detached dwellings shall have one (1) side yard per dwelling unit, which shall be a minimum twelve (12) feet in width.
 - C. Single-Family Attached dwellings shall have a side yard not less than fifteen (15) feet in width on each end dwelling in the row.
 - D. Apartments with (4) four dwellings or less shall have two (2) side yards, neither of which shall be less than ten (10) feet in width.
 - E. Apartments with more than four (4) dwelling units shall be set back a minimum of twenty (20) feet from the boundaries.
6. Interior Yard For Residential Buildings Located on One Lot:
 - A. When front to front, rear to rear, or front to rear, parallel residential buildings shall have

twenty-five (25) feet between faces of the building for two (2) stories in height, Maximum thirty-five (35) feet plus five (5) feet for each additional story or part thereof above two (2) stories. If the front or rear faces are obliquely aligned, the above distances may be decreased by as much as ten (10) feet at one end if increased by an equal or greater distance at the other end.

- B. A yard space of twenty-five (25) feet is required between end walls of residential buildings up to two (2) stories in height of each two (2) story building, plus five (5) feet for each additional story or part thereof above two (2) stories.
 - C. A yard space of thirty (30) feet is required between end walls and front or rear faces of residential buildings up to two (2) stories in height, plus five (5) feet for each additional story or part thereof above two (2) stories.
 - D. When two (2) adjacent residential buildings differ in the number of stories, the spacing shall be not less than one-half (1/2) of the sum of the required distance between two (2) buildings of lower height, plus that distance between two (2) buildings of greater height.
- 7. Minimum Rear Yard: Rear yards shall be a minimum of thirty-five (35) feet in depth except that apartment buildings with more than six (6) dwelling units shall have a rear yard of fifty (50) feet.
 - 8. Maximum Coverage: Eighty (80) percent.
 - 9. Maximum Height: Thirty-five (35) feet.
 - 10. Height: An additional side yard setback of one (1) foot shall be provided for every two (2) feet, or fraction thereof, increase of height above thirty-five (35) feet. Buildings devoted to agricultural and horticultural uses shall be exempted from the height regulations set forth in this paragraph.

903. HEIGHT AND YARD REQUIREMENTS OF ACCESSORY BUILDINGS

The following regulations apply to unattached buildings for accessory uses:

- 1. Maximum Height: Thirty-five (35) feet.
- 2. Minimum Front Yard: The minimum building setback line shall be that which is required for the principal building, plus an additional fifteen (15) feet.
- 3. Minimum Side Yard: Ten (10) feet.
- 4. Minimum Rear Yard: Six (6) feet.

ARTICLE X

OS - OPEN SPACE

1000. PERMITTED USES

Land, buildings and structures in the Open Space District shall be used for the following purposes and no others:

1. Any form of agriculture or horticulture and related buildings and uses subject to the provisions of Section 1502 of this Ordinance.
2. Single family detached dwellings.
3. Double family farm dwelling subject to the provisions of Section 1507 of this Ordinance.
4. Parks and playgrounds not operated for private profit.
5. No-Impact Home-Based Occupations subject to the provisions of Section 1515 of this Ordinance.
6. Roadside Stands not exceeding 32 sq. ft. and subject to the provisions of Section 1517 of this Ordinance.
7. Kennels limited to between five (5) and nine (9) dogs and cats, subject to the provisions of Section 1511 of this Ordinance.
8. Municipal Services.
9. Accessory buildings and uses customarily incidental to the above permitted uses.
10. Communications Antennas mounted on an existing Public Utility Transmission Tower, existing Building or other Structure, and existing Communications Equipment Buildings.

1001. SPECIAL EXCEPTIONS

The following uses may be permitted by the Zoning Hearing Board as a special exception in accordance with Section 1500:

1. Public utility service buildings.
2. Golf courses.
3. Parks and playgrounds operated for profit.
4. Home Occupations subject to the provisions of Section 1515 of this Ordinance.
5. Rural Occupations subject to the provisions of Section 1515 of this Ordinance.
6. Roadside Stands greater than 32 sq. ft. and subject to the provisions of Section 1517 of this Ordinance.
7. Campgrounds and travel trailer parks subject to the provisions of Section 1504 of this Ordinance.

8. Radio and television transmitting towers.
9. Adaptive Reuse of Existing Agricultural Buildings, subject to the provisions of Section 1501 of this Ordinance.
10. Junk yards subject to the provisions of Section 1510 of this Ordinance.
11. Veterinary facilities.
12. Kennels with ten (10) or more dogs and cats, subject to Section 1511 of this Ordinance.
13. Tourist homes provided adequate sewage facilities exist to handle the maximum number of guests to be accommodated at the premises.
14. Communications Towers subject to the Standards for Communications Towers as Special Exceptions set forth in Article XV, Section 1506 and Communications Equipment Buildings.
15. Granny Flat.
16. Public Schools.
17. Private Schools.

1002. HEIGHT AND AREA REGULATIONS OF PRINCIPAL BUILDINGS

1. Minimum Lot Area: The minimum lot area shall be two (2) acres.
2. Minimum Lot Width: The minimum lot width shall be two hundred (200) feet at the building setback line.
3. Minimum Lot Depth: The minimum lot depth shall be two hundred seventy-five (275) feet.
4. Minimum Front Yard:
 - A. The minimum building setback line from all streets shall be in compliance with the requirements of Article XIV, Section 1402; provided, however, that the minimum distance shall be ninety (90) feet from the centerline of the street.
 - B. In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the same setback distance as the adjacent buildings. If the adjacent buildings have varying setback distances, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing adjacent buildings.
5. Minimum Side Yard: There shall be two (2) side yards each to be a minimum of forty (40) feet.
6. Minimum Rear Yard: Rear yards shall be a minimum of fifty (50) feet in depth.
7. Maximum Coverage:
 - A. Lot area of 3 acres or less – Twenty-five percent (25%)
 - B. Lot area of greater than 3 acres – Twenty percent (20%)
8. Height: An additional side yard setback of one (1) foot shall be provided for every two (2) feet, or fraction thereof, increase in height above thirty-five (35) feet. Buildings devoted to agricultural and horticultural uses shall be exempted from the height regulations set forth in this paragraph.

9. Existing Wooded Areas: In existing wooded areas at least eighty (80%) percent of the number of trees of a minimum trunk caliber of five (5") inches, measured at six (6") inches above ground, that exist at the time of building permit application submission shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum trunk caliber of two (2") inches measured at a height of six (6") inches above finished grade. It is the intent of this Ordinance that existing wooded areas in the Open Space District shall be protected to prevent unnecessary destruction.

1003. HEIGHT AND YARD REQUIREMENTS OF ACCESSORY BUILDINGS

The following regulations apply to unattached buildings for accessory uses:

1. Maximum Height: Twenty (20) feet.
2. Front Yard Minimum Depth: The minimum building setback line from all streets shall be that distance as required for principal buildings plus an additional fifteen (15) feet.
3. Minimum Side Yard: Twenty (20) feet except ten (10) feet shall be permitted for rear corner placement.
4. Minimum Rear Yard: Ten (10) feet.

This Page Intentionally Left Blank

ARTICLE XI

C-I – COMMERCIAL-INDUSTRIAL DISTRICT

1100. PERMITTED USES

Land, buildings and structures in the Commercial-Industrial District shall be used for the following purposes and no others:

1. Any form of agriculture or horticulture and related buildings and uses subject to the provisions of Section 1502 of this Ordinance.
2. Public utility service buildings.
3. Municipal Services.
4. Fire and ambulance houses and similar public buildings subject to the provisions in Section 1508 of this Ordinance.
5. Business or professional office.
6. Research, engineering or testing laboratory.
7. Bank and other financial institutions.
8. Warehouses and parking lots.
9. Dwellings in combination with a business use when located in the same building and occupied by the owner or manager of the business.
10. Motor vehicle sales and service establishments with or without gasoline dispensing facilities.
11. Roadside Stands not exceeding 32 sq. ft. and subject to the provisions of Section 1517 of this Ordinance.
12. Retail stores, shops, restaurants, motels, hotels and theaters.
13. Funeral homes.
14. Lumber, coal yards, building material storage and contractor's equipment storage.
15. Commercial greenhouses.
16. No-Impact Home-Based Occupations subject to the provisions of Section 1515 of this Ordinance.
17. Accessory buildings and uses customarily incidental to the above permitted uses.
18. Communications Antennas mounted on an existing Public Utility Transmission Tower, existing Building or other Structure, and existing Communications Equipment Buildings.
19. Existing residential uses subject to the design standards listed in Article VIII.

1101. SPECIAL EXCEPTIONS

The following uses may be permitted by the Zoning Hearing Board as a special exception in accordance with Section 1500:

1. Neighborhood shopping center subject to the provisions of Section 1514 of this Ordinance.
2. Industrial production, processing, manufacturing and assembly, storage and distribution of any non-hazardous materials.
3. Quarries and mines for the extraction of stone and minerals subject to the provisions of Section 1512.
4. Veterinary facilities.
5. Home Occupations subject to the provisions of Section 1515 of this Ordinance.
6. Roadside Stands greater than 32 sq. ft. and subject to the provisions of Section 1517 of this Ordinance.
7. Radio and television transmitting towers.
8. Motion picture drive-in theatres.
9. Mobile home parks subject to the provisions of Article XVIII of this Ordinance.
10. Private and public recreational clubs and structures including pools, tennis and racquetball courts, skating rinks and similar recreational uses.
11. Use with potentially detrimental impact. If, in the opinion of the Zoning Officer, any proposed commercial or industrial use could create a fire hazard, or emit smoke, noise, odor or dust, or could produce other results which could be obnoxious or detrimental to other properties either because of the productive process or the suitability of the site, the Zoning Officer shall refer the proposed use to the Zoning Hearing Board. The Board shall determine if any of these conditions would or would not be created by the proposed use. If the Board determines that any of these conditions would be created, it shall require assurances, by means of special design of the structure or processing procedures or equipment, that the detrimental conditions will not be created. Upon submittal of these assurances, the Board shall direct the Zoning Officer to issue a permit for the proposed use. The Board may require the posting of a sufficient bond, with corporate surety, or such other assurances that it may deem satisfactory to guarantee that such conditions will not be created or, if created, will be eliminated.
12. Communications Towers subject to the Standards for Communications Towers As Special Exceptions set forth in Article XV, Section 1506 and Communications Equipment Buildings.
13. Granny Flat.
14. Private schools.

1102. HEIGHT AND AREA REGULATIONS

1. Minimum Lot Area:
 - A. The minimum lot area, where not served by public sanitary sewer, shall be one (1) acre.
 - B. The minimum lot area, where served by public sanitary sewer, shall be ten thousand (10,000) square feet.
2. Minimum Lot Width:
 - A. The minimum lot width at the minimum building setback line, for those lots not served by public sanitary sewer, shall be one hundred seventy-five (175) feet.
 - B. The minimum lot width at the minimum building setback line, for those lots served by public sanitary sewer, shall be one hundred (100) feet.
3. Minimum Lot Depth:
 - A. The minimum lot depth, for those lots not served by public sanitary sewer, shall be two hundred (200) feet.
 - B. The minimum lot depth, for those lots served by public sanitary sewer, shall be one hundred (100) feet.
4. Minimum Front Yard:
 - A. The minimum building setback line from all streets shall be in compliance with the requirements of Article XIV, Section 1402; provided, however, that the minimum distance shall be seventy-five (75) feet from the centerline of the street unless served by public sanitary sewer then the minimum distance shall be fifty (50) feet. If the adjacent buildings have varying setback distances, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing adjacent buildings.
 - B. In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the same setback distance as the adjacent buildings. If the adjacent buildings have varying setback distances, the proposed building shall not be located closer to the street than the average setback distance of the two (2) existing adjacent buildings.
5. Minimum Side Yard:
 - A. There shall be two (2) side yards each to be a minimum of twenty (20) feet, for those lots not served by public sanitary sewer.
 - B. There shall be two (2) side yards each to be a minimum of ten (10) feet, for those lots served by public sanitary sewer.
6. Minimum Rear Yard: The minimum rear yard shall be thirty (30) feet.
7. Maximum Coverage: Eighty (80) percent.

8. Height: An additional side yard setback of one (1) foot shall be provided for every two (2) feet, or fraction thereof, increase in height above thirty-five (35) feet. Buildings devoted to agricultural and horticultural uses shall be exempted from the height regulations set forth in this paragraph.
9. Shared Facilities: Applicants are encouraged to provide shared access, shared parking and shared storm water facilities, when feasible, to promote less impervious coverage and conservation of resources. If shared parking is utilized, along with a shared access or shared storm water, the required parking may be reduced by five (5%) percent.

1103. SCREENING

Screening shall be provided in accordance with Section 1412.

1104. PARKING

Parking shall be provided in accordance with Section 1602.

1105. OFF-STREET LOADING

Off-street loading shall be provided in accordance with Section 1604.

ARTICLE XII

FLOODPLAIN DISTRICT

1200. PURPOSE AND INTENT

In the interest of public health, safety and welfare the establishment of floodplain conservation controls have been adopted for the following purposes:

1. To combine with other zoning requirements certain restrictions made necessary for the floodplains to promote the general health, welfare and safety of the community.
2. To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazard.
3. To minimize danger to public health by protecting the water supply and promoting safe and sanitary drainage.
4. To reduce the financial burdens imposed on the community, its governmental units and its individuals by frequent and periodic floods and overflow of lands.
5. To permit certain uses which can be appropriately located in the floodplain as herein defined and which will not impede the flow of flood waters or otherwise cause danger to life and property at or above or below their locations along the floodway.
6. To permit only those uses in the floodplain compatible with the preservation of natural conditions which are conducive to the maintenance of constant rates of water flow throughout the year by (a) withholding rapid water runoff contributing to downstream flooding and (b) providing area for ground water absorption for maintenance of the subsurface water supply.
7. To provide sufficient drainage courses to carry abnormal flows of storm water in periods of heavy precipitation.

1201. DEFINITION OF DISTRICT

The Floodplain District is defined and established as those areas of the Township subject to flooding as defined in subsections 1 and 2 of this Section. The most extensive of these areas described in the following sources shall determine the outermost boundary of the Floodplain District. The identified floodplain areas shall be those areas of Paradise Township, Lancaster County, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated April 5, 2016 and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

1. Those areas subject to inundation by the waters of the one percent (1%) annual chance flood as delineated in the most recent Flood Insurance Study for the Township of Paradise, Lancaster County, Pennsylvania as prepared by FEMA. Said floodplains shall consist of three (3) sub-districts as follows:

- A. Floodway: That portion of the Floodplain District required to carry and discharge the waters of the one percent (1%) annual chance flood without increasing the water surface elevation at any point more than one (1) foot above existing conditions.
- i. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - ii. Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- B. Floodway Fringe (AE Area/District): That portion of the Floodplain District subject to inundation by the one percent (1%) annual chance flood lying beyond the floodway in areas where detailed study data and profiles are available.
- C. Approximated Floodplain (A Area/District): That portion of the Floodplain District subject to inundation by the one percent (1%) annual chance flood where a detailed study and profiles have not been performed, but where a one percent (1%) annual chance floodplain boundary has been approximated. In those areas delineated as approximated floodplain or as alluvial soil, the one percent (1%) annual chance flood elevation shall be determined by using other existing sources of data such as that provided by the U.S. Army Corps of Engineers, the U.S. Geological Survey or the Susquehanna River Basin Commission, etc. In lieu of this, the Zoning Officer may require the applicant to apply for a permit to determine the one percent (1%) annual chance flood elevation through a hydrologic and hydraulic study. Such study shall be signed, sealed and certified by a licensed professional engineer registered by the Commonwealth of Pennsylvania. Copies of such study shall be submitted to the Township Engineer for review.
2. Those areas delineated as alluvial soils by the Soil Conservation Service, United States Department of Agriculture in the most recent Soil Survey for Lancaster County, Pennsylvania.
 3. Studies, used to establish the Floodplain District boundaries shall be available for reference in the Township Office.
 4. Any changes to the boundaries of the Floodplain District as defined by the Flood Insurance Study are subject to the review and approval of FEMA. Such studies and surveys shall be signed, sealed, and certified by a licensed professional registered by the Commonwealth of Pennsylvania to perform such studies and surveys. Such certification shall acknowledge the accuracy of the study or survey and the qualification of the individual to perform such study or survey. Copies of such surveys and studies shall be submitted by the Zoning Officer to the Paradise Township Engineer and the United States Department of Agriculture's Soil Conservation Service, who shall have 30 days to comment. Any property owner whose property is so studied and/or surveyed to justify an application for a permit shall pay all costs of these studies and surveys, except for work done under retainer to or on behalf of Paradise Township. Additionally, as soon as practicable, but not later than six (6) months after the date

such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data.

1202. BOUNDARY DISPUTES

Should a dispute arise concerning any boundary of the Floodplain District, the initial determination of the Zoning Officer may be appealed to the Zoning Hearing Board. The burden of proof in such an appeal shall be on the property owner.

1203. OVERLAY CONCEPT

The Floodplain District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.

1. Should the Floodplain District be declared inapplicable to any tract by reason of (1) the Township Board of Supervisors in amending this Ordinance, or (2) the Zoning Hearing Board, or (3) any court of competent jurisdiction in interpreting the same, the zoning applicable to such tract shall be deemed to be in the District in which it is located without consideration of this District.
2. Should the zoning of any tract or part thereof which the Floodplain District is located be changed through any legislative or administrative actions or judicial decision, such changes shall have no effect on the Floodplain District unless such change was included as a part of the original application.

1204. PERMITTED USES

The following uses and no others are permitted in the Floodplain District:

1. Cultivation and harvesting of crops according to recognized soil conservation practices.
2. Pasture, grazing land.
3. Outdoor plant nursery, orchard.
4. Recreation use such as: park, day camp, picnic grove, golf course, hunting, fishing and boating club, excluding buildings or structures.
5. Forestry, lumbering and reforestation, excluding storage and mill buildings or structures.
6. Harvesting of any wild crops such as marsh hay, ferns, moss, berries or wild rice.
7. Game farm, fish hatchery, hunting and fishing reserves, excluding buildings or structures.
8. Wildlife sanctuary, woodland preserve, arboretum.
9. Outlet installations for sewage treatment plants, sealed public water supply wells.
10. Utility transmission line.
11. Driveways.
12. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation

data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision and Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

1205. SPECIAL EXCEPTION USES

The following uses may be permitted by the Zoning Hearing Board as a special exception in accordance with Article XV:

1. Accessory uses customarily incidental to any of the uses permitted in Section 1204.
2. Residential front, side and/or rear yards and uses customarily incidental thereto, except that no structures shall be permitted. Inclusion of floodplain lands with the residential lots in order to meet minimum lot area or yard requirements is contingent upon complying with the objectives and standards set forth in Section 1200 above and with any other pertinent municipal regulations. If such compliance cannot be shown, the land area within the floodplain area shall not be calculated for purposes of determining lot areas or yard requirements.
3. Non-paved parking lots where required by the regulations for any other class or district.
4. Front, side and/or rear yards of any other class or district, except that an area so utilized shall not be inconsistent with the objectives and standards set forth in Section 1200 above and with any other pertinent municipal regulations.
5. Retaining walls, flood retention dams, culverts, bridges and approaches to public and private culverts and bridges subject to compliance with the design and performance standards of Section 1207.

1206. PROHIBITED USES

The following uses and activities are prohibited in the Floodplain District for which no variances or special exceptions shall be granted by the zoning Hearing Board:

1. All structures and buildings with the exception of those specifically allowed by Sections 1204 and 1205.
2. The filling in of floodplain areas, grading, removal of topsoil or damming or relocation of any water course except as is necessary to accomplish the uses permitted by Section 1204 and 1205 and provided no grading or filling is authorized which would cause any increase in flood heights or frequency.
3. Sanitary landfill or disposal sites, dump, junkyard, outdoor storage of vehicles and/or materials.
4. On-site sewage disposal system.
5. Swimming pools.
6. Space below the lowest floor. Fully enclosed space below the lowest floor (including basement) is prohibited.

7. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:

1. will be used for the production or storage of any of the following dangerous materials or substances; or,
2. will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
3. will involve the production, storage, or use of any amount of radioactive substances;

shall be prohibited. The following list of materials and substances are considered dangerous to human life:

- Acetone
- Ammonia
- Benzene
- Calcium carbide
- Carbon disulfide
- Celluloid
- Chlorine
- Hydrochloric acid
- Hydrocyanic acid
- Magnesium
- Nitric acid and oxides of nitrogen
- Petroleum products (gasoline, fuel oil, etc.)
- Phosphorus
- Potassium
- Sodium
- Sulphur and sulphur products
- Pesticides (including insecticides, fungicides, and rodenticides)
- Radioactive substances, insofar as such substances are not otherwise regulated.

8. Hospitals.

9. Nursing homes.

10. Jails or prisons.

11. Manufactured homes, manufactured home parks or substantial improvements to manufactured home parks.

12. Recreational vehicles.

1207. DESIGN AND PERFORMANCE STANDARDS

1. General:

- A. No permitted use or use allowed by special exception shall be permitted within the floodplain if the proposed use or development would cause any increase in the one percent (1%) annual chance flood elevation.

- B. Prior to any proposed alteration or relocation of any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and a permit has been obtained from the Pennsylvania Department of Environmental Protection, and notification of any such proposal shall be forwarded to FEMA and to the Pennsylvania Department of Community and Economic Development.
- C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
- D. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
 - 1. all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - 2. all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 - 3. adequate drainage is provided so as to reduce exposure to flood hazards;
 - 4. structures will be anchored to prevent floatation, collapse, or lateral movement;
 - 5. building materials are flood-resistant;
 - 6. appropriate practices that minimize flood damage have been used; and
 - 7. electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
 - 8. All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - 9. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.

2. Structural:

- A. All authorized new residential structures (limited to Section 1208 Structures) shall have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation.
- B. All authorized new non-residential structures (limited to Section 1208 Structures) shall have the lowest floor (including basement) elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be flood-proofed to that level in accordance with the W-1 or W-2 standards as contained in the most recent

publication "Flood-Proofing Regulations, U.S. Army Corps of Engineers. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

C. All structures, including building, air ducts, large pipes and storage tanks shall be firmly anchored to prevent flotation, movement or collapse.

D. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry **and** exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

- i. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- ii. The bottom of all openings shall be no higher than one (1) foot above grade.
- iii. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

3. Uniform Construction Code Coordination.

The Standards and Specifications contained in 34 Pa Code (Chapters 401-405), as amended, and the below-referenced codes, shall apply to the above and other sections and subsections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

International Building Code (IBC) 2009 or latest edition thereof: Sections 801, 1202, 1403, 1603, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2009 or latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

1208. NONCONFORMING USES AND STRUCTURES

1. Continuation: All uses or structures lawfully existing in the Floodplain District on the effective date of this Article which are not in conformity with the provisions of this Article shall be deemed nonconforming uses or structures. Such nonconforming uses or structures may be continued, maintained, repaired and flood-proofed, except as otherwise provided for in this Article.
2. Expansion: Nonconforming structures located within the floodway shall not be expanded or enlarged if any increase in the one percent (1%) annual chance flood elevation would result.

3. Replacement or Repair: A nonconforming structure may be replaced, repaired or reconstructed provided that if the repair or reconstruction is to an extent or amount of fifty (50%) percent or more of its fair market value, then the entire structure must come into full compliance with the provisions of this Article.

1209. FLOODPLAIN PERMIT AND APPLICATION PROCEDURES

Within the Floodplain District, a zoning permit shall be required for any proposed development, construction, reconstruction, placement, replacement, renovation, extension, repair or other improvement of uses or structures, including the placement of manufactured homes, and activities such as mining, dredging, filling, grading, paving or drilling operations. Application for a zoning permit shall be filed with the Zoning Officer who shall make an initial determination on the application. For a use other than those permitted in Section 1204, an application seeking approval of a special exception or variance shall be forwarded to the Zoning Hearing Board, along with required studies or information. Every zoning permit application for development or construction within the Floodplain District shall include or be accompanied by all information necessary for the Zoning Officer to determine that the proposal meets all the provisions of this Article. Included within this submission shall be copies of all necessary State and Federal permits. The following information is specifically required:

1. The elevation, in relation to mean sea level, of the lowest floor (including basement).
2. Whether or not the structure includes a basement.
3. If the structure is to be flood-proofed, the elevation (in relation to mean sea level) to which the structure is to be flood-proofed.
4. If the structure is to be flood-proofed per Section 1207, a document certified by a registered professional engineer or architect certifying that the flood-proofing methods used meet the provisions of this Article.
5. Site location including address.
6. Brief description of proposed work and estimated cost, including a breakout of the flood-related cost and the market value of the building before the flood damage occurred.
7. The elevation of the base flood.

1210. STANDARDS AND CRITERIA FOR SPECIAL EXCEPTIONS AND VARIANCES

In addition to the provisions of this Zoning Ordinance, in hearing and deciding upon special exceptions and/or variances to be granted or denied under the provisions of this Article, the Zoning Hearing Board shall also determine that the following standards and criteria have been complied with:

1. No special exception or variance shall be granted for any use, structure or development within the floodway if any increase in the one percent (1%) annual chance flood elevation would result.

2. In addition to the standards generally applicable to variances, variances shall only be granted upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with any other applicable laws, ordinances or regulations.
3. Variances shall only be granted upon a determination that the variances are the minimum necessary, considering the flood hazard to afford relief
4. Whenever a variance is granted, the Board shall notify the applicant in writing that:
 - A. The granting of the variance may result in increased premium rates for flood insurance if construction occurs below the base flood elevation.
 - B. Such variance may increase the risk to life and property.
5. A complete record of all variance requests and actions, including justifications for granted variances, shall be maintained by the Board. The Board shall report such decisions in the annual report sent to the Federal Emergency Management Agency.

1211. DEFINITIONS

1. Accessory Use or Structure. A structure on the same lot with, and a nature customarily incidental and subordinate to, the principal use or structure.
2. Base flood. A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).
3. Base flood elevation (BFE). The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
4. Basement. Any area of the building having its floor below ground level on all sides.
5. Building. A combination of materials to form a permanent structure having walls and a roof Included shall be all manufactured homes and trailers to be used for human habitation.
6. Completely Dry Space. A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.
7. Development. Any manmade change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
8. Essentially Dry Space. A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

9. Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
10. Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
11. Flood. A temporary inundation of normally dry land areas.
12. Flood Insurance Rate Map (FIRM). The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
13. Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
14. Floodplain Area. A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
15. Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
16. Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
17. Historic Structure: Any structure that is:
 - A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. by an approved state program as determined by the Secretary of the Interior or
 - ii. directly by the Secretary of the Interior in states without approved programs.

18. Identified Floodplain Area. The floodplain area specifically identified in this Ordinance as being inundated by the one percent (1%) annual chance flood.
19. Land Development. Any of the following activities:
- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - i. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - ii. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
 - B. A subdivision of land.
20. Lowest Floor: The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.
21. Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
22. Manufactured Home Park. A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.
23. Minor Repair: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting the public health or general safety.
24. New Construction: Structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after May 19, 1981 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
25. New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets,

and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

26. One percent (1%) annual chance flood: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one (1%) percent chance of occurring each year, although the flood may occur in any year).
27. Person. The term shall be construed to include an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, government unit, public utility, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
28. Recreational Vehicle. A vehicle which is (i) built on a chassis; (ii) not more than four hundred (400) square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
29. Regulatory Flood Elevation: The one percent (1%) annual chance flood elevation plus a freeboard safety factor of one and one half (1-1/2) feet.
30. Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25%) percent of the market value of the structure before the damages occurred.
31. Special Permit: A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
32. Special Flood Hazard Area (SFHA): means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, AI-A30, AE, A99, or, AH.
33. Start of Construction: includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

34. Structure. Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having as ascertainable stationary location on or in land or water whether or not affixed to land.
35. Subdivision. The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
36. Substantial Damage: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50%) percent or more of the market value of the structure before the damage occurred.
37. Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage or repetitive loss regardless of the actual repair work performed. This term does not, however, include either:
- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
 - B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
38. Uniform Construction Code (UCC). The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor of Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
39. Violation. Means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. Enforcement and penalties for such violations can be found in Article XVIII, Section 1805.

1212. MUNICIPAL LIABILITY

The granting of a permit or approval of a subdivision or development plan in an identified flood-prone area shall not constitute a representation, guarantee or warranty of any kind by the Township

of Paradise or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Township of Paradise, its officials or employees.

1213. ADMINISTRATION

The Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator The Floodplain Administrator may: (a) fulfill the duties and responsibilities set forth in these regulations; (b) delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees; or (c) enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

1214. ABROGATION AND GREATER RESTRICTIONS

This Ordinance supersedes any ordinances currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive.

ARTICLE XIII

RH — RAILROAD HERITAGE DISTRICT

1300. PURPOSE

The Railroad Heritage District encompasses the properties of the Red Caboose Motel, the National Toy Train Museum, and related properties located to the east of Paradise Lane along Paradise Township's western border with Strasburg Township. The Railroad Heritage District provides for a mix of cultural, commercial, and transportation-related uses associated with historic railroading. In addition to the principal uses permitted by this Article, it is the intent of the Board of Supervisors that a broad range of ancillary uses related to historic railroading be permitted to enable such principal uses to prosper.

1301. PERMITTED USES

Uses permitted within the Railroad Heritage District include the following:

1. Any form of agriculture or horticulture and related buildings and uses, subject to the provisions in Section 1502 of this Ordinance.
2. Railroad-related archives and libraries.
3. Attractions, displays and storage of miniatures and models contained within a building relating to historic railroading, including, by way of example and not limitation, a tourist attraction for the display of model trains.
4. Indoor and outdoor display of railroad equipment and railroad-related materials and structures, including rail cars.
5. Motels, hotels and tourist homes, provided that they relate to or promote railroading.
6. Special event facilities.
7. Miniature golf courses, as an accessory use to the principal use on the Lot.
8. Multiple principal uses on a single lot (Not subject to the requirements of Section 1405).
9. Retail stores, shops, restaurants (excluding drive through and fast food restaurants), and theatres as accessory uses to the principal use on the Lot.
10. Accessory buildings and uses customarily incidental to the above-permitted uses when located on the same Lot.

1302. HEIGHT AND AREA REGULATIONS OF PRINCIPAL BUILDINGS

1. Minimum Lot Area: The minimum lot area shall be forty-three thousand five hundred sixty (43,560) square feet.
2. Minimum Lot Width: The minimum lot width shall be one hundred (100) feet at the building setback line.
3. Minimum Lot Depth: The minimum lot depth shall be one hundred twenty (120) feet.
4. Minimum Front Yard:
 - A. The minimum building setback from all streets shall be in compliance with the requirements of Article XIV, Section 1402; provided, however, that the minimum distance shall be fifty (50) feet from the centerline of the street.
 - B. In developed areas where existing buildings are located closer to the street than is permitted by these regulations, a new building may be placed at the same setback distance as the adjacent buildings. If adjacent buildings have varying setback distances, the proposed building shall not be located closer to the street than the average setback distance of the two (2) adjacent buildings.
5. Minimum Side Yard: There shall be two (2) side yards, each of which shall be a minimum of ten (10) feet in width.
6. Minimum Rear Yard: Rear yards shall be a minimum of thirty-five (35) feet in depth.
7. Maximum Coverage:
 - A. With public water and/or sewer: Sixty-five (65) percent.
 - B. With on-lot water and sewer: Fifty (50) percent.
8. Maximum Height: Forty-five (45) feet. An additional side yard setback of one (1) foot shall be provided for every two (2) feet, or fraction thereof, increase to the height of a principal building above thirty-five (35) feet up to a maximum of forty-five (45) feet.

1303. HEIGHT AND AREA REGULATIONS OF ACCESSORY BUILDINGS

1. Maximum Height: Thirty-five (35) feet.
2. Maximum Front Yard: The minimum building setback line shall be that which is required for the principal building(s), plus an additional fifteen (15) feet.
3. Minimum Side Yard: Ten (10) feet.
4. Minimum Rear Yard: Six (6) feet for buildings up to 15 feet in height. An additional rear yard setback of one foot shall be provided for every two feet, or fraction thereof, increase to the height of an accessory building up to a maximum of 35 feet.

ARTICLE XIV

GENERAL REGULATIONS

1400. GENERAL INTENT AND APPLICATION

Unless otherwise stated, the regulations and restrictions established in this Article are intended to apply to all districts in Paradise Township.

1401. ACCESS TO STRUCTURES

Every building hereafter erected or moved shall be on a lot adjacent to a public road or with access to an improved private road, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

1402. BUILDING SETBACK LINES

Building setback lines are hereby established on all existing and proposed roads in the Township subject to the minimum setback requirements of the district in which the property is located.

1. Building Setback Lines on Arterial Roads:

- A. Distance: The building setback line on all arterial roads shall be established as the greater of:
 - i. One hundred (100) feet from the centerline of the existing or proposed road; or
 - ii. Fifty (50) feet from the edge of the existing or proposed right of way.
- B. Arterial Roads Named: For the purpose of applying the standards of this Zoning Ordinance, the following public roads are classified as arterial roads:
 - i. Lincoln Highway - U.S. Route 30, SR-030.

2. Building Setback Lines on Major Collector Roads:

- A. Distance: The building setback line on all, major collector roads shall be established as the greater of:
 - i. Eighty (80) feet from the centerline of the existing or proposed road, or
 - ii. Forty (40) feet from the edge of the existing or proposed right of way.
- B. Major Collector Roads Named: For the purpose of applying the standards of this Zoning Ordinance, the following public roads are classified as major collector roads:
 - i. Strasburg Road Pennsylvania Route – SR-0741.
 - ii. Georgetown Road Pennsylvania Route – SR 0896.

3. Building Setback Lines on Minor Collector Roads:

- A. Distance: The building setback line on all minor collector roads shall be established as the greater of:
 - i. Sixty (60) feet from the centerline of the existing or proposed road, or
 - ii. Thirty (30) feet from the existing or proposed right-of-way.
- B. Minor Collector Roads Named: For the purpose of applying the standards of this Zoning Ordinance, the following roads are classified as minor collector roads:
 - i. Belmont Road – SR-2035, T-684A, T-786C.
 - ii. Harristown Road - T-487, T-487C.
 - iii. Leacock Road – T-496.
 - iv. Black Horse Road - T-786A.

4. Building Setback Lines on Local Access Roads:

- A. Distance: The building setback line on all local access roads shall be established as the greater of:
 - i. Fifty (50) feet from the centerline of the existing or proposed road, or
 - ii. Twenty-five (25) feet from the edge of the existing or proposed right of way.
- B. Local Access Roads Named: For the purpose of applying the standards of this Zoning Ordinance, all private and public roads not specified as arterial or collector roads shall be considered local access roads.

1403. CARRIAGE HOUSE/HORSE BARN

- 1. The minimum required lot width shall be 120 feet, or the lot width required by the zoning district in which the use is located, whichever is greater.
- 2. The minimum required building setback from all property lines shall be fifty (50) feet, or the setback required by the zoning district in which the use is located, whichever is greater.
- 3. Within the Residential and Commercial/Industrial Zoning Districts, the area (square feet) of the foot print of the Carriage House/Horse Barn shall not be larger than the area (square feet) of the footprint of the principal building.
- 4. No business, occupation, service, or human residential dwelling activities shall be conducted therein.
- 5. The use shall be conducted within a completely enclosed building. No outdoor storage of horse feed or manure or any other junk shall be permitted.
- 6. An approved plan must be submitted setting forth and indicating the system and manner by which liquid and solid waste will be disposed of. Said system must be designed and constructed so that the disposal of liquid and solid waste will not pollute surface or subsurface waters either on or off site. Further, said system must be constructed and utilized in accordance with the standards and procedures set forth in a manual published by the Department of Environmental Protection entitled "Manure Management for Environmental Protection" being the most recent edition or revision.

1404. COMMUNICATIONS ANTENNAS AND COMMUNICATIONS EQUIPMENT

BUILDINGS.

1. Building mounted Communications Antennas shall not be located on any single family dwelling or multi-family dwelling unit.
2. Building mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable Zoning District by no more than twenty (20) feet.
3. Omnidirectional or whip Communication Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
4. Directional or panel Communications Antennas shall not exceed five (5) feet in height and three (3) feet in width, and shall not be located in the Residential zoned district.
5. Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit evidence from a registered professional engineer licensed to practice in the state of Pennsylvania certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
6. Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by and compliance with the building code of Paradise Township and other applicable law that may be in place at the time of consideration.
7. Any applicant proposing Communications Antennas to be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment Building can be accomplished.
8. Communications Antennas shall not cause radio frequency interference with other communications located in the Township.
9. A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure.
10. If a Communications Antenna remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the antenna and associated equipment and equipment building if unused within six (6) months of the expiration of such (12) month period.
11. Evidence of Escrow or Security deposit for the removal of the tower and equipment building must be provided prior to the issuance of a building permit.

1405. ESTABLISHMENT OF MORE THAN ONE PRINCIPAL USE ON A LOT

1. More than one principal use may be established on a single lot in accordance with the following requirements:
 - A. The minimum lot area required for lots which have more than one principal use shall be calculated by adding the minimum lot areas required for each use as though each use were located on a separate lot.
 - B. Each structure housing a principal use shall meet all area and setback requirements of this Ordinance as if each were on a separate lot. The applicant for such principal use shall present a plan which shall demonstrate that each proposed principal use meets all requirements of the zoning district in which the use is located, except as such requirements may be modified by this Section.
 - C. When a second or subsequent principal building is constructed upon on a lot, such building shall be located in such a manner so that the lot may be subdivided in the future without such principal buildings being in conflict with the requirements of this Ordinance. The applicant shall obtain land development approval prior to obtaining a zoning permit for the erection of such second or subsequent principal building.
 - D. An applicant may, by special exception, establish a second or subsequent principal use in buildings existing on a lot on the effective date of this Ordinance and must comply with area/use requirements. Such use shall restrict subdivision unless lot meets all zoning and SLDO requirements and is subject to the following:
 - i. The size or configuration of the existing structures makes a single use of the structures impractical.
 - ii. The principal uses proposed for the lot are compatible with each other and are permitted in the district in which the lot is located.
 - iii. The establishment of the proposed uses will not be detrimental to the surrounding neighborhood.
 - iv. The establishment of the proposed uses will not prevent future subdivision or reuse of the lot.

1406. HEIGHT LIMIT EXCEPTIONS

Structures permitted above the height limit are roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, sky-lights, towers, flag poles, chimneys, smokestacks, wireless masts, radio and television antennae, utility poles, water tanks or similar structures. However, no penthouse nor roof structure nor any space above the height limit shall be allowed for the purpose of providing additional floor space for residential or commercial use.

1407. LAND DEVELOPMENT REQUIREMENTS

For a parcel to be developed (built upon) after the adoption of this ordinance the parcel in question must have a minimum of sixteen (16) foot wide cartway accessing a public or private road. For the purposes of this section, private roads shall be improved to the minimum standards as required by the Township Subdivision, Land Development and Storm Water Management Ordinance.

1408. LOT SIZE REDUCTIONS

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per dwelling unit, lot width or other requirements of this Ordinance are not maintained. This shall not apply when a portion of a lot is acquired for a public utility or other publicly owned purpose.

1409. MUNICIPAL SERVICES

Municipal uses shall be permitted as uses of right within all zoning districts. Municipal uses shall be exempted from minimum lot area, minimum lot width, minimum lot depth, yard, impervious surface area or coverage, off-street parking, landscaping and all other requirements of this Ordinance.

1410. NATURAL AND HISTORIC FEATURES

Any application for a land development, zoning permit, or any other approval under the terms of this Ordinance shall, wherever practicable, include provisions for the preservation and protection of natural and historic features and resources, as identified by the Paradise Township Comprehensive Plan, Article VII, Cultural and Environmental Resources.

1411. NON-CONFORMING USES

1. Conformity of Proposed Land Uses: From and after the effective date of this Zoning Ordinance, any existing or proposed structure, building, sign or land shall not be erected, constructed, placed, altered, extended, maintained, used or occupied except in conformity with this Ordinance.
2. Continuance of Non-conforming Uses and Structures: From and after the effective date of this Ordinance, any use and structure existing at the time of the enactment of this Ordinance but not in conformity with the permitted use provisions for the district in which it is located, may be continued subject to the following limitations:
 - A. Expansion of Non-Conforming Uses: No expansion of a non-conforming structure or use, except a single family dwelling and its accessory buildings, shall hereafter be made unless an appeal has been filed with the Zoning Hearing Board and such expansion has been approved by such Board as a special exception and is subject to the following criteria:
 - i. Expansion of the nonconformity shall be confined to the lot on which it was located on the effective date of this Ordinance, or any amendment thereto creating the nonconformity.
 - ii. The total of all such expansions or alterations of use shall not exceed an additional fifty percent (50%) of the area of those buildings or structures or land devoted to the nonconforming use as they existed on the date on which the use of such buildings, structures or land first became nonconformities. The applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created.
 - iii. The applicant shall demonstrate that there will be provisions for vehicular access, off-street parking and off-street loading consistent with standards required by this Ordinance.
 - iv. The applicant shall demonstrate that there will be provision for yards, building height

and building area consistent with the standards required for permitted uses in the district in which the nonconformity in question is located.

- v. The appearance shall be harmonious with surrounding properties; this feature includes but is not limited to landscaping, enclosure of principal and accessory uses, height control, sign control, architectural control and maintenance of all improvements and open spaces.
 - vi. The applicant shall provide buffers and screens as necessary to adequately protect neighboring properties. This includes but is not limited to fences, walls, plantings and open spaces.
 - vii. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.
 - viii. No expansion of a nonconforming structure or a nonconforming use located outside of a structure existing on the effective date of this Ordinance shall be permitted in the Floodplain District.
- B. Continuity of Non-Conforming Use: No nonconforming use may be re-established after it has been discontinued for twenty-four (24) months. Vacating of premises or building or non-operative status of such premises or building shall be conclusive evidence of discontinued use.
- C. Substitution of Non-Conforming Uses: No non-conforming use may be changed to any other non-conforming use unless the Zoning Hearing Board shall, in granting a special exception, find that the proposed nonconforming use is not more detrimental to the district than the existing nonconforming use of the property. The Zoning Hearing Board may specify such appropriate conditions and safeguards as may be required in connection with such change and the granting of such special exception. Additionally, the Zoning Hearing Board may permit the substitution of one nonconforming use for an existing nonconforming use in accordance with the following criteria and limitations:
- i. The proposed use to be substituted shall not generate more traffic than the existing nonconforming use.
 - ii. The proposed use to be substituted, if commercial or industrial in nature, shall not have longer hours of operation than the existing nonconforming use.
 - iii. The proposed use to be substituted shall not generate higher levels of noise, smoke, glare or other potential nuisance conditions or safety hazards beyond the boundaries of the property than the existing nonconforming use.
 - iv. The proposed use to be substituted shall not be more detrimental to the neighboring properties and uses than the existing nonconforming use.
 - v. The existing nonconforming use shall be completely abandoned.

- D. Damage and Restoration to Non-Conforming Structure: A non-conforming structure which is partially damaged or entirely destroyed may be rebuilt and occupied for the same use as before the damage, provided the reconstructed structure shall not be larger than the damaged structure and that the reconstruction shall start within one (1) year from the time of damage to the structure.
- E. Discontinued Non-Conforming Use of Open Land: All non-conforming signs, billboards, junk areas, storage areas and other non-conforming uses of open land, when discontinued for a period of ninety (90) days or damaged or deteriorated to an extent of sixty (60%) percent or more of replacement costs, shall not be continued, repaired or reconstructed.
- F. Substitution of a Non-Conforming Use with a Conforming Use: If a non-conforming use is proposed to be eliminated and a conforming use substituted but certain land regulations cannot be met (such as area, yard, etc.) the Zoning Hearing Board, with such appropriate conditions and safeguards as the Board may see fit, may grant a special exception to permit such conforming use. Once a conforming use is established, no non-conforming use shall be permitted in the future.
- G. Additions to Non-Conforming Principal Buildings: In developed areas where existing buildings are located closer to the street than is permitted by these regulations, additions may be constructed to the front of the existing building provided the addition does not extend closer to the street than the adjacent buildings. If the adjacent buildings have varying setbacks, the proposed addition shall not be located closer to the street than the average setback distance of the two (2) existing adjacent buildings.
- H. Location of Accessory Buildings: In those instances where the existing principal building is located closer to the street than is permitted by these regulations, an accessory building may be located at a setback distance equal to the distance from the street to the front of the existing principal building plus an additional fifteen (15) feet.
- I. Expansion of a Single Family Dwelling: Expansion of a single family dwelling which is a nonconforming use, as well as the placement of accessory buildings, is permitted provided that all building setback requirements of the district in which it is located are complied with.
- J. Previously Expanded Non-conforming Uses and Structures: Notwithstanding any provisions of this Ordinance to the contrary, no provision of this Ordinance shall be construed to enable or permit the expansion of a building, structure, sign or use of land which existed as a non-conforming building, structure, sign or use of land pursuant to the provisions of any prior zoning regulation or ordinance, in excess of the limits of expansion for a nonconforming building, structure, sign or use of land authorized by said prior zoning regulation or ordinance.
- K. It is the express intent and purpose of this Ordinance that if a building, structure, sign or use of land was expanded to the limits of expansion for a nonconforming building, structure, sign or use of land as authorized by a prior zoning regulation or ordinance, no further expansion of said building, structure, sign or land shall be authorized, and in the event a nonconforming building, structure, sign or use of land was expanded to a portion of the limits of expansion authorized by a prior zoning regulation or ordinance, additional expansion if permitted by this Ordinance shall only be authorized to the amount of expansion not previously utilized pursuant to said prior zoning regulation or ordinance.

L. Nonconforming Lots

- i. Any nonconforming lot of record held in single and separate ownership on the date of enactment of this Ordinance or any amendment thereto which rendered such lot nonconforming and continuously held in single and separate ownership thereafter may be developed for any use permitted in the district in which the nonconforming lot is located, provided that such development complies with all setback, coverage, bulk, height and other requirements.
- ii. No non-conforming lot of record containing any of the following characteristics may be issued a permit for construction without receiving a special exception from the Zoning Hearing Board:
 - a. The lot is less than twenty-one thousand seven hundred eighty (21,780) square feet in size;
 - b. Any portion of the lot contains slopes greater than or equal to fifteen (15) percent;
 - c. Any portion of the lot contains or is traversed by water courses, floodplain, or regulated wetlands.
 - d. The lot does not contain suitable areas for an initial and a replacement septic system absorption area.
 - e. If any of the above conditions apply, the applicant shall submit an application for a special exception which contains a plot plan drawn to a suitable engineering scale accurately showing the location of all proposed improvements, initial and replacement septic systems, well, natural or man-made features, including topography drawn to two (2) foot contour intervals. The plot plan shall also include proposed finished grading for all proposed improvements. The Zoning Hearing Board shall, when considering said application, determine whether or not the proposed construction upon or use of the lot will endanger the health, safety or welfare of the future occupants of the lot or others, including, but not limited to, interference with neighboring wells by the proposed well or septic system(s), or the diversion or concentration of storm water that may harm the properties of others.

M. Dimensional Nonconformities: An existing structure which contains a permitted use and is non-conforming as to building setbacks or lot area may be expanded provided that:

- i. The expanded portion of the structure will not extend nearer any street right-of-way line or other property line than the part of the existing structure which is closest to the street right-of-way line or other property line.
- ii. All other yard requirements of the zoning district are met.
- iii. No expansion shall be permitted which may cause danger to vehicle or pedestrian traffic on a street by obscuring the view.
- iv. No expansion shall be permitted within five (5) feet of any street right-of-way line or property line.

1412. SCREENING

Where a commercial or industrial tract is developed which adjoins a Residential RES or Rural Residential RR Zoning District or where outside storage of materials is utilized within the Commercial Industrial C-I District, a landscape screen shall be provided:

1. Between the commercial or industrial use and the Residential RES or Rural Residential RR Zoning District, and
2. Around any outside storage areas within the Commercial Industrial C-I District.

The landscape screen shall, be composed of evergreen shrubs and trees arranged to form both a low level and a high level screen within a strip of land with a minimum width of ten (10) feet. The high level screen shall consist of evergreen trees of not less than six (6) feet in height at the time of planting and they shall be planted at intervals of not more than ten (10) feet. The low level screen shall consist of evergreen shrubs of not less than four (4) feet in height at the time of planting and they shall be planted at intervals of not more than five (5) feet. The screen planting shall be permanently maintained.

1413. VISION OBSTRUCTION

On any corner lot, no wall, fence or other structure shall be erected or altered, and no hedge, tree, shrub, crops or other growth shall be maintained, which may cause danger to vehicles or pedestrians on a public road by obscuring the view, and, in any case, closer than three (3) feet to the public right of way.

1414. WATER SUPPLY REQUIREMENT

Any application proposing three or more dwelling units or any non-residential use (excluding agricultural operations) generating sewage flows of four hundred (400) gallons per day, both either initially or cumulatively as of the effective date of this Ordinance, and not subject to the subdivision and/or land development requirements of the Paradise Township Subdivision, Land Development and Storm Water Management Ordinance shall provide a Water Feasibility study prepared in accordance with the requirements of the Paradise Township Subdivision, Land Development and Storm Water Management Ordinance.

This Page Intentionally Left Blank

ARTICLE XV

SUPPLEMENTAL REGULATIONS

1500. SPECIAL EXCEPTIONS

Special exceptions are deemed to be permitted uses in their respective districts subject to the satisfaction of the requirements and standards set forth in this Article, in addition to all other requirements of this Zoning Ordinance. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. Before any special exception shall be granted, the Zoning Hearing Board shall review the proposed special exception in accordance with the following requirements and criteria and satisfy itself that they have been met in addition to any other requirements necessary to fulfill the objectives of this Zoning Ordinance.

1. The appeal procedure as stated in Section 2003 of this Zoning Ordinance shall be followed.
2. A scaled plan for the proposed development of a site for a permitted special exception shall be submitted with the application. Such plan shall show the location of all buildings, structures, parking areas, traffic access and circulation drives, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed special exception meets the requirements of this Zoning Ordinance.
3. General standards for all special exceptions shall include the following:
 - A. Special exceptions are granted or denied by the Zoning Hearing Board in accordance with the procedures set forth in this Ordinance and in the Pennsylvania Municipalities Planning Code. The burden of proof in all requests for special exceptions shall be upon the applicant to establish compliance with all requirements of this Ordinance pertaining to the grant of a special exception and to prove that the grant of a special exception will not be detrimental to the health, safety or general welfare of the community or surrounding uses.
 - B. In order to grant the special exception the Zoning Hearing Board shall determine that:
 - i. The required front yard, side yards, open space area and height limitations for the district have been met.
 - ii. The off-street parking provisions specified in Article XVI of this Zoning Ordinance have been met.
 - iii. Points of vehicular access to the lot are provided at a distance from intersections and other points of access and in number sufficient to prevent undue traffic hazards and obstruction to the movement of traffic.
 - iv. The location of the site with respect to the existing public roads giving access to it is such that the safe capacity of the public roads is not exceeded by the estimated traffic attracted or generated by the proposed use and that the traffic generated or attracted is not out of character with the normal traffic using said public roads.
 - v. The pedestrian access to the site is separated from vehicular access and sufficient to meet

- the anticipated demand.
- vi. The proposed use is not incompatible with the existing traffic conditions and adjacent uses.
 - vii. Utilities are available to adequately service the proposed use.
 - viii. Screening of the proposed use from adjacent uses is sufficient to prevent the deleterious impact of the uses upon each other.
 - ix. The use of the site complies with the requirements of any other public agency having jurisdiction over the proposed use.
 - x. Operations in connection with a special use will not be more objectionable to nearby properties by reason of noise, odor, fumes, vibration, glare or smoke than would be the operations of any permitted use.
 - xi. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.

1501. ADAPTIVE REUSE OF EXISTING AGRICULTURAL BUILDINGS

1. Within the Agricultural, Rural Residential, Residential and Open Space Zones, the adaptive reuse of existing agricultural buildings is permitted by special exception, subject to the following criteria:
 - A. The purpose of this section is to provide for an expanded list of uses permitted within agricultural buildings that existed on the effective date of this Ordinance. The applicant must demonstrate that such agricultural building existed on such date.
 - B. Any use proposed under this section must be permitted within the Township. The addition of new dwelling units is prohibited.
 - C. Any number of uses may be permitted under this section, provided that the Zoning Hearing Board finds that such multiple uses are designed and developed to function in a coordinated fashion, and that the uses are not inherently incompatible by reason of impact.
 - D. Any use proposed under this section that has specific criteria applied to it and/or listed in Article XV of this Ordinance, shall comply with such other specific criteria, unless the Zoning Hearing Board finds that such other specific criteria are not necessary because:
 - i. The specific criteria provide a level of protection that exceeds that necessary to protect the rural nature of the site and its surroundings, and/or
 - ii. The specific criteria provide a level of protection that exceeds that necessary to protect adjoining properties because of man-made and/or natural conditions upon the site.
 - E. The applicant shall furnish evidence of an approved means of water supply and sewage disposal to serve all proposed uses.

- F. The applicant shall obtain any necessary land development approvals.
- G. The applicant must provide for sufficient off-street parking spaces and off-street loading spaces for all of those uses proposed.
- H. The Zoning Hearing Board will approve the proposed use(s) only upon finding that the site and buildings provide for a logical location for such use(s) that:
 - i. Can be effectively accommodated without adverse impact to adjoining uses, and,
 - ii. Will not introduce uses that would be adversely impacted by other uses, activities or operations contained either on, or adjoining, the site.

1502. AGRICULTURAL USE STANDARDS

1. General: The following restrictions shall apply in all districts in which agriculture is permitted:
 - A. No farm building or any other outbuilding shall be constructed closer than fifty (50) feet to any property line.
 - B. All grazing or pasture areas shall be fenced in all districts.
 - C. No slaughter area or manure storage area shall (unless a greater set back is required by other applicable provisions of this Ordinance) be established closer than one hundred (100) feet to any property line; provided, in the Agriculture A District only, the Zoning Hearing Board may grant a special exception to reduce the distance to fifty (50) feet where such reduction can be accomplished without any increased adverse effect upon neighboring uses.
2. In all districts, the construction of a new building or expansion or conversion of an existing building for the housing of more than two (2) Animal Units per acre or commercial mushroom houses are permitted by special exception and are subject to the following conditions:
 - A. An approved plan must be submitted setting forth and indicating the system and manner by which liquid and solid waste will be disposed of. Said system must be designed and constructed so that the disposal of liquid and solid waste will not pollute surface or subsurface waters either on or off site. Further, said system must be constructed and utilized in accordance with the standards and procedures set forth in a manual published by the Department of Environmental Protection entitled "Manure Management for Environmental Protection" being the most recent edition or revision and shall be subject to the setback requirements as are hereafter set forth.
 - B. No new or expanded structure of the type specified in subsection 2 hereof shall be located:
 - i. In any district
 - a. Within seven hundred fifty (750) feet of any residence except an on-premise residence used by the applicant or his family
 - b. Within three hundred (300) feet of any street right of way line or property line.

- C. Notwithstanding the provisions of subsection 2(B)(1) and 2(B)(2) of this Section, the Zoning Hearing Board shall have the right to approve as a special exception in all districts, the expansion or conversion of an existing structure of the type specified in subsection 2 of this Section; provided the expanded or converted structure shall be located not closer than two hundred (200) feet from an existing residence and one hundred (100) feet from any property line or street centerline; and provided further, the Zoning Hearing Board finds that because of predominate wind conditions, topographic features, building location and orientation or special design features, the reduced distance will not create a more detrimental effect on the existing dwelling than if the required setback were followed.
- D. In addition to the requirements of subsection 2(B) of this Section, the Zoning Hearing Board shall have the right to designate the location of buildings in order to minimize adverse environmental effects upon neighboring properties taking into consideration prevailing wind condition as well as other factors as set forth in subsection 2(C) of this Section.
- E. Each structure or other confined area shall be equipped with such equipment, machinery, mechanisms, processes and/or other devices as are needed to eliminate, reduce and/or control odors, insects and the adverse effects of pollution, noise and other environmental problems upon neighboring properties. It is the intent of this provision that the applicant shall be required to demonstrate that the structure and/or other confined area will be equipped with the most advanced technological equipment available so as to eliminate, reduce and/or control the adverse effects of odors, insects, pollution and other environmental problems upon neighboring properties. After a hearing upon the special exception, the Zoning Hearing Board shall determine what equipment, machinery, mechanisms, processes and/or devices shall be utilized by the applicant or other party desiring to erect, maintain, operate or use the structure or other confined area. In so doing, the Zoning Hearing Board shall examine and consider the topography, the nature and cost of the equipment available, the size and magnitude of the intended operation and the proximity of the site to neighboring residential, commercial or industrial properties, and the possible or probable environmental impact on such neighboring properties.
- F. In the rendering of any decision hereunder, the Zoning Hearing Board shall have the right to attach and impose reasonable conditions on the use, even in the form of ongoing conditions, including, but not limited to, cleaning methods and processes, reasonable regulations pertaining to truck traffic relative to the use of the facilities and the method of disposal of waste emanating from the structure.

1503. AIRPORTS

Airports and landing strips shall be subject to the following conditions:

1. Any areas to be used by aircraft while operating under its own power shall be provided with a dustless surface.
2. No residential building shall be permitted within one thousand (1,000) feet of the end of any runway or within any aircraft approach zone as the same may be established by either the State or the Federal Aviation Agency, whichever area is greater.
3. Evidence shall be presented to the Zoning Hearing Board that ample safeguards to minimize hazards and disturbance from noise of aircraft affecting residents and properties in the vicinity will be assured at all times of operation.
4. Vending machines, restaurants, newsstands, governmental installations, airport, airline and

express offices, and aircraft repair facilities must be located within completely enclosed buildings. Storage and sale of aviation gasoline may also be permitted.

5. The proposed use shall comply with all requirements of the Federal Aviation Agency and the Pennsylvania Department of Transportation, Bureau of Aviation.

1504. CAMPGROUNDS

Campgrounds and travel trailer parks are permitted by special exception in the Open Space OS District subject to the following conditions:

1. A plan shall be submitted showing spaces for the location of recreational vehicles. There shall be no more than fifteen (15) units per acre of the park.
2. All sewage disposal shall be approved by the Department of Environmental Protection.
3. No camping or vehicular parking space shall be located within one hundred (100) feet of any street right of way line or property line and no recreational area within the campground or travel trailer park shall be located closer than fifty (50) feet to a street right of way line or property line.
4. All streets shall have a minimum cartway of ten (10) feet per driving lane and shall be improved with a hard surfaced material.
5. At least fifteen (15%) percent of the total lot area shall be set aside and solely devoted to recreational areas to facilitate the patrons of the campground or travel trailer park.
6. Screening in the form of planting of trees along property lines and street right of way lines to preserve the rural character of the neighborhood shall be provided.

1505. CHURCHES AND RELATED USES

1. Lot coverage shall not exceed eighty (80) percent in any District they are permitted.
2. All storm water management standards of the Paradise Township Subdivision, Land Development and Storm Water Management Ordinance are fully satisfied.
3. Vehicular access to the property shall only be via arterial or collector road.
4. The side and rear setbacks from the property line shall be at least twenty-five (25) feet.
5. Off street parking area shall be setback at least ten (10) feet from any street right of way.
6. Any church and/or related facility proposed for a location adjacent to an agricultural use, shall have its building(s) and parking area(s) setback from the agricultural property at least twenty (20) feet.
7. No shrub or tree shall be planted within (10) feet and twenty (20) feet, respectively of an agricultural property.
8. The maximum lot area occupied by a church and/or related facility in the A - Agricultural and RR - Rural Residential Districts shall be ten (10) acres.
9. All off-street parking and loading areas, and any outdoor play areas, associated with any accessory educational or day care facilities, shall be fully screened from all adjacent residential

uses according to the screening requirements in Article XIV, Section 1412 of this Ordinance.

10. Must demonstrate adequate supply of water and sewage treatment and disposal for all proposed uses.
11. Church related educational or day-care uses:
 - A. Shall be located upon the same property as the church and remain accessory to the church use.
 - B. Passenger drop off areas shall be located such that no passengers must cross over vehicle travel lanes in order to walk from their vehicles to the building or vice versa.
 - C. If education or day-care is offered below the college level, an outdoor play area shall be provided as required by International Building Code Adopted, and the current Zoning Ordinance requirements. Outdoor play areas shall not be located within the front yard and must be set back twenty-five (25) feet from all property lines. Outdoor play areas shall be completely enclosed by a six (6) foot high fence and screened as described in Article XIV, Section 1412 of this Ordinance from adjoining residentially-zoned properties.
 - D. Unless the applicant can demonstrate to the satisfaction of the Board Of Supervisors that the off-street parking associated with the church is sufficient for the use, one off-street parking space shall be provided for each six students enrolled below the grade of ten (10), and/or one off-street parking space for each three (3) students, grade ten or above.

1506. COMMUNICATION TOWERS AS SPECIAL EXCEPTIONS.

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower, if applicable, and Communications Antennas. The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission.
2. Communications Towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
3. Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing Building, Structure or Communications Tower. A good faith effort shall require that all owners of potentially suitable Structures within a one-quarter (1/4) mile radius of the proposed Communication Tower site be contacted and that one (1) or more of the following reasons for not selecting such Structure apply:
 - A. The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.
 - B. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing Structure and the interference cannot be prevented at a reasonable cost.
 - C. Such existing Structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - D. Addition of the proposed antennas and related equipment would result in electromagnetic

radiation from such Structure exceeding applicable standards established by the Federal Communications Commission.

- E. A commercially reasonable agreement could not be reached with the owners of such structures.
4. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be an improved cartway to a width of at least fourteen (14) feet.
 5. A Communications Tower may be located on a lot occupied by other principal Structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements of the Zoning District.
 6. When the applicant proposes a lattice type Communications Tower adequate provisions shall be made for a minimum of two other providers to locate on such a Structure.
 7. In all Zoning Districts the maximum height of any Communications Tower shall be one hundred fifty (150) feet; provided, however, that such height may be increased to no more than three hundred fifty (350) feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot of height in excess of one hundred fifty (150) feet
 8. In all Zoning Districts no Communications Tower shall be located closer to any structure with the exception of the Communications Equipment Building than its height.
 9. The foundation and base of any Communications Tower shall be set back from the front property line (not lease line) located in any Zoning District at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.
 10. The Communications Equipment Building shall comply with the required yards and height requirements of the applicable Zoning District for an accessory structure.
 11. The base of a Communications Tower and Communications Equipment Building shall be screened from abutting properties.
 12. The applicant shall submit certification from a registered professional engineer licensed to practice in the state of Pennsylvania that a proposed Communications Tower will be designed and constructed in accordance with current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements and other applicable laws that may be in place at the time of consideration.
 13. The applicant shall submit a copy of its current Federal Communications Commission License; the name, address and emergency telephone number for the operator of the Communications Tower; and a certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
 14. All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
 15. The site of a Communications Tower shall be secured by a fence with a minimum height of eight (8) feet to limit accessibility by the general public.

16. No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.
17. Communications Towers shall be protected and maintained in accordance with the requirements and other applicable laws that may be in place at the time of consideration.
18. If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Tower and associated equipment and Communications Equipment Building within six (6) months of the expiration of such (12) month period.
19. Any applicant proposing a Communication Tower shall provide evidence of a security deposit in the form of an escrow for the removal of and disposal of the Communications Tower Communications Equipment Building and associated appurtenances prior to issuance of a building permit.
20. One off street parking space shall be provided within the fenced area.

1507. DOUBLE-FAMILY DWELLING

Expansion of a single family detached dwelling upon a farm in order to provide living quarters for not more than one (1) additional family is permitted in the Agricultural A, Rural Residential RR, Open Space OS and Residential RES Districts subject to the following requirements:

1. A solid wall shall not be erected between the living quarters of the families.
2. In the event of sale of the expanded dwelling house separate from the farm, the lot area shall not be less than the minimum lot size required for the district within which the property is located and the dwelling shall not be used as more than a single family residence.
3. No subdivision of land between the two (2) dwelling units shall be permitted or authorized.
4. Minimum lot area – 4 acres

1508. FIRE AND AMBULANCE COMPANIES

1. Lot coverage shall not exceed eighty (80) percent.
2. All storm water management standards of the Paradise Township Subdivision, Land Development and Storm Water Management Ordinance are fully satisfied.
3. All fire companies shall have vehicular access directly unto arterial or collector road.
4. All impervious surfaces shall be setback at least three (3) feet from all side or rear property lines.
5. No permanent outdoor storage shall be permitted unless it is fully screened from adjoining properties and streets according to the screening requirements found in Article XIV, Section 1412 of this Ordinance.
6. Residential facilities shall only be for the use of active fire company personnel and the total floor area of any residential use shall not exceed fifty (50) percent of the total floor area of the fire company's vehicle and equipment storage areas, offices and training areas, and private and

kitchen and social areas.

7. Kitchen/Banquet/social space for public rental:
 - A. Off- street parking shall be provided at the rate of (1) one parking space for every two (2) individuals that can be accommodated per the international Building Code as in enforce at the time of construction for banquet/ social facilities hall. Such parking shall be provided apart from those required to facilitate those spaces required and may be surfaced with pervious asphalt, pervious concrete, or as reinforced grassed areas.

1509. FORESTRY

1. Forestry shall be permitted by right within any zoning district herein, subject to the requirements of the underlying zone, any other applicable sections of this Ordinance and as follows:
2. Forestry activities on any lot of record, with or without improvements, and with an area in excess of a one acre shall require a permit that shall be obtained from the Zoning Officer.
3. Forestry activities shall be conducted in accordance with an erosion and sedimentation pollution control plan that is consistent with current acceptable practices to control runoff, erosion, stream siltation and soil stabilization.
4. The erosion and sedimentation pollution control plan shall be submitted to the Lancaster County Conservation District for their review and approval prior to initiating any earth moving or timber harvesting activities.
5. The erosion and sedimentation pollution control plan, along with evidence of the review and approval of same by the Lancaster County Conservation District, shall be submitted to the Township prior to initiating any earth moving or timber harvesting activities.
6. All roads and trails developed as part of any forestry activity shall be mud and dust stabilized when within 100 feet of any lot or street line.
7. Clear-cutting - No clear-cutting shall be done within fifty (50) feet of a wetland or stream or watercourse.

1510. JUNK YARDS

Junk yards are permitted by special exception only in the Open Space OS District subject to the following conditions:

1. All junk yards existing as of the effective date of this Ordinance shall within one (1) year thereafter, and all new junk yards shall comply with the following provisions:
 - A. Any junk yard shall be completely enclosed with a visual screen of evergreen or evergreen-type hedge or tree-row of a variety and size at the time of planting that such will attain a height of eight (8) feet within three (3) years thereafter and which shall be maintained in a sound and attractive manner.
 - B. 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 of more than fourteen (14) feet.
 - C. Open burning of material is permissible subject to the Title 25 Rules and Regulations of the Department of Environmental Protection, paragraph 129.14. All burning shall be attended and controlled at all times.
 - D. Any, junk yard 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.
2. Any junk yard established after the effective date of this Ordinance, shall comply with the following provisions:
 - A. No junk material, appurtenant structures or other enclosure shall be stored or placed within fifty (50') feet of any adjoining property or public right of way and such setback area shall be kept free of weeds and scrub growth unless the adjoining property is wooded.
 - B. The minimum junkyard size shall be four (4) acres.
 - C. No portion of the junkyard when junk is stored or processed outside shall be located closer than three hundred (300) feet from any residence.
3. Every junk yard shall be established, maintained, conducted and operated in strict compliance with the Paradise Township Junkyard and Refuse Ordinance.

1511. KENNELS

In the Agricultural and Open Space districts where kennels are a permitted use, they shall comply with the following requirements:

1. All such dogs and cats shall be maintained on a non-commercial basis.
2. The area around which the animals are kept shall be enclosed by a fence designed for containment.
3. The area within which a shelter and/or exercise pen is maintained shall be located in the rear yard, at least ten (10) feet from all lot lines, and at least fifty (50) feet from the nearest dwelling not located on the same lot as the lot upon which the animals are maintained.

4. The owner of the kennel shall exercise control over the animals and shall not allow a nuisance condition to be created in terms of dirt, animal waste and odor.

In the Agricultural, Rural Residential, Residential and Open Space districts where kennels are permitted by Special Exception, they shall comply with the following requirements:

1. Minimum lot area – two (2) acres
2. All animal boarding buildings that are not completely enclosed, and any outdoor animal pens, stalls, or runways shall be located within the rear yard.
3. All animal boarding buildings that are not completely enclosed, and any outdoor animal pens, stalls, or runways shall be a minimum of five hundred (500) feet from all property lines, and shall employ noise abatement measures that preserve the normal ambient noise level as measured at each property line.
4. The applicant shall furnish evidence of an effective means of animal waste disposal, which shall be continuously implemented.
5. Commercial sales of dogs and cats are permitted.
6. Operation of kennels shall comply with the Dog Law Act of December 7, 1982, as amended and all applicable regulations of the Department of Agriculture.
7. Off-street parking shall be provided in accordance with Article XVI.

1512. LANDFILL AND DISPOSAL SITES AND QUARRY AND MINE SITES

In those zoning districts where landfills and disposal sites, quarries and mining operations are permitted by special exception, no special exception shall be approved except upon compliance with the following requirements:

1. Landfills and Disposal Sites:
 - A. The minimum setback for all waste disposal areas shall be five hundred (500) feet from the property line or one thousand five hundred (1,500) feet from any existing residence not served by public water, whichever is greater.
 - B. All waste disposal areas shall be enclosed within a fence or screen of sufficient height and type to prevent trash, debris, litter or any of the waste material from being wind-blown from the disposal area.
2. Quarries and Mining Operations:

The minimum setback for all areas where extraction activities will occur shall be two hundred (200) feet from the property line.
3. All sites shall be surrounded by a security chain-link fence not less than eight (8) feet in height and setback from the property line not closer than one hundred (100) feet from the waste disposal or extraction areas.
4. The use of the site complies with the requirements of any other governmental agency having jurisdiction over the proposed use.

1513. MOBILE HOMES - PERMANENT FOUNDATIONS

Except when located within a mobile home park, every mobile home, whether for residential or commercial occupancy, shall be set upon and attached to a permanent foundation constructed on four (4) sides of concrete block set on a concrete footer and so set in the ground so that the foundation will not heave, shift or settle unevenly because of frost action, inadequate drainage, vibration or other forces acting on the super-structure of the mobile home. Attachments to individual mobile homes in the form of sheds and lean-tos are prohibited but carports and patios are permitted.

1514. NEIGHBORHOOD SHOPPING CENTER

In the VMU - Village Mixed Use District and Commercial Industrial C-I District, a neighborhood shopping center is permitted by special exception to provide a unified grouping in one (1) or more buildings of retail stores, personal establishments, professional or business offices subject to the following conditions:

1. The development of the commercial business center shall be completed in accordance with a unified site plan and architectural and landscaping plan.
2. The landscaping must be such as to minimize an adverse impact on surrounding uses.
3. The floor area of one (1) establishment shall not exceed fifty (50%) percent of the total floor area of the development.
4. Direct access shall be provided from the development to a collector or arterial road.

1515. NO-IMPACT HOME-BASED BUSINESS, HOME OCCUPATIONS, HOME BASED BUSINESS, AND RURAL OCCUPATIONS

All no-impact home-based businesses, home occupations, and rural occupations shall comply with the following regulations.

1. No-Impact Home-Based Businesses are permitted in all zoning districts subject to the following criteria:
 - A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - B. The business shall employ no employees other than family members residing in the dwelling.
 - C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 - H. The business may not involve any illegal activity.

2. Home Occupations are a permitted use in the VMU - Village Mixed Use District and may be permitted by special exception in all other zoning districts, subject to the following criteria:
 - A. Home occupations shall be accessory to, and clearly incidental to the principal residential use of the property.
 - B. Home occupations shall only be conducted in a single family dwelling or an accessory building thereto.
 - C. Whether conducted in the dwelling or in an accessory building, the area devoted to the home occupation shall not exceed fifty percent (50%) of the floor area of the dwelling.
 - D. No exterior evidence of the home occupation shall be permitted other than one non-illuminated sign with a maximum size of eight (8) square feet.
 - E. No exterior displays of goods is permitted.
 - F. A maximum of two (2) full time employees (or the equivalent there to) that are not residents of the dwelling may be engaged in the home occupation on the property.
 - G. The home occupation shall not require the delivery of goods and materials by vehicles larger than a standard panel truck.
 - H. There shall be no negative environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste. etc.); specific measures employed to eliminate any negative impacts shall be provided by the applicant. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to those required by this Ordinance.
 - I. Parking shall be provided in accordance with the requirements of Article XVI.
3. Rural occupations may be permitted by special exception in the A-Agricultural, RR-Rural Residential, RES-Residential and OS-Open Space Districts. Applications for a rural occupation shall be forwarded to the Planning Commission for their review and recommendations prior to action on the request by the Zoning Hearing Board. Rural occupations shall be subject to the following criteria:
 - A. The operator of the rural occupation shall reside on the premises.
 - B. Rural occupations may involve any one of a wide range of uses, so long as the use remains accessory to and compatible with the active existing principal use.
 - C. The applicant for a rural occupation shall provide written information, in sufficient detail as may be required by the Zoning Hearing Board, to fully describe the nature of the rural occupation. Such information shall include, but not be limited to, materials used in the rural occupation, equipment and machinery used, the number of employees, hours of operation, and waste products generated.
 - D. No use resulting in the production or storage of wastes which may represent a threat to the health, safety, and welfare of the residents of the community or the environment shall be permitted.
 - E. The application for approval of a rural occupation shall include the maximum number of part-time and full-time employees, including those in residence, that will be employed in the rural occupation.

- F. Rural occupations shall comply with the following area requirements:
- i. The area devoted to the rural occupation, including, but not limited to access drives, parking and loading areas, buildings, exterior storage areas and screening shall not exceed one (1) acre. Notwithstanding the foregoing, any existing access drive serving both the principal use and the proposed rural occupation shall not be calculated as land dedicated to the rural occupation.
 - ii. Impervious surfaces (i.e. Buildings, structures, parking or loading areas, etc.) shall occupy no more than fifty (50%) percent of the land area dedicated to the rural occupation, up to the maximum permitted on the site by the underlying zoning district.
 - iii. The rural occupation shall be entirely conducted within completely enclosed building(s), the foot print of which shall not exceed six thousand (6,000) square feet. The height of the building shall not exceed two (2) stories in height.
 - iv. Exterior storage shall be provided for all rural occupations as follows:
 - a. The minimum area to be provided for exterior storage shall not be less than twenty five (25) percent of the area of the foot print of the building.
 - b. The maximum area to be provided shall not exceed the area of the foot print of the building.
 - c. The storage area shall not include any other area required for parking or loading areas.
 - d. The storage area shall be within a completely enclosed area screened in accordance with the requirements of Section 1412.
 - v. The combined total area of the foot print of the building and the storage area shall not exceed eight thousand (8,000) square feet.
- G. Any new building constructed for use by the rural occupation shall be compatible with surrounding buildings and of a design to allow the building to be converted to another permitted use or removed if the rural occupation is discontinued.
- H. No portion of any area associated with the rural occupation shall be located within one hundred fifty (150) feet of any adjoining residential dwelling. The front yard for buildings constructed or used for rural occupations shall be located in accordance with the front yard setbacks required for accessory buildings. Notwithstanding the foregoing, agricultural and horticultural operations operated as part of a rural occupation (not including structures) may be located within such isolation distance.
- I. There shall be no negative environmental impacts that are likely to generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water, storm water, solid waste. etc.); specific measures employed to eliminate any negative impacts shall be provided by the applicant. The applicant shall further furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to those required by this Ordinance.
- J. Signs for the rural occupation shall be provided in accordance with the requirements of Article XVII.
- K. Parking shall be provided in accordance with the requirements of Article XVI.

1516. PRESERVATION OF EXISTING WOODLANDS/ WOODLAND MANAGEMENT

1. Woodlands are defined as follows: Any area within any land development characterized by dense and extensive tree cover growing closely together so that the drip lines touch or overlap, and in which there is more than one viable tree of a diameter of five (5) inches measured three (3) feet above the ground or greater per 1,500 square feet of lot area. To determine if an area has minimum of one viable tree of five (5) inches or greater caliber per 1,500 square feet, the total area of land in question (in square feet) shall be divided by 1,500. If the result is equal to or less than the number of viable trees of the diameter of five inches or greater, and meets the other stated characteristics, the area in question is considered woodland.
2. Maintenance of woodlands: In existing wooded areas at least fifty (50%) percent of the number of existing trees of a minimum trunk caliber of five (5) inches, measured three (3) feet above the ground shall be retained. If less than seventy-five (75%) percent of the existing trees are retained, replacement trees shall be planted in sufficient numbers such that the number of trees (retained or replacement) totals seventy-five (75%) percent of the number of existing trees. Replacement trees shall be a minimum trunk caliber of two (2) inches measured at a height of three (3) feet above finished grade and shall be planted within six (6) months following completion of project.
3. Replacement trees: Replacement trees should be of the species, or selected subset of the species, of the trees removed from the site, if the trees removed from the site are native to the area. If the trees removed from the site are not native to the area, then replacement trees shall be selected from any tree species native to the area and consistent with this ordinance.

1517. ROADSIDE STANDS

1. A roadside stand is permitted in all districts, and roadside stands larger than 32 sq. ft. are permitted by special exception, subject to the following requirements:
 - A. That the products sold shall be restricted to agricultural products grown and produced by the seller on land which is part of the same tract as that on which the structure is located or is contiguous thereto.
 - B. That the location of the structure shall maintain a setback in conjunction with the road along which it is located as follows:
 - i. Arterial Roads – 25 ft from road right-of-way
Lincoln Highway – U.S. Route 30, RS-030
 - ii. Major Collector Roads – 15 ft from road right-of-way
Strasburg Road Pennsylvania Route – SR 0741
Georgetown Road Pennsylvania Route – SR-0896
 - iii. Minor Collector Roads – 10 ft from road right-of-way
Belmont Road – SR-2035, T-684A, T-786C
Harristown Road – T-487, T-487C
Leacock Road – T-496
Black Horse Road – T-786A
 - iv. Local Access Roads – 10 ft from road right-of-way
All private and public roads not specified above as arterial or major or minor collector roads shall be considered local access roads.

- C. That off-street parking for at least three (3) cars be available and that it comply in all other respects with Section 1601 of this Ordinance.
- D. That during the non-growing season and seasons when the structure is not open for business on a daily basis, structures not exceeding 32 sq. ft. shall be removed from the roadside.
- E. In no event shall a roadside stand exceed five hundred (500) square feet.

1518. NON-COMMERCIAL HUNTING OR FISHING CLUB

A Non-Commercial Hunting Club shall be subject to the following conditions:

- 1. The club grounds shall contain a minimum of one hundred (100) acres.
- 2. Hunting may take place starting the first Monday in September through the last Saturday in April.
- 3. There shall be no hunting on Sundays.
- 4. Hours of activity shall be from one-half (1/2) hour before sunrise to sunset unless further restricted by the club or by the Zoning Hearing Board.
- 5. The boundary of the grounds shall be marked with language approved by the Pennsylvania Game Commission in such a manner that any individual is warned of the purpose of the grounds and that it is unlawful to enter the grounds without permission of the owner.
- 6. Alcoholic beverages shall be prohibited on the grounds.
- 7. Warning devices shall be employed to notify prospective authorized users about to enter the designated hunting area when hunting activity is already being conducted in the designated hunting area.
- 8. A safety zone for neighbors' protection from gunfire shall be established, posted and maintained on the club's grounds surrounding the designated hunting area of a size meeting Pennsylvania Game Commission, National Rifle Association or other recognized safety standards approved by the Zoning Hearing Board.
- 9. Permitting, methods of hunting, licensing, season and bag limits, tagging of killed game and all other activities of the club shall comply with the provisions of the Regulated Hunting Grounds Law, Title 34 of the Pennsylvania Code.

A Non-Commercial Fishing Club shall be subject to the following conditions:

- 1. Hours of activity shall be from one-half (1/2) hour before sunrise to sunset unless further restricted by the club or the Zoning Hearing Board.
- 2. Alcoholic beverages shall be prohibited on the grounds.
- 3. The boundary of the grounds shall be marked in such a manner that any individual is warned of the purpose of the grounds and that it is unlawful to enter the grounds without permission of the owner.
- 4. If the club owns a lake or pond wholly contained on its property from which club members and their guests may catch fish, the club shall provide credible evidence of securing an annual regulated fishing lake license from the Pennsylvania Fish and Boat Commission and all activities of the club shall comply with the provisions of the Regulated Fishing Lake Law, Chapter 31 of Title 30 of the Pennsylvania Code.
- 5. If the club owns land through which a stream runs and club members and their guests take fish from the stream within the limits of the club's land, club activities shall be limited to those allowed under Chapter 27 and other applicable rules of Title 30 of the Pennsylvania Code.

1519. USES NOT PROVIDED FOR

Whenever a use clearly is not permitted by right, by conditional use or by special exception by this Ordinance anywhere in the Township, the use is prohibited in the Township. An applicant for such a use may apply to the Zoning Hearing Board and request that the Zoning Hearing Board hear and decide the request for such use as a special exception use. The Zoning Hearing Board shall permit the use or deny the use in accordance with the following:

1. The proposed use shall be of the same general character as and compatible with the enumerated permitted uses in the zoning district in which the use is proposed.
2. The proposed use shall clearly be less offensive in the way of impacts or nuisances created than those of permitted uses in the zoning district.
3. The proposed use shall not conflict with the intended purpose of the zoning district.
4. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties nor shall it adversely affect in a significant way the character of the subject property's neighborhood. A use proposed in any residential district shall not conflict with the performance standards contained in the Home Occupations provisions of this Ordinance.
5. Public facilities adequate to serve the proposed use including schools, fire, police, ambulance, sewer, water and other utilities, roads and vehicular access are available or will be made available by the applicant.
6. The proposed use shall not result in or significantly add to a serious traffic hazard or serious traffic congestion. The Zoning Hearing Board may require a traffic impact study in accordance with the Paradise Township Subdivision, Land Development and Storm Water Management Ordinance be conducted by the applicant to demonstrate compliance with this provision.
7. The proposed use shall not create a significant public safety hazard including fire, toxic or explosive hazards.
8. The proposed use shall comply with the requirements of the Paradise Township Subdivision, Land Development and Storm Water Management Ordinance as it may apply and otherwise with generally accepted engineering methods as approved by the Township Engineer to properly manage storm water for such a use.
9. The proposed use shall include site design methods, including screening, landscaping, setbacks, and traffic control, adequate to prevent any significant adverse influences on adjacent uses.
10. The proposed use shall comply with all other applicable regulations contained in this Ordinance.
11. The proposed use shall not be clearly in conflict with other Township Ordinances, state or federal laws.
12. The proposed use shall not be clearly in conflict with the Township Comprehensive Plan.

The duty to present evidence and the burden of proof shall be on the applicant to demonstrate to the satisfaction of the Zoning Hearing Board that the proposed use complies with the above standards. The Zoning Hearing Board may attach reasonable conditions and safeguards as it may deem necessary to insure compliance with these provisions.

This Page Intentionally Left Blank

ARTICLE XVI

PARKING REGULATIONS

1600. APPLICATION

It is the intent of these requirements that adequate off-street parking and loading facilities be provided for each use of land. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

1601. DESIGN REQUIREMENTS FOR PARKING FACILITIES

1. **Size:** The size of a parking space for one vehicle shall not be less than one hundred eighty (180) unobstructed square feet of space and each space shall be a minimum of nine (9) feet wide. For purposes of computing the number of parking spaces available in a given area, the ratio of one hundred eighty (180) unobstructed square feet of space shall be used. Except on lots devoted solely to residential use or uses, only the area actually used for parking, exclusive of access or driving lanes, shall be considered.
2. **Access:** Parking facilities shall be designed so that each vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle. All driveways that enter onto an arterial or major collector street shall be so designed and constructed as to permit vehicles to "pull-out" rather than "back-out" onto the street.
3. **Surface:** The parking facilities shall be paved with a hard "all-weather" surface which may include stone, concrete or bituminous material.
4. **Location:** All parking spaces shall be provided on the premises except upon Zoning Hearing Board approval in accordance with Section 1603. Parking spaces in all districts shall not be located within ten (10) feet of any street right of way.

1602. MINIMUM PARKING REQUIREMENTS

1. **Dwellings:**
 - A. Single Family Detached Dwelling: One (1) space for each dwelling unit.
 - B. Semi-Detached Dwelling, Duplex or Two-Family Dwelling: One (1) space for each dwelling unit.
 - C. Apartment House, Townhouse or Multi-Family Dwelling: Two (2) spaces for each dwelling unit.
 - D. Group Homes: One (1) space for each occupant.
2. Hotel, Motel, Tourist Home, Rooming or Boarding House: One (1) space for each rental unit, plus one (1) additional space for each full-time employee on the premises at one time.

3. Theatre, Auditorium, Church, Stadium, Membership Club, Lodge Hall, Funeral Home and Similar Places of Public Assembly: One (1) space for each five (5) permanent seats; and for establishments without permanent seats, one (1) space for every fifty (50) square feet of floor area used for assembly purposes.
4. Restaurant or Tavern: One (1) space for each four (4) seats of planned capacity and one (1) space for each two (2) employees on duty.
5. Medical Clinic or Doctor's Office: Four (4) spaces for every doctor engaged in practice at the clinic or office and one (1) space for each employee and technician.
6. Nursing Home, Convalescent Home or Retirement Home: One (1) space for each five (5) beds in the home, plus one (1) space for each two (2) employees; where individual dwelling units are provided in the form of apartment or bungalows, one (1) space per dwelling unit is required.
7. Commercial Business Establishments Other Than Those Specifically Mentioned In This Section: Sufficient space to accommodate the cars of all persons to be employed on the premises and to have business thereon. In no case shall there be less than one (1) space for every three hundred (300) square feet of floor space other than warehouse or storage areas.
8. Manufacturing or Industrial Establishments: Generally one (1) space for each two (2) employees, computed on the maximum number of employees at any one time on the premises. In all cases a plan shall accompany the application for the permit which shall provide relevant data to show that the facilities to be provided will in fact meet all anticipated needs for its ownership, employees, visitors and all other parties using the plant.
9. All Structures and Uses Not Specifically Mentioned Above. Sufficient space shall be provided to accommodate the vehicles of all persons regularly to be employed, to have business therein or to reside on the premises.

1603. SPECIAL EXCEPTIONS

If the vehicle parking spaces required above cannot reasonably be provided on the same lot on which the principal use is conducted, the Zoning Hearing Board may, as a special exception, permit such spaces to be provided on another lot located not more than five hundred (500) feet from the principal use. Such off-lot spaces shall not thereafter be reduced or encroached upon in any manner. The same off-lot space may not be claimed by more than one user for use at the same time.

1604. OFF-STREET LOADING AND UNLOADING SPACE

Adequate off-street loading and unloading space shall be provided on the same premises with every building or part thereof hereafter erected or occupied for any use which involves the receipt or distribution of materials or merchandise by motor vehicle. This space shall be so placed and arranged as not to interfere with the free movement of vehicles and pedestrians over a public road.

1605. PARKING AND STORAGE OF VEHICLES

Except for commercial or industrial businesses within the Commercial Industrial C-I District, no motor vehicles or trailers of any kind or type without current license plates and current inspection stickers shall be parked or stored on any property other than in completely enclosed accessory buildings. The requirement of this Section shall not be applicable to implements and other vehicles not normally used as conveyances on the public highways.

1606. DRIVEWAY REQUIREMENTS

1. Single Family Dwelling: No more than two (2) driveway connections per lot.
2. Non Single Family Dwelling: No more than two (2) driveway connections per lot.
3. Location shall not be closer than three (3) feet to an adjoining property line, nor within forty (40) feet of the right-of-way lines of any intersecting streets.
4. Clear sight triangle of fifty (50) feet as measured along the street centerline and five (5) feet from the street right-of-way line along the centerline of the driveway. No permanent obstructions and/or plant materials over three (3) feet in height shall be placed in this area.
5. Driveway width maximum twenty-four (24) feet
6. PA DOT Driveway Permit is required for any driveway intersecting a State-owned road. The driveway shall conform to all requirements of the PA Department of Transportation standards or this Ordinance whichever is more stringent.
7. Slope shall be as follows:
 - A. Single Family Dwelling: eight (8%) percent within twenty-five (25) feet of the street right-of-way lines.
 - B. Non Single Family Dwellings: four (4%) percent within seventy-five (75) feet of the street center line.
8. A minimum vertical clearance of fifteen (15) feet shall be provided between the cartway and any overhanging vegetation to allow for the unrestricted passage of, and to minimize damage to, emergency vehicles accessing the lot.
9. As part of the driveway construction, the owner shall provide a bituminous paving extending for a minimum distance of twenty five (25) feet from the edge of the cartway onto the owner's property. The paving shall consist of a minimum of a six (6) inch base course and a two and one half (2½") bituminous course approved by the Township. A swale should be provided and maintained, or a pipe should be provided and maintained, a minimum of four (4) feet from the edge of the cartway or as directed by the Township.

This Page Intentionally Left Blank

ARTICLE XVII

SIGN REGULATIONS

1700. PURPOSE

The purpose of this Article is to provide for outdoor signs as a means of effective visual communication, to regulate existing and proposed outdoor signs, to promote comprehensive sign policies, promote the safety of pedestrians and vehicle traffic, promote and protect the physical appearance of the community and to reduce unnecessary visual distractions and obstructions to create an attractive community all in order to promote and protect the public health, safety and welfare.

1701. SIGN CLASSIFICATION

Classifications – For the purposes of this Article, each sign is classified by its (1) use and (2) type of construction.

1. Classification of signs by use – All signs shall be divided into the following types of uses and shall be subject to specific requirements.
 - A. Estate Signs – One (1) non-illuminated sign is permitted per property and may only include the resident’s name, address, and estate name.
 - B. Home Occupation or Rural Occupation Signs – One (1) sign is permitted per property. If illuminated, the light fixtures shall be focused and shielded to prevent off-site glare.
 - C. Temporary Signs – All temporary signs shall be located on the site of the referenced activity. Only those signs referring or relating to the uses conducted on the premises shall be permitted. One (1) temporary sign is permitted per property for each of the following types of uses, subject to the following requirements:
 - i. Real Estate Signs – In advertising property for development, sale, rent, or lease, one (1) non-illuminated sign is permitted per property. For each five hundred (500) feet of lot line adjacent to a public road, another such sign may be erected.
 - ii. Special Event or Use Signs – Signs advertising a sale or event sponsored by a civic or religious group authorized by this Ordinance are permitted. Signs advertising special events and uses shall include, but not be limited to, yard and garage sales, entertainment events, meetings, etc.
 - iii. Temporary signs of contractors, engineers, architects, mechanics and artisans are permitted on the property of the referenced activity.
 - D. Residential Development Signs – One sign per frontage, including only the name of the development is permitted.
 - E. Roadside Stand Advertising – One sign per frontage erected in conjunction with a roadside stand and advertising the sale of farm products authorized by this Ordinance are permitted.
 - F. Commercial/Industrial Signs – One (1) sign, which may contain identification of multiple uses on the property, may be erected between the building and the street right-of-way, and one additional sign may be erected on the premises; provided however, that said additional sign shall contain only one (1) side and shall be located or fixed to the face of the building.
 - G. Billboards – Billboards are permitted by special exception only within the Commercial/Industrial District.

2. Classification of Signs by Type of Construction – All signs shall be divided into the following types of construction and shall be subject to the following specific requirements:
 - A. Ground Signs – Ground signs shall be any sign that is erected or placed in or on any ground, sidewalk, paved area, or other area not part of any building.
 - B. Wall Signs – Wall signs shall be any sign that is on or attached to any wall of any building.
 - C. Roof Signs – Roof signs shall be any sign mounted on or extending above the roof of any building or structure.

1702. REGULATIONS

1. The following general regulations are applicable to all signs within the Township.
 - A. Signs shall be constructed of durable material and shall be maintained in good condition.
 - B. No sign shall be placed where it will obscure the vision of, or cause danger to, vehicular or pedestrian traffic.
 - C. No sign shall be placed to obstruct ingress or egress from any window, door, or fire escape.
 - D. No sign shall use flashing, intermittent or rotating illumination, except official traffic control signs, and those parts of a sign which show time and or temperature.
 - E. No vulgar, indecent, or obscene advertising matter shall be displayed in any manner.
 - F. No signs shall be located within ten (10) feet of any street right-of-way and within any side or rear yard setback requirement of the district in which it is located.
 - G. With the exception of permitted billboards, a sign shall only be permitted to be constructed on the premises to which the sign is related.
 - H. Ground signs shall not exceed a height of fifteen (15) feet and a maximum area of thirty two (32) square feet.
 - I. Wall signs shall have a maximum area of fifteen (15%) percent of the wall on which the sign is to be located, up to a maximum size of thirty two (32) square feet.
 - J. Roof signs shall have a maximum area of 15 percent (15%) of the roof area on which the sign is located, up to a maximum size of thirty two (32) square feet.
 - K. For the purposes of this section, the area of the sign shall be measured on one face of the sign. Where permitted by this section, signs may have two (2) faces. With the exception of billboards, the message or advertisement on the sign shall relate to the same business or premises.
2. Signs Exempt From Permits. The following signs shall be allowed without obtaining a zoning permit and shall be erected and maintained in compliance with all other applicable requirements of this section.
 - A. Official traffic and street name signs, identification, informational and/or directional signs required by governmental bodies.
 - B. Flags and insignia of any government having no commercial connotations or connections.
 - C. Legal notices, identification information, directional signs, traffic control signs, or any other type of sign, all of which are erected by governmental bodies.

- D. Residential address or name signs not exceeding two (2) square feet in area and having no commercial connotations or connections.
 - E. Signs directing and guiding vehicular traffic and parking and pedestrians on private property, having no commercial connotations or connections.
 - F. Non-illuminated signs directing and guiding vehicular traffic and parking and pedestrians on private property with commercial connotations or connections, provided that one (1) side of any such sign shall not exceed two (2) square feet.
 - G. Signs prohibiting or controlling trespassing upon private premises, roads or driveways, provided that one (1) side of any such sign shall not exceed two (2) square feet.
 - H. Temporary signs not exceeding six (6) square feet unless otherwise specified by this section.
 - i. Real estate signs shall not exceed a maximum area of six (6) square feet.
 - ii. Special event or use shall not exceed 16 square feet and may be displayed for a maximum of thirty (30) days.
 - iii. Temporary signs of contractors, engineers, architects, mechanics and artisans. The aggregate area of all temporary signs of contractors, engineers, architects, mechanics and artisans on any property shall not exceed thirty two (32) square feet. All temporary signs and signs of contractors, engineers, architects, mechanics and artisans shall be removed within thirty (30) days after completion of the project.
 - I. Roadside stand advertising signs erected in conjunction with a roadside stand and advertising the sale of farm products when permitted by this Ordinance, provided:
 - i. The size of any such sign shall not exceed six (6) square feet.
 - ii. Not more than two (2) such signs shall be used for any one (1) property.
 - iii. Such signs shall be displayed only when products are on sale.
3. Signs Requiring Permits. The following signs shall not be erected or replaced without first obtaining a permit in accordance with this Ordinance:
- A. Commercial/Industrial Signs - The size of the sign shall not exceed one (1) square foot per five (5) feet of lot frontage, up to a maximum of 32 square feet.
 - B. Estate Signs – One (1) non-illuminated sign not to exceed sixteen (16) square feet is permitted; such sign may only include the resident’s name, address, and estate name.
 - C. Home Occupation or Rural Occupation Signs – One sign not to exceed eight (8) square feet is permitted. If illuminated, the light fixtures shall be focused and shielded to prevent off-site glare.
 - D. Real estate signs exceeding six (6) square feet but not exceeding thirty two (32) square feet.
 - E. Residential development signs shall not exceed thirty two (32) square feet and shall not exceed a height of three (3) feet above grade.

- F. Billboards advertising a product or service other than those which are found on the premises on which the sign is located are permitted by special exception only within the Commercial/Industrial District subject to the following criteria:
- i. The surface of the sign shall not exceed three hundred (300) square feet in area on one (1) side; provided, however, that a sign containing two (2) sides shall be permitted.
 - ii. No more than one (1) panel (two sides) shall be permitted.
 - iii. No panel type signs shall be erected within six hundred (600) feet of existing residences.
 - iv. No panel type sign shall be erected within one thousand five hundred (1,500) feet of any other panel type sign.
 - v. If lighted, a non-glare lighting fixture designated for outdoor use must be used.
 - vi. No part of the sign shall be more than twenty-five (25) feet in height measured from the ground at the base of the sign.
 - vii. All signs shall be set a minimum distance of thirty (30) feet from the street right of way line.

1703. EXPANSION, CONTINUITY AND DAMAGE TO NON-CONFORMING SIGNS

Notwithstanding any of the provisions of this Ordinance to the contrary, and in particular, Section 1411.

1. Expansion of Non-conforming Sign: No expansion of a non-conforming sign shall be permitted; provided, however, that the utilization of both front and back surfaces of a sign is permitted.
2. Continuity of Non-conforming Sign: No nonconforming sign may be reestablished after it has been discontinued for ninety (90) days.
3. Damage to Non-conforming Sign: A non-conforming sign which is partially or entirely damaged or destroyed may be rebuilt provided that the reconstructed sign shall not be larger than the prior sign and that the reconstruction shall start within three (3) months from the time of damage to the sign.
4. Inconsistent Provisions: Where the provisions of this Section (Section 1703) differ or conflict from the provisions of Section 1411, the provisions of this Section shall control.

1704. SIGNS FOR NON-CONFORMING BUILDINGS AND USES

A sign may be erected to advertise a non-conforming building or use provided a special exception is granted by the Zoning Hearing Board and provided the following conditions and requirements, the provisions of Section 1702, and any other conditions or requirements imposed by the Zoning Hearing Board are complied with:

1. The number of sign(s) and the size of the sign shall not be greater than the permitted number of sign(s) and area of signs in the district in which such building or use is a permitted use.
2. The sign must be erected on the premises upon which the non-conforming building or use is erected or upon a private right of way leading to the premises and shall not be used to advertise a product sold off the premises.

ARTICLE XVIII

MOBILE HOME PARK REGULATIONS

1800. GENERAL

1. Mobile home parks are permitted by special exception in the C-I-Commercial-Industrial District and are subject to the regulations of this Article.

1801. AREA AND DENSITY REGULATIONS

1. Minimum Size: The minimum size of a mobile home park shall be five (5) acres.
2. Density: The total number of units in a mobile home park shall not exceed the following standards:
 - A. Where both water supply and sanitary sewage disposal are provided by individual facilities for each mobile home unit, there shall be a minimum of twenty thousand (20,000) square feet per unit.
 - B. Where either water supply or sanitary sewage disposal, but not both, is to be provided by individual facilities for each mobile home unit, there shall be a minimum of fifteen thousand (15,000) square feet per unit.
 - C. Where both water and sanitary sewage disposal are provided via community or public systems, there shall be a minimum of six thousand five hundred (6,500) square feet per unit.
3. Setback: No mobile home shall be closer to the street right-of-way line of a public street than the minimum requirement set in this Ordinance for setbacks of buildings.
4. Yard: The minimum allowable distance between any mobile home park boundary line and a mobile home, off-street parking facility or service or accessory buildings shall be twenty-five (25) feet.
5. Distance Between Buildings: Mobile homes shall be separated from each other and service or accessory buildings and the adjoining pavement of a mobile home park street or common parking area by at least twenty (20) feet.
6. Lot Width: Each mobile home space shall be at least forty (40) feet wide.

1802. MOBILE HOME STAND

Each mobile home space shall be provided with a hard surfaced mobile home stand which has a foundation that will not heave, shift or settle unevenly because of frost action, inadequate drainage, vibration or other forces acting on the super-structure. Each mobile home stand shall be equipped with properly designed utility connections. The space between the floor of the mobile home and the mobile home stand shall be enclosed to protect all supports and utility connections.

1803. MOBILE HOME REQUIREMENTS

1. Minimum Floor Area: All mobile homes located in a mobile home park shall have a minimum floor area of four hundred (400) square feet.
2. Utilities: All mobile homes located within a mobile home park shall be properly connected to approved water, sewer and electrical outlets.

1804. SERVICE AND ACCESSORY BUILDINGS

1. Construction: All service and accessory buildings, including management offices, storage areas, laundry buildings and indoor recreation areas shall be adequately constructed, ventilated and maintained so as to prevent decay, corrosion, termites and other destructive elements from causing deterioration.
2. Accessory Buildings: Service and accessory buildings shown on an approved plan may be erected in a mobile home park. All attachments to individual mobile homes in the form of buildings such as sheds and lean-tos are prohibited.
3. Mobile Home Park Office: In every mobile home park there shall be an office for the person in charge of such mobile home park. Every mobile home park containing fifteen (15) or more mobile home spaces shall have a structure designed and clearly identified as the office of the mobile home park manager.
4. Storage Space: Occupants of each mobile home space shall be provided with at least one hundred fifty (150) cubic feet of enclosed storage space which shall be provided in a common storage building located in the mobile home park. The type of storage facility shall be approved by the Township.
5. Use Of Service And Accessory Buildings: Service and accessory buildings located in a mobile home park shall be used only by the occupants of the mobile home park or their guests.

1805. WATER SUPPLY

1. Source: All mobile home parks shall be connected to a public water supply when available. Mobile home parks unable to connect to a public water supply shall have an adequate supply of potable water from a source approved by the Pennsylvania Department of Environmental Protection and shall be subject to the Department's operating regulations.
2. Connection: All mobile homes and service buildings shall be connected to the water supply system. Individual water-riser pipes having an inside diameter of not less than three-fourths (3/4) inches shall be provided for each mobile home stand and shall terminate no less than four (4) inches above the ground.
3. Protection Of Water Lines: Adequate provisions shall be made to protect water service lines from damage, including a shut-off valve below the frost line for each mobile home space.
4. Fire Hydrants: Whenever the water supply contains sufficient capability or is planned to have such capability within two (2) years from the date of final plan approval, fire hydrants or yard hydrants shall be installed in accordance with the provisions of the Middle Department Association of Fire Underwriters, the local fire company, and the local water company regulations.

1806. SEWAGE DISPOSAL

1. Approved Sewerage System: All mobile home parks shall be connected to a public sewerage system when available. When a mobile home park is not connected to a public sewerage system, sewage shall be collected and disposed of by a method approved by the Pennsylvania Department of Environmental Protection and the Sanitation Officer of Paradise Township.
2. Connection Required: All mobile homes and small service buildings ~~as~~ shall include the use of water and toilet facilities and shall be connected to an approved sewerage system. Individual sewer-riser pipes having at least a four (4) inch diameter shall be located on each mobile home stand and shall extend at least one (1) inch above ground level. Provision shall be made for sealing the sewer-riser pipe with a securely fastened plug or cap when the mobile home site is unoccupied.
3. Protection of System: Adequate provisions shall be made to protect sanitary sewers from storm water infiltration and breakage. All sewer lines shall be constructed of Materials approved by the Pennsylvania Department of Environmental Protection, municipal sewer systems, if available, and the Sanitation Officer of Paradise Township.

1807. STORM DRAINAGE, EROSION AND SEDIMENTATION

1. Surface Drainage: The ground surface in all parts of the mobile home park shall be graded and equipped to drain all surface water in a safe and efficient manner and without increasing the flow onto adjoining properties, which shall be approved by the Township Engineer.
2. Drainage Structures: Storm sewers, culverts and related installations shall be provided to permit the unimpeded flow of natural water courses, to insure the drainage of all low points along the line of park streets, to intercept storm water runoff along park streets at intervals reasonably related to the extent and grade of the area drained.
3. Storm Water Kept Separate: Storm water shall be kept separated from sanitary waste and the latter shall be treated in a manner approved by the Pennsylvania Department of Environmental Protection.
4. Erosion and Sedimentation: All development applications which involve grading or excavation shall conform to the requirements of Chapter 1-2 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection, as amended. It shall be the responsibility of the applicant to secure approval of the Department of Environmental Protection. Approval of plans by the Township shall not be construed as approval under such regulations.

1808. MOBILE HOME PARK STREETS

1. Width: All mobile home park streets shall have a pavement width of twenty-four (24) feet.
2. Construction Standards: Pavement base and pavement wearing surface shall be constructed according to the specifications applicable to standard Township streets.
3. Access: All park streets in a mobile home park shall be private driveways and shall be provided with adequate lighting. Each mobile home space shall abut on a park street with access to such street. Access to all mobile home spaces shall be from the park streets and not from public streets or highways.
4. Grades: There shall be a minimum grade of 0.75 percent and a maximum grade of ten (10%)

percent on all mobile home park streets.

5. Sight Distance at Street Intersections: A clear sight triangle shall be provided and maintained at all intersections. At intersections of two (2) interior streets, the line of sight shall be between points seventy-five (75) feet from the intersection of the street centerlines; at intersections of an interior street and an existing street, the line of sight shall be between points one hundred (100) feet from the intersection of the street centerlines. Clear sight triangles shall be kept free of all obstructions.

1809. VEHICULAR PARKING FACILITIES

Off-street parking spaces shall be provided in all mobile home parks. Two (2) spaces per dwelling unit shall be provided either on the mobile home lot or in a common, paved parking compound within two hundred (200) feet of the mobile home unit to be served.

1810. GROUND COVER, SCREENING AND LANDSCAPING

1. Ground Surfaces: Ground surfaces in all parts of the park shall be paved, covered with other solid material or protected with vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
2. Harmful Vegetation: Park grounds shall be maintained free of vegetative growth which is poisonous, or which may harbor rodents, insects harmful to man or other pests harmful to man.
3. Screening and Landscaping: Screening, such as fences or natural landscaping, shall be provided along the property boundary line separating the mobile home park from adjacent properties. Such screening shall include a suitable and uninterrupted evergreen planting of sufficient height and density to give maximum screening and shall be permanently maintained and replaced where necessary to present an attractive appearance. It is recommended that a landscape architect registered by the Commonwealth of Pennsylvania be utilized to ensure the proper use, arrangement, selection of plant materials and screening to provide an aesthetically pleasing effect.

1811. ELECTRICAL DISTRIBUTION

Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company specifications. Each mobile home shall be connected to this electrical distribution system.

1812. SOLID WASTE DISPOSAL

Solid waste disposal shall be the responsibility of the mobile home park operator and shall be performed in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

ARTICLE XIX

ADMINISTRATION AND ENFORCEMENT

1900. ZONING OFFICER

The provisions of this Zoning Ordinance shall be administered and enforced by a Zoning Officer who shall be appointed by, and be responsible to, the Board of Supervisors of Paradise Township. He may be provided with the assistance of such persons as the Board of Township Supervisors may direct. The compensation of all employees shall be determined by the Board of Township Supervisors.

1901. DUTIES AND RESPONSIBILITIES OF ZONING OFFICER

The Zoning Officer shall administer this Zoning Ordinance in accordance with its literal terms and shall not have the power to permit any construction or change of use which does not conform to the Zoning Ordinance and to other applicable ordinances of the Township of Paradise and to the laws of the Commonwealth of Pennsylvania.

1. **Application and Permits**: The Zoning Officer shall receive applications and issue zoning permits and/or Certificates of Use and Occupancy as provided for in this Article. The Zoning Officer shall also issue zoning permits for special exception uses or for variances after the same have been approved by the Zoning Hearing Board.
2. **Inspection**: Before issuing any zoning permit, the Zoning Officer may, at his discretion, examine or cause to be examined all buildings, structures, signs or land, and portions thereof, for which an application has been filed for the erection, construction, alteration, repair, extension, replacement, relocation, conversion and/or use or change of use. Thereafter, he may make such inspections during the work and before issuing a Certificate of Use and Occupancy as he deems necessary in his sole discretion. A final inspection shall be made and all violations of approved plans or the zoning permit shall be noted and the holder of the zoning permit shall be notified of the discrepancies.
3. **Complaints Regarding Violations**: The Zoning Officer may, and when in receipt of a signed written complaint stating fully the cause and basis thereof shall, investigate alleged violations of this Zoning Ordinance. If a signed written complaint is received, said investigation shall be completed within fifteen (15) days of said complaint. A written report of all investigations of alleged violations of this Zoning Ordinance shall be prepared and properly filed by the Zoning Officer and a copy sent to the Board of Township Supervisors.
4. **Official Records**: It shall be the duty of the Zoning Officer to maintain and be responsible for all pertinent records on zoning matters in the Township. These records shall include, but not be limited to, all applications received, copies of all permits and certificates issued, copies of orders and findings of the Zoning Hearing Board, written complaints of alleged violations, records of all inspections made, a current copy of the Zoning Ordinance and all amending ordinances, the Official Zoning Map, and all other pertinent information. The records of his office shall be available for the use of the Township government and inspection of any interested party during normal office hours. The Zoning Officer shall at least annually submit to the Board of Supervisors a written statement of all permits and Certificates of Use and Occupancy issued and violations and stop-work orders recommended or promulgated.

1902. PERMITS

1. **Requirements:** A zoning permit shall be obtained from the Zoning Officer for a) a change in the use of any land, building, or sign; b) the construction, erection, extension, replacement, or conversion of any building or sign, including an accessory building or sign, or the moving or alteration of any building or sign, including an accessory building or sign; c) the alteration or development of any improved or unimproved real estate, including but not limited to mining, dredging, filling, grading, paving excavation or drilling operations; d) the excavation, grading of or earthmoving activities on any property in preparation for the erection of a building or sign, including an accessory building or sign, or a change in use of a property; and e) the construction or installation of any animal waste impoundment. All such activities requiring a zoning permit shall comply with all other provisions of this Ordinance, and any other local, State or Federal regulations, ordinances and/or laws. No zoning permit shall be required for repairs to and maintenance of any building, structure, sign or land provided that such repairs do not change the use, alter the exterior dimensions of the building, structure or sign, or otherwise violate the provisions of the Zoning Ordinance or other ordinances of the Township, the County, or other applicable statutes or regulations.
2. **Form of Application:** The application for a zoning permit shall be submitted in such form as the Zoning Officer may prescribe and shall be accompanied by the required fee as prescribed. Application for a zoning permit shall be made by a landowner or developer. The full names and addresses of the landowner or developer, and of the responsible officers, if the landowner or developer is a corporate body, shall be stated in the application.
3. **Description of Work:** The application shall contain a general description of the proposed work and/or use and occupancy of all parts of the building, structure or sign and such additional information as may be required by the Zoning Officer. The application for the zoning permit shall be accompanied by a plot plan of the proposed building, structure or sign drawn to scale with sufficient clarity to show the nature and character of the work to be performed, including off-street parking and loading space if required, the location of new and existing construction and the distances of the same from the existing lot lines and street right of way lines.
4. **Issuance of Permit:** Upon receiving the application, the Zoning Officer shall examine the same within a reasonable time after filing. If the application or plans do not conform to the provisions of all pertinent laws, he shall reject such application in writing, within ninety (90) days after the date the application is filed, stating the reasons therefore. He shall inform the applicant of his right of appeal to the Zoning Hearing Board in the event such application is rejected. If satisfied that the proposed work or use conforms to the provisions of this Ordinance and all other pertinent laws and ordinances and that the zoning permit as required herein has been properly applied for, he shall issue a zoning permit therefor as soon as practical but in no event more than ninety (90) days after the date the application is filed.
5. **Time Limit for Application:** An application for a zoning permit for any proposed work shall be deemed to have been abandoned six (6) months after the date of filing, unless during that six (6) month period a zoning permit shall have been issued. Reasonable extensions of time for additional periods not exceeding ninety (90) days each may be granted at the discretion of the Zoning Officer.
6. **Expiration of Permit:** The zoning permit shall expire one (1) year from the date of issuance, provided, however, that the zoning permit may be extended by the Zoning Officer upon reasonable cause shown and at his discretion for one or two six (6)-month periods not to exceed an additional one (1) year.
7. **Revocation of Permit:** The Zoning Officer may revoke a zoning permit or approval issued under

the provisions of this Ordinance in case of any false statement or misrepresentation of fact in the application or on the plans on which the zoning permit or approval was based, if it is found that the work performed or the use or change of use to which the property is put, is not in conformance with the application, or for any other cause set forth in this Zoning Ordinance.

8. Posting of Permit: A true copy of the zoning permit shall be kept on the site of operations and open to inspection by the Zoning Officer during the entire time of prosecution of the work and until the completion of same as defined in the application.

1903. CONDITIONS OF PERMIT

1. Payment of Fees: No zoning permit shall be issued until the fees prescribed by the Board of Township Supervisors pursuant to resolution shall be paid to the Zoning Officer. The payment of fees under this Section shall not relieve the applicant or holder of said zoning permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law.
2. Compliance with Ordinance: The zoning permit shall be a license to proceed with the work and should not be construed as authority to violate, cancel or set aside any of the provisions of this Ordinance.
3. Compliance with Permit and Plot Plan: All work or use shall conform to the approved application and plans for which the zoning permit has been issued as well as the approved plot plan.

1904. CERTIFICATE OF USE AND OCCUPANCY

1. When Required: It shall be unlawful to use and/or occupy any structure, building, sign or land or portion thereof for which a zoning permit is required until a Certificate of Use and Occupancy has been issued by the Zoning Officer. The Zoning Officer shall not issue a Certificate of Use and Occupancy unless he has inspected said structure, building, sign or land and has determined that all provisions of this Zoning Ordinance and other ordinances of the Township have been satisfied.
2. Form of Application: The application for a Certificate of Use and Occupancy shall be in such form as the Zoning Officer may prescribe and shall be made at the same time as the application for a zoning permit is filed with the Zoning Officer.
3. Description of Use and Occupancy: The application shall contain a description of the intended use and occupancy of any structure, building, sign or land or portion thereof for which a zoning permit is required herein.
4. Action Upon Application: The Zoning Officer shall inspect any structure, building or sign within seven (7) days after notification that the proposed work that was listed under the zoning permit has been completed. If he is satisfied that the work is in conformity and compliance with the work listed in the issued zoning permit and all other pertinent laws, he shall issue a Certificate of Use and Occupancy for the intended use listed in the approved application. If he finds that the work has not been performed in accordance with the approved application, the Zoning Officer shall refuse to issue the Certificate of Use and Occupancy and, in writing, give the reasons therefore and inform the permit holder of his rights of appeal to the Zoning Hearing Board.
5. Availability of Certificate: The Certificate of Use and Occupancy for nonconforming uses, or a true copy thereof, shall be kept available for inspection by the Zoning Officer at all times.

6. Temporary Certificate of Use and Occupancy: Upon request of a holder of a permit, the Zoning Officer may issue a temporary Certificate of Use and Occupancy for a structure, building, sign or land or portion thereof before the entire work covered by the zoning permit shall have been completed, provided that such portion or portions may be used or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Officer may also issue a temporary Certificate of Use and Occupancy for such temporary uses as tents, trailers and buildings on construction sites, use of land for religious or other public or semi-public purposes and similar temporary use or occupancy. Such temporary Certificates shall be for a period of time to be determined by the Zoning Officer, however, in no case for a period exceeding six (6) months.

1905. ENFORCEMENT, PENALTY AND REMEDY

It shall be the duty of the Zoning Officer to enforce the Zoning Ordinance.

1. Violation: The construction, alteration, extension, replacement, relocation or conversion or use of any structure, building, sign or land, the change of use, area of use, percentage of use, displacement of the use of any structure, building, sign or land, including accessory building or sign, or the commencement of any other activities requiring a zoning permit from the Zoning Officer as described in this Article without first obtaining a zoning permit, the use of any building, structure, sign or land without receipt of a Certificate of Use and Occupancy, the failure to obey and/or comply with any order, decree or decision of either the Zoning Hearing Board, Zoning Officer or Township Supervisors issued pursuant to this Ordinance, or the failure to comply with any of the provisions of this Ordinance, are hereby declared to be violations of this Ordinance.
2. Notice of Violation: The Zoning Officer shall serve a written notice of violation and order on the owner and lessee, if any, or upon the agent of the owner and lessee, of the land upon which the violation has occurred, and shall by such order direct the discontinuance of the violation. However, in no case shall the person so served abandon the premises in such a condition as to create a hazard or menace to the public safety, health, morals or welfare. The owner and lessee, if any, shall be jointly and severally responsible for restoring the premises to such condition as the Zoning Officer may direct.

An enforcement notice shall state at least the following:

- A. The name of the owner of record and any other person upon whom the municipality intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. The recipient of the notice has the right to appeal to the zoning hearing board within a prescribed period of time in accordance with the procedures set forth in the Ordinance.
- F. Failure to comply with the notice in the time specified, unless extended by appeal to the zoning hearing board, constitutes a violation with possible sanctions clearly described.

3. Prosecution of Violation: If the notice of violation is not complied with within ten (10) days, the Zoning Officer shall notify the Township Supervisors, and the Supervisors, after resolution that a violation has, in fact, occurred and has not been remedied within the ten (10) day period, shall instruct the Zoning Officer to institute in the name of the Township any appropriate criminal action and/or appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign or land which is in violation of this Ordinance or of any order, decree or decision made pursuant thereto. No provisions of this Section shall be construed to prevent the institution of criminal proceedings because the violation has been remedied within said ten (10) day period.
4. Penalties: Any person, partnership or corporation who or which shall violate the provisions of this Zoning Ordinance shall, upon being found liable in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Five Hundred (\$500.00) Dollars plus all court costs, including reasonable attorneys' fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules or civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorneys' fees collected for the violation of this Ordinance shall be paid over to the Township for the general use of the Township.
5. Abatement of Violation: The imposition of the penalties herein prescribed shall not preclude the Township from instituting appropriate action to prevent unlawful erection or construction or to restrain, correct or abate a violation or to prevent illegal use or occupancy of any structure building, sign, land or premises or to stop an illegal act, conduct, business, use or occupancy of a structure, building, sign or land in and about any premises.

This Page Intentionally Left Blank

ARTICLE XX

ZONING HEARING BOARD

2000. ZONING HEARING BOARD

There is hereby created a Zoning Hearing Board which shall, for the purpose of this Ordinance, be referred to as the "Board". The membership of the Board shall consist of three (3) residents of the Township appointed by the Board of Township Supervisors for terms of three (3) years. Members of the Board shall hold no other office in the Township. The existing members of the Paradise Township Zoning Hearing Board shall constitute the Zoning Hearing Board under this Ordinance and shall hold their office until the expiration of the term for which they were appointed. Their successors in office shall be appointed on the expiration of their respective terms to serve three (3) year terms.

2001. ORGANIZATION

The Board shall adopt such rules and regulations to govern its procedures, as it may deem necessary. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. Meetings of the Board shall be at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board but the Board may appoint a hearing Officer from its own Membership to conduct any hearing on its behalf and the parties may waive further action by the Board. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The Board shall keep full public records of its business and shall submit a report of its activities to the Board of Township Supervisors once a year.

2002. HEARINGS

The Board shall conduct hearings and make decisions in accordance with the following requirements:

1. Notice shall be given to the public, the applicant, the Zoning Officer, such other persons as the Board of Township Supervisors shall designate and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. The Board of Township Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by this Ordinance.
2. The hearings shall be conducted by the Board or the Board may appoint any member as a Hearing Officer. The decision, or where no decision is called for, the findings shall be made by the Board, but the parties may waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.
3. The parties to the hearing shall be any person who is entitled to notice under clause (1) without special request therefore who has made timely appearance of record before the Board and any

other person permitted to appear by the Board.

4. The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
5. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
6. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly, repetitious evidence may be excluded.
7. The Board or Hearing Officer, as the case may be, shall record the proceedings steno graphically; provided, however, that all parties to the hearing may waive having the proceedings taken steno graphically, in which case the proceedings shall be taken by a mechanical recording device and subsequently typed verbatim from the recording. Copies of the transcript and any written material received as evidence shall be made available to any party at cost.
8. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.
9. The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days of the last hearing. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore when so required by law. Conclusions based on any provisions of law or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a Hearing Officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties and the parties shall be entitled to make written recommendations thereon to the Board prior to final decision or entry of findings.
10. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

2003. APPEALS

1. Appeals from the Zoning Officer: The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.
2. Variances: The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance provided the following findings are made where relevant in a given case:
 - A. That there are unique physical circumstances or conditions including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
 - B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - C. That such unnecessary hardship has not been created by the appellant.
 - D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance.
3. Special Exceptions: Where the Board of Township Supervisors, in the Zoning Ordinance, has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance.
4. Form of Application: In addition to such information as shall be required by this Ordinance or by resolution of the Board, an application for a variance or special exception shall state:
 - A. The name and address of the appellant.
 - B. The name and address of the owner of the real estate to be affected by such proposed exception or variance.
 - C. A brief description and location of the real estate to be affected by such proposed change.
 - D. A statement of the present zoning classification of the real estate in question, the improvements thereon and the present use thereof.
 - E. A statement of the section of this Ordinance under which the variance, or exception requested, may be allowed and reasons why it should be granted.

- F. The application shall contain any information required by the Zoning Hearing Board to determine compliance with this Ordinance, including but not limited to:
- i. A detailed written description of the proposed work and/or use of the building, structure and/or land. Where applicable, the written description shall include the maximum number of part-time and full-time employees to employed and the hours of operation; and,
 - ii. Detailed plans in a form acceptable to the Zoning Hearing Board, drawn to scale, showing the actual dimensions and shape of the lot, the size and location and dimensions of the proposed use, building or alteration, distance from existing lot lines and street right-of-way lines, parking areas, and other pertinent information.
5. Burden of Proof: The burden of proof in all zoning cases coming before the Zoning Hearing Board shall be upon the applicant to establish compliance with all requirements of the Ordinance pertaining to the matter before the Board.
6. Parties Appellant Before Board: Appeals from the decision of the Zoning Officer and proceedings to challenge the Ordinance under Section 910 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, as amended, (Act 247) may be filed with the Board in writing by any officer or agency of the Township or any person aggrieved. Request for a variance, special exception or appeals from a decision of the Zoning Officer, may be filed with the Board by any landowner or any tenant with the permission of such landowner.
7. Effect of Board's Decision: If the variance is granted or the issuance of a permit is finally approved, or other action by the appellant is authorized, the necessary permit shall be secured and the authorized action begun within three (3) months after the date when the variance is finally granted or the issuance of a permit is finally approved or the other action by the appellant is authorized; and the building or alteration, as the case may be, shall be completed within twelve (12) months of said date. For good cause, the Board may upon application in writing stating the reasons therefore, extend either the three (3) month or twelve (12) month period.

Should the appellant or applicant fail to obtain the necessary permits within said three (3) month period, or having obtained the permit should he fail to commence work there under within such three (3) month period, it shall be conclusively presumed that the appellant or applicant has waived, withdrawn or abandoned his appeal or his application, and all provisions, variances and permits to him granted shall be deemed automatically rescinded by the said Board.

Should the appellant or applicant commence construction or alteration within said three (3) month period, but should he fail to complete such construction or alteration within said twelve (12) month period the Board may upon ten (10) days notice in writing, rescind or revoke the granted variance, or the issuance of the permit, or permits, or the other action authorized to the appellant or applicant, if the Board finds that no good cause appears for the failure to complete within such twelve (12) month period, and if the Board further finds that conditions have so altered or changed in the interval since the granting of the variance, permit or action, that revocation or recession of the action is justified.

8. Appeal to the Court: Zoning appeals may be taken to court by any party before the Board or any officer or agency of the Township who has been aggrieved by any decision of the Board within thirty (30) days after issuance of notice of the decision or report of the Board. The appeal shall be to the Court of Common Pleas of Lancaster County, by filing of a zoning appeal notice which concisely sets forth the grounds on which the appellant relies, verified to the extent that it contains averments of fact. The zoning appeal notice shall be accompanied by a true copy thereof.

ARTICLE XXI

AMENDMENTS

2100. AMENDMENTS

The Board of Township Supervisors may, from time to time, after public notice and hearing as hereinafter prescribed, amend, supplement, change or repeal this Ordinance including the Zoning Map. Any amendment, supplement, change or repeal may be initiated by the Township Planning Commission, the Board of Township Supervisors or by a petition to the Board of Township Supervisors. Such amendment, supplement, change or repeal shall be submitted to the Township Planning Commission for its recommendations and shall be specifically found by the Board of Township Supervisors to be in accordance with the spirit and intent of the formally adopted portions of the Comprehensive Plan before final action shall be taken by the Board of Township Supervisors.

2101. AMENDMENTS INITIATED BY THE TOWNSHIP PLANNING COMMISSION

When an amendment, supplement, change or repeal is initiated by the Township Planning Commission, the proposal shall be presented to the Board of Township Supervisors, which shall then proceed in the same manner as with a petition to the Board of Township Supervisors which has already been reviewed by the Township Planning Commission.

2102. AMENDMENT INITIATED BY THE BOARD OF TOWNSHIP SUPERVISORS

When an amendment, supplement, change or repeal is initiated by the Board of Township Supervisors, it shall submit the proposal to the Township Planning Commission for review and recommendations.

2103. PROCEDURE FOR PETITION

The petition for amendment, supplement, change or repeal shall contain as fully as possible all the information requested by the Zoning Officer and shall be signed by at least one record owner of the property in question whose signature shall be notarized attesting to the truth and correctness of all the facts and information presented in the petition. A fee to be established by the Board of Township Supervisors shall be paid upon the filing of such petition for change and for the purpose of defraying the costs of the proceedings prescribed herein.

2104. REFERRAL TO TOWNSHIP PLANNING COMMISSION

After receipt of the petition by the Board of Township Supervisors, said petition shall be presented to the Township Planning Commission for review and recommendations at least forty-five (45) days prior to the public hearing. A report of said review, together with any recommendations, shall be given to the Board of Township Supervisors in writing within forty-five (45) days from the date of said referral.

The proposed Ordinance shall also be referred to the Lancaster County Planning Commission for recommendations in accordance with Section 609 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

2105. PUBLIC HEARING

The Board of Township Supervisors shall fix a time and place for a public hearing at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in one (1) newspaper of general circulation in the Township once each week for two (2) successive weeks, not more than thirty (30) days and not less than fourteen (14) days prior to the date of said hearing. No hearing shall be held unless and until the provisions of Section 304 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, have been complied with.

2106. ACTION BY THE BOARD OF TOWNSHIP SUPERVISORS

At the time and place specified, the Board of Township Supervisors shall conduct a hearing on said petition to amend, supplement, change or repeal the Zoning Ordinance or Zoning Map of the Township and shall thereafter within a period of thirty (30) days either reject the proposed change or adopt an ordinance implementing the proposed change. The Board of Township Supervisors may adjourn said hearing in its discretion to a time and place certain.

2107. AUTHENTICATION OF OFFICIAL ZONING MAP

Whenever there has been a change in the boundary of a Zoning District or a reclassification of the Zoning District adopted in accordance with the above, the change on the Official Map shall be made and shall be duly certified by the Township Secretary and shall thereafter be re-filed as part of the permanent records of the Township.

ARTICLE XXII

VALIDITY, REPEALER, AND EFFECTIVE DATE

2201. VALIDITY

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Zoning Ordinance is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Zoning Ordinance.

The Board of Township Supervisors hereby declares that it would have adopted this Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word hereof irrespective of the fact that any one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

2202. REPEALER

Any resolution, ordinance or part of any resolution or ordinance inconsistent herewith and any amendments thereof are hereby expressly repealed except as provided for in this Ordinance. It is expressly provided that the provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior zoning regulation or ordinance. In the event any violation has occurred under any prior zoning regulation or ordinance of Paradise Township, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior zoning regulation or ordinance, and the penalties provided in said prior zoning regulation or ordinance shall remain effective as to said violation.

2203. EFFECTIVE DATE

This Zoning Ordinance shall become effective five (5) days after its adoption by the Board of Township Supervisors of Paradise Township, County of Lancaster, Commonwealth of Pennsylvania.

Enacted and ordained this 16th day of September, 2003.

ATTEST:

BOARD OF TOWNSHIP SUPERVISORS

Carl A. Meshey, Jr., Secretary

By: _____
Kevin J. McClarigan, Chairman

[SEAL]

CERTIFICATION

I, Carl A. Meshey, Jr., Secretary of the Board of Supervisors of Paradise Township, certify that the foregoing is a true and correct copy of an ordinance duly, legally and unanimously adopted at a regular meeting of the Paradise Township Board of Supervisors held on September 16, 2003.

Carl A. Meshey, Jr., Secretary

[SEAL]