

Paradise Township
York County, Pennsylvania

Zoning Ordinance

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Consultant:



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ARTICLE 1 - GENERAL PROVISIONS

Section 101 Short Title.

This Chapter shall be known and may be cited as the “Paradise Township Zoning Ordinance.”

Section 102 Purpose.

This Zoning Ordinance has been prepared in accordance with the Paradise Township and Jackson Township Joint Comprehensive Plan with consideration for the character of the Township, its various parts and the suitability of the various parts for the particular uses and structures and is enacted for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, general welfare, coordinated and practical community development, proper density and population, civil defense, disaster evacuation, airports and national defense facilities, the provision 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 the preservation of quality agricultural lands, they being the Township’s most important natural resource.
- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life, or property from fire, flood, panic, or other dangers.

Section 103 Community Development Objectives.

This Zoning Ordinance is written and adopted as a part of the implementation of the Paradise Township and Jackson Township Joint Comprehensive Plan. Therefore, the Community Development Objectives of this ordinance are embodied within the main goals of the Joint Comprehensive Plan. Those goals are:

- A. To protect and preserve the natural and scenic resources and beauty of the region.
- B. To protect, preserve, and enhance the remaining historic, architectural, and cultural resources and their surroundings.
- C. To preserve existing productive farmland for agricultural use and support the continuation of agriculture and agricultural support operations.
- D. To provide for open space through the preservation of natural resources and the development and retention of parks and greenways.
- E. To manage, control, and guide development to appropriate areas where public infrastructure is available or planned, and protect natural and agricultural resources in order to retain a mix of rural and suburban atmosphere.
- F. To achieve a safe, efficient, multi-modal, and cost-effective regional circulation system that will enhance pedestrian and bicycle movement; ease vehicular travel; minimize adverse impacts on residential neighborhoods; enhance the safety, mobility and livability of road corridors; and relieve congestion.

- G. To sustain and enhance the vitality of the Region while identifying appropriate locations for environmentally responsible industrial, office, retail, and service uses that are appropriate in scale and character.
- H. To provide diverse housing opportunities for economic and demographic groups, consistent with existing development and the historical and natural environments.
- I. To provide good quality community facilities and services to residents in an efficient, cost effective manner within the financial resources of the Township, consistent with concern for protecting natural resources.

Section 104 Relationship to the Comprehensive Plan.

This Zoning Ordinance is written and adopted as a part of the implementation of the Paradise Township and Jackson Township Joint Comprehensive Plan and in accordance with the implementation agreement and Article XI of the MPC. As such, this zoning ordinance does not provide for all uses and specifically provides for very few industrial uses. These uses are instead permitted within Jackson Township. As provided for in the MPC, any challenge to the validity of this ordinance involving a proposed use must be decided based on the uses available in both the Jackson Township and Paradise Township Zoning Ordinances.

Section 105 Uses Not Provided For.

Whenever a use is not specifically permitted in a zoning district under this ordinance, it is prohibited in that zoning district. Any use not specifically permitted in any zoning district shall be allowed by special exception in a zoning district where similar uses are allowed, provided that the applicant can demonstrate to the Zoning Hearing Board that the proposed use will not constitute a public or private nuisance and will not generate any physical, environmental, social, or safety impacts greater than those generated by other permitted uses in the zoning district. In the granting of such special exception, the Zoning Hearing Board may attach reasonable conditions to ensure the compatibility of the use with the zoning district.

ARTICLE 2 - DEFINITION OF TERMS

Section 201 Application and Interpretation.

Words, phrases, and terms defined in this section shall have the meanings herein indicated, unless otherwise expressly stated in another section of this Ordinance. Words, phrases, and terms not herein defined shall be presumed to be used in their ordinary context, unless otherwise specified herein. Additionally, the following rules of interpretation apply

- A. Words in the present tense imply the future tense.
- B. The singular includes the plural, and the plural includes the singular.
- C. The male gender includes the female and the neuter and vice-versa.
- D. The word "person" includes also a partnership, corporation, association, or other legal entity.
- E. The words "street", "road", and "highway" shall have the same meaning.
- F. The words "shall" and "must" are always mandatory. The words "may" or "should" are always permissive.
- G. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied."

Section 202 Terms Defined.

The following words, phrases, and terms shall have the indicated meaning:

ACCESSORY DRIVE-IN PRODUCE STAND – An accessory use that involves the selling of farm and garden products in accordance with the regulations of Section 1301.

ADDITIONAL FARM DWELLING – An additional dwelling permitted to be temporarily placed on a farm for the housing of employees of the farm.

ADULT FACILITY - An establishment which is used and occupied for one or more of the following activities: adult book store, adult cabaret, adult massage parlor, adult theater, or any other business whose operations, services, or retail stock is characterized by an emphasis on sexual conduct or sexually explicit nudity.

ADULT BOOK STORE - An establishment in which 10% or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for use upon the premises any of the following: (1) pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape, or similar visual representations, distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, (2) books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or (3) sexual devices.

ADULT CABARET - An establishment, club, tavern, restaurant, theatre or hall which features live entertainment distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

ADULT MASSAGE PARLOR - An establishment whose business is the administration of massage to the anatomy of patrons regardless whether or not the same includes sexual conduct. This definition does not include: (1) a facility operated by a medical practitioner, chiropractor or other professional physical therapist licensed by the Commonwealth of Pennsylvania, (2) an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service, or (3) a facility offering massage provided exclusively by massage therapists who are certified by a professional organization that requires at least 100 hours of professional training.

ADULT THEATER - A building, or a room within a building, used for presenting motion picture film, video, or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.

AGRICULTURE - An enterprise that is actively engaged in the commercial production and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and/or livestock and livestock products. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. Agriculture does not include the composting of materials originating off the property or the manufacture or sales of landscaping mulch.

AIRPORT – Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon.

AIRPORT, PRIVATE - An airport which is privately owned and which is not open or intended to be open to the public as defined in 74 Pa. C.S. §5102.

AIRPORT, PUBLIC - An airport which is either publicly or privately owned and which is open to the public as defined in 74 Pa. C.S. §5102.

AIRCRAFT - Any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.

AIRPORT - Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon.

AIRPORT, PRIVATE - An airport which is privately owned and which is not open or intended to be open to the public as defined in 74 Pa. C. S. §5102.

AIRPORT, PUBLIC - An airport which is either publicly or privately owned and which is open to the public as defined in 74 Pa. C. S. §5102.

AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet above sea level. The elevation of the York Airport is 480 feet above mean sea level.

AIRPORT HAZARD - Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined by "Airport Hazard" in 74 Pa. Cons. Stat. §5102.

AIRPORT HAZARD AREA - Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Article and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

ALTERATIONS – As applied to a building or structure, any change or rearrangement in the gross floor area, or an enlargement, whether by extending on a side or by increasing in height. Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

ANIMAL HOSPITAL – See "Veterinary Office."

ANTENNA – Any system of wires, poles, rods, reflecting devices, or similar devices used for the transmission or reception of electromagnetic waves. This term shall not include structures that are a "Communication Tower" or a "Communications Transmitting and Receiving Facility".

APPLICANT – Any landowner, lessee or his authorized agent who submits plans, data and/or application to the Zoning Office or other designated Township official for the purpose of obtaining approval thereof.

BANK – A business establishment in which money is kept for saving or commercial purposes or is invested, supplied for loans, or exchanged.

BASEMENT – An enclosed level of a building located at least partly underground.

BED AND BREAKFAST – An accessory use to a single family detached dwelling that involves the rental of rooms for overnight accommodation and the provision of breakfast to those renting rooms.

BUFFER YARD – A strip of land that separates one use from another use or feature and that is primarily devoted to landscaping, open space, and screening.

BUILDING – Any structure on a lot, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or property. (See also "Structure").

BUILDING, ACCESSORY – A building subordinate to and detached from the principal building on the same lot and used for purposes customarily incidental to the principal building.

BUILDING, ATTACHED – A building which has 2 or more party walls in common.

BUILDING, DETACHED – A building which has no party wall.

BUILDING, PRINCIPAL – A building in which is conducted the principal use of the lot on which it is located.

BUILDING, SEMI-DETACHED – A building which has only one party wall in common.

BUILDING COVERAGE - The percentage obtained by dividing the total building footprint of all buildings on a lot by the net area of the lot upon which the buildings are located.

BUILDING FOOTPRINT - The total area of ground occupied by a building.

BUILDING HEIGHT – The total overall height in feet of a building measured from the average grade of the front two corners of the building to the highest point of the roof.

CAFÉ – See “Restaurant.”

CAMPGROUND - A lot, tract or parcel of land upon which 2 or more campsites are located or established, intended and maintained for occupancy by transients in recreational vehicles or tents.

CAMPSITE - A plot of ground within a campground intended for occupancy by a recreational vehicle or tent.

CARETAKER OR WATCHMAN DWELLING - A single family detached dwelling placed on the same lot as a principal commercial use occupied exclusively by the owner of the commercial use or by a caretaker or watchman employed by the commercial use.

CARTWAY - The paved portion of a street designed for vehicular traffic and paved areas intended for on street parking.

CEMETERY – Land used or intended to be used for the burial of the deceased, including columbaria and mausoleums. Pet cemeteries are included within this definition.

CERTIFICATE OF USE AND OCCUPANCY – A certificate, issued by the Zoning Officer, which permits the use of a structure and land in accordance with the approved plans and specifications and certifies compliance with the provisions of law for the use and occupancy of the structure and land, together with any special stipulations or conditions of the zoning permit.

COMMUNICATION TOWER – Includes wireless telephone exchange, radio or television broadcasting, micro relay stations, and similar features, 50 feet or more in height above the ground surface.

COMMUNICATION TRANSMITTING AND RECEIVING FACILITY – Includes wired telephone or telegraph exchange, radio or television cable broadcasting, and similar facilities less than 50 feet in height above the ground surface; and wireless communication antennae attached to structures permitted by right in the district, with the top of the antennae a maximum of 10 feet above the structure. A building for human occupancy shall not be construed to be included in this definition.

COMPREHENSIVE PLAN – The most recently adopted version of the Official Comprehensive Plan, Paradise Township, York County, including any amendments.

CONDITIONAL USE - Certain specified uses that are allowed or denied by the Board of Supervisors after recommendation by the Planning Commission pursuant to expressed standards, conditions, and criteria set forth in this Ordinance.

CONDOMINIUM - Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of July 3, 1963, or the Pennsylvania Uniform Condominium Act.

CONSERVATION DEVELOPMENT – An optional type of residential development that involves the permanent preservation of open space and that places dwellings on the most suitable portions of the tract on lots that are smaller than would otherwise be allowed by conventional development.

CONSTRUCTION - The placing and/or fastening of building materials in temporary or permanent positions and the demolition of a preexisting building, provided that further construction be diligently carried on.

CONTRACTOR SHOP AND SHOWROOM – Offices, shops, and showrooms for tradesmen, such as building, cement, electrical, plumbing, masonry, painting, roofing, landscapers, excavators and any similar professional or licensed contractor.

CONVERSION – The act of changing or adapting land or structures to a different use, occupancy, or purpose.

COUNTY - The County of York, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION - The York County Planning Commission.

CULTURAL FACILITY - A building and/or land open to the public that contains displays and exhibits of a cultural or artistic interest, such as a museum, art gallery, community center, or nature study area.

CURATIVE AMENDMENT - A proposed Zoning Ordinance amendment made to the Board of Supervisors by any landowner who desires to challenge on substantive grounds the validity of an ordinance that prohibits or restricts the use or development of land in which said landowner has an interest.

DAY CARE FACILITY - A facility where out-of-home care is provided, at any one time for part of a 24 hour day, to 2 or more persons, where the facility is not being used as a dwelling.

DEED OF TRANSFER OF DEVELOPMENT RIGHTS – A legal document which grants transfer of ownership of development rights.

DEMOLITION BY NEGLECT - the deterioration or destruction of a structure through lack of maintenance or abandonment.

DENSITY – The number of dwelling units per acre of net lot area.

DEVELOPMENT TRACT – See “Total Development Tract.”

DRIVE-THROUGH FACILITY - A feature of a commercial business that allows a customer to order and receive food or other items or make financial transactions while the customer remains within their vehicle.

DRIVEWAY – A private vehicular access between a street and a parking area of garage within a lot or property.

DWELLING A building or structure designed for living quarters for one or more families, including mobile homes; but not including motels or hotels, boarding or rooming houses, nursing homes or other accommodations used for transient occupancy.

DWELLING, CARETAKER OR WATCHMAN – See “Caretaker or Watchman Dwelling.”

DWELLING, MULTI- FAMILY - A building containing 3 or more dwelling units each having at least one party wall in common with another dwelling unit. All dwelling units are located on the same lot and share with other units a common yard area.

DWELLING, SINGLE-FAMILY ATTACHED - A portion of a building containing one dwelling unit, and having 2 party walls in common with other dwelling units (except end units, which have one party wall). Each dwelling unit is located on a separate lot.

DWELLING, SINGLE-FAMILY DETACHED - A building containing only one dwelling unit on its own lot.

DWELLING, SINGLE-FAMILY SEMI- DETACHED - A portion of a building containing one dwelling unit, having one side yard and having one party wall in common with another dwelling unit. Each dwelling unit is located on a separate lot.

DWELLING, TWO FAMILY DETACHED - A building containing 2 dwelling units, and having one party wall between the 2 dwelling units. Both dwelling units are located on the same lot.

DWELLING UNIT – A building or portion thereof arranged or designed for occupancy by one family and having separate cooking and sanitary facilities.

EASEMENT – A limited right of use granted in private land to another party.

FAA - Federal Aviation Administration of the United States Department of Transportation.

FAMILY - A single individual or 2 or more persons related by blood, marriage or adoption (including persons receiving foster care), or a group of not more than 3 persons who are unrelated that maintain one common household and live within one dwelling unit.

FAMILY DAY CARE HOME – A service operated in a single family detached dwelling by a resident of the dwelling in which out-of-home care is provided, at any one time, for part of a 24-hour day to four, five or six persons who are not related to the operator.

FARM - Any parcel or parcels of land which are used for a principal agricultural use, including an associated single-family dwelling and other necessary farm structures within the prescribed limits and the use, repair, maintenance and storage of equipment customarily incidental to the primary use.

FARM OCCUPATION – An accessory use to the primary agricultural use of a property in which a secondary business is conducted on the farm.

FELLING - The act of cutting a standing tree so that it falls to the ground.

FENCE - A manmade barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof. This definition includes a wall.

FLOOR AREA, GROSS - The sum of the horizontal areas of a building as measured to the outside surfaces of exterior walls and including all areas intended and designed for the conduct of a business or use.

FLOOR AREA, HABITABLE - The sum of the horizontal areas of a dwelling unit as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including unfinished cellars or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches.

FOOT-CANDLE – Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, a.k.a. light meter.

FOOTPRINT – See “Building Footprint.”

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.

FRONTAGE - The portion of a lot abutting the street right-of-way.

FULL CUTOFF – Attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp’s intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the fixture

FULLY SHIELDED – Attribute of a lighting fixture provided with internal and/or external shields and louvers so that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below a horizontal plane drawn through the bottom of the fixture.

FUNERAL HOME - An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming, performance of autopsies or other surgical procedures, storage of funeral-related supplies and vehicles, and sale of funeral equipment as an accessory activity. Does not include facilities for cremation.

GLARE – Excessive brightness in the field of view that is sufficiently greater than the brightness to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare

GOLF COURSE - An area of land, publicly or privately owned, designed for playing the game of golf, including clubhouse, equipment and material storage, driving ranges, and other accessory uses.

GROUP HOME - A dwelling operated by an organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental or physical handicap. This definition shall expressly include facilities for the care of developmentally disabled persons. Group homes shall be licensed where required by an appropriate governmental agency, and a copy of such license must be delivered to the Township prior to the beginning of such use. It is the express intent of this definition to comply with the requirements of the Fair Housing Amendments Act of 1988, P.L. 100-430.

HABITABLE – That portion of a building that contains rooms used for habitation, such as living room, dining room, kitchen, bedroom, bathroom, closets, hallways, stairways, but not including unfinished cellars or attics, or service rooms or areas such as utility rooms, nor unheated areas such as enclosed porches.

HABITABLE FLOOR AREA – See “Floor Area, Habitable.”

HISTORIC RESOURCE - A building, structure, object, district, place, site or area significant in the history, architecture, maritime heritage, archaeology or culture of Paradise Township, York County, the Commonwealth of Pennsylvania, or the nation, which was constructed or gained its significance in excess of 50 years ago.

HISTORIC STRUCTURE – A structure that is a historic resource.

HOME OCCUPATION - A business or commercial activity other than a no-impact home-based business that is conducted as an accessory use to a principal dwelling.

HOTEL - A facility which provides temporary lodging to boarders for compensation, and which may include accessory uses such as restaurants or meeting rooms.

ILLUMINANCE – Quantity of light, measured in foot-candles.

IMPERVIOUS – Incapable of absorbing precipitation. For the purposes of this Ordinance, stone driveways, parking lots, and other vehicle areas shall be considered impervious.

IMPERVIOUS COVERAGE – The percentage of a lot area that is covered by impervious surfaces. Impervious surfaces shall include, but not be limited to, parking areas, driveways, roads, sidewalks, patios and any similar areas of concrete, brick, stone, macadam or similar material. In addition, all buildings and structures shall be considered as impervious surfaces for computation of impervious coverage.

INDOOR COMMERCIAL RECREATIONAL FACILITY – A use or activity operated as a gainful business, open to the public, for the purpose of leisure time activities, public recreation or entertainment, including, but not limited to, arcade, arena, assembly hall, bingo parlor, bowling alley, gymnasium, health club, skating rink, swimming pool, tennis courts, etc., when operated within a completely enclosed building. This use excludes any other use specifically listed in this Ordinance.

INTENSIVE AGRICULTURE - The raising of livestock or poultry involving an average of 2 or more animal equivalent units of live weight of livestock or poultry per acre of lot area on an annualized basis. An animal equivalent unit is 1,000 pounds live weight of livestock or poultry animals, on an annualized basis, regardless of the actual number of individual animals comprising the unit. These units shall be calculated as provided under the PA Nutrient Management Act and accompanying regulations. This definition is based on acreage of a lot and not acreage available for disposal of wastes.

JUNK – Any discarded, scrap, unusable or abandoned man-made or man-processed material awaiting potential reuse or ultimate disposal.

JUNK YARD – Any place where junk is accumulated outside of a fully enclosed building for the purpose of buying, selling, trading, dismantling, processing, or storing. This term shall include (1) the storage on a lot of one or more unlicensed, wrecked, or inoperable motor vehicles, or the major part thereof and (2) the storage on a lot of one or more mobile or manufactured homes that is not in habitable condition.

KENNEL – A use other than a veterinary office or agricultural operation in which 2 or more animals older than 6 months are kept, boarded, raised, bred, or trained for a fee.

LANDING - A place where logs, pulpwood, or firewood are assembled for transportation to processing facilities.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under lease to exercise the rights of the land owner, or other person having a proprietary interest in land.

LARGE ANIMAL VETERINARY OFFICE – A veterinary office dedicated to the treating of livestock or other large domesticated farm animals.

LIFE-CARE FACILITY – A planned development designed for the elderly and/or disabled persons, which may include independent living in single family units, congregate apartment

living where residents share common meals, and full health care nursing home facilities. A life-care facility may also include accessory uses such as a community center, personal service shops, and recreation areas, and shall include common open spaces.

LIGHT MANUFACTURING – A use involving the processing, conversion, or production of materials, goods, or products conducted entirely within a fully enclosed building that involves no outdoor storage.

LIGHT TRESPASS – Light emitted by a lighting fixture or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

LIVESTOCK - Large animals, including, but not necessarily limited to, the following: horses, ponies, donkeys, mules, cattle, sheep, goats or swine but also includes poultry. Livestock shall not be considered pets.

LOADING SPACE – An off street space suitable for the loading or unloading of goods and having direct usable access to a street or alley.

LOP - To cut tops and slash into smaller pieces to allow the material to settle close to the ground.

LOT - A designated parcel, tract, or area of land held in single and separate ownership, established by a plat or otherwise as permitted by law, and to be used, developed or built upon as a unit.

LOT, CORNER– A lot abutting upon two (2) streets at their intersection.

LOT, REVERSE FRONTAGE - A lot with vehicular access solely from the street of lesser classification.

LOT AREA, GROSS – The total area contained within the property lines of an individual lot, including area with street rights-of-way and easements.

LOT AREA, NET – The area contained within the property lines of an individual lot, excluding any area within a street right-of-way, but including the area of any easement. Also referred to as “Lot Area.”

LOT LINES - The lines bounding a lot as described in the recorded title or as determined by a land surveyor licensed in Pennsylvania.

LOT OF RECORD – A lot which has been recorded in the Office of the York County Recorder of Deeds on a subdivision plan, deed, or other instrument of conveyance.

LOT WIDTH - The distance between the side property lines as measured along a continuous front setback line. For corner lots, the distance between a side property line and a front property line as measured along a continuous front setback line.

LUMEN – The light-output rating of a lamp (light bulb).

MEDICAL OR DENTAL CLINIC - Any building occupied by medical or dental practitioners and related services for the purpose of providing health services to persons on an outpatient basis.

MEDICAL LABORATORY – A facility providing medical analysis services including the taking, analyzing, and testing of physical samples and specimens for the diagnosis and treatment of patients.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in 2 or more units designed to be joined into one 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, and constructed so that it may be used without a permanent foundation. This term shall not include a "recreational vehicle"

MOBILE HOME 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.

MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains 2 or more mobile home lots for the placement thereon of mobile homes.

MORTUARY – See "Funeral Home."

MOTEL - See "Hotel."

MPC - The Pennsylvania Municipalities Planning Code, Act of July 31, 1968 P.L. 805, No. 247, as reenacted and amended.

MULTI-FAMILY CONVERSION – The conversion of a dwelling existing on the date of adoption of this ordinance (DATE) into a multi-family dwelling without substantial alteration to the exterior of the building and in accordance with the regulations contained within this Ordinance.

MUNICIPAL BUILDING OR USE – A building, structure, area, or use owned and operated by Paradise Township and used to carry out governmental duties and services.

NIGHTCLUB – An establishment that offers the sale of alcoholic beverages in conjunction with live entertainment and/or dancing. This term shall also include establishments that do not sell liquor, but offer live entertainment and/or dancing.

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.

NONCONFORMING LOT - A lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE - A use, whether of land or of a structure, which does not comply with the applicable use or extent of use provisions in this Ordinance or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment

of this Ordinance or amendment, or prior to the application of this Ordinance or amendment to its location by reason of annexation.

NON-COMMERCIAL KEEPING OF LIVESTOCK - An accessory use to a principal single family detached dwelling that is not contained upon a farm, whereupon livestock as defined herein, are kept for non-commercial and domestic use exclusively by the residents of the site.

OBSTRUCTION - Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Article 12 – Airport Safety Overlay District.

OFFICE - A place where the primary use is conducting the affairs of a business, profession, service, or government, including administration, record keeping, clerical work, and similar business functions. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods or products; or the sale or delivery of any materials, goods, or products which are physically located on the premises. Office supplies used in the office may be stored as an incidental use.

OPEN SPACE – An area that is intended to provide light and air and is designed for environmental, scenic, or recreational purposes. Open space shall not include driveways, parking lots, other vehicle areas, stormwater detention or retention ponds, or public street rights-of-way unless specifically allowed by this Ordinance. See “Preserved Open Space.”

OUTDOOR COMMERCIAL RECREATIONAL FACILITY - A use or activity operated as a gainful business, open to the public upon open land, wholly or partially outside of a building, for the purpose of leisure time activities, public recreation or entertainment such as a swimming pool, tennis court, batting and pitching cages, go-carts and skating rinks, amusement rides, or regular live entertainment. This use excludes any use specifically listed in this ordinance.

OUTDOOR DISPLAY AND SALES AREA – An area of a lot used for the display of passenger vehicles, motorcycles, boats, recreational vehicles and similar items that are for sale by a commercial enterprise located on the same lot.

OUTDOOR SHOOTING RANGE – A facility designed or used for shooting at targets with firearms, archery equipment, crossbows and similar weapons.

OUTDOOR STORAGE – The keeping of personal or business property outside of a fully enclosed building for more than 24 hours.

OWNER – See “Landowner.”

PA DEP - Pennsylvania Department of Environmental Protection.

PA PUC – Pennsylvania Public Utility Commission.

PARCEL - Any tract or contiguous tracts of land in the same ownership and contained in the same deed. Land separated by an existing State or Township road shall be considered contiguous.

PARENT TRACT – A lot held in single and separate ownership that existed on the effective date of this Ordinance (DATE), and that is located within the A District from which lots can be created through subdivision. If a lot was not classified as within the A district on DATE, then this term shall refer to the lot as it existed on the date that it was first classified as within the A district. Lands left after the subdivision are called the “Residual Tract.”

PARKING LOT - An open area where passenger vehicles may be stored for off-street parking.

PARKING SPACE - An off-street space available for the parking of one motor vehicle and having direct usable access to a street or lane.

PERMIT - A document issued by the appropriate Township authority authorizing the applicant to undertake certain activities.

PERSON - An individual, partnership, organization, association, trust, or corporation. When used in a penalty provision, "person" shall include the members of such partnership, the trustees of such trust, and the officers of such organization, association, or corporation.

PERSONAL SERVICE – An establishment that provides a service oriented to the personal needs of the general public which does not primarily involve retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair, and similar businesses. This use shall not include an “Adult Facility.”

PLACE OF WORSHIP - A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose including rectories, convents and church-related schools and daycare facilities. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

PLANNING COMMISSION - The Planning Commission of Paradise Township.

PRE-COMMERCIAL TIMBER STAND IMPROVEMENT - A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

PRESERVED OPEN SPACE – Open space associated with a conservation development that is permanently protected from development by means of a deed restriction, conservation easement, or similar instrument. See “Open Space.”

PROPERTY LINES – See “Lot Lines.”

PRINCIPAL BUILDING - A building in which is conducted the principal use of the lot on which it is located.

PRIVATE - Not publicly owned, operated or controlled.

PRIVATE CLUB – An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political, or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guest, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

PUBLIC - Owned, operated, or controlled by a government agency (Federal, State, County or Municipal -- including a corporation created by law for the performance of certain specialized governmental functions).

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action on zoning-related matters.

PUBLIC MEETING - A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (relating to open meetings).

PUBLIC NOTICE- Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC PARK – A publicly owned facility open to the general public without fee to be used for active or passive recreational activities. The facility shall be predominantly open space, but may contain improvements such as ball fields, tennis courts, picnic facilities, trails, restrooms, and similar facilities.

PUBLIC SEWER - A sanitary sewer system that is a public utility.

PUBLIC WATER - A water supply system that is a public utility.

PUBLIC UTILITIES - Use or extension thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal, treatment, or both; public water supply, storage, treatment or any combination thereof; and/or electric, gas or oil generating or treatment facilities, supply works, substations, transmission lines, distribution lines.

PUBLIC UTILITY FACILITY – A facility that is owned or operated by a public utility.

RECEIVING AREAS – Areas of the Township or specific zoning districts in which transferable development rights may be attached to lots to permit the development of additional dwelling units.

RECREATIONAL VEHICLE – A vehicle that is built on a single chassis, designed to be self propelled or towed by a light-duty truck, and is designed not as a permanent dwelling but as temporary living quarters for recreation, travel, camping, or seasonal use.

RESEARCH LABORATORY - Facilities for basic and applied laboratory research or experimental study, testing or analysis in the natural sciences, including educational activities incidental or accessory to such research. This use shall include, but not be limited to, biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfers, and radiation research, but not facilities for the manufacture or sale of products, except those incidental to research activities. This use shall not require the use of heavy equipment (such as construction equipment) and shall be free of dust, smoke, fumes, odors or unusual vibrations and noise.

RESIDUAL TRACT – The portion of the original lot remaining after the subdivision of a new lot or lots from the original lot.

RESTAURANT – An establishment that serves prepared food and beverages for consumption on or off site.

RETAIL STORE – A business having as its primary function the sales of merchandise or wares to the end consumer. This definition excludes any uses identified as a specific and separate use within this Ordinance.

REVERSE FRONTAGE – See “Lot, Reverse Frontage.”

RIGHT-OF-WAY LINE – See “Street Line.”

SALDO – The Paradise Township Subdivision and Land Development Ordinance.

SCHOOL - A public or private educational institution serving children in Kindergarten through 12th Grade. A school may include one or more buildings. Accessory uses permitted with schools include athletic fields, playgrounds, nature preserves, school bus parking facilities, and other uses that are incidental to the principal school use.

SCREEN, SCREENING - Evergreen and/or deciduous trees and bushes, walls, fences or earth berms of sufficient height and density to conceal from the view of property owners in adjoining districts, or on adjoining lots, the structures and uses on the premises on which the screen is located.

SELF-STORAGE FACILITY - A facility providing for the storage of items, where said items are retained for direct use by their owner who shall have direct access thereto without intermediate handling by the proprietor of the facility.

SENDING AREA – Areas of the Township or specific zoning districts within which transferable development rights may be severed from lots.

SETBACK – The minimum required horizontal distance between a property line or street right-of-way line and a setback line.

SETBACK, FRONT – The minimum required horizontal distance between a street right-of-way line and the front setback line projected the full width of the lot.

SETBACK, REAR – The minimum required horizontal distance between a rear property line and the rear setback line projected the full width of the lot.

SETBACK, SIDE – The minimum required horizontal distance between a side lot line and the side setback line projected from the front setback line to the side setback line.

SETBACK AREA – The area bounded by property lines, street right-of-way lines and setback lines within which no building or structure may be placed.

SETBACK AREA, FRONT – The area bounded by the street right-of-way line, the side property lines, and the front setback line.

SETBACK AREA, REAR – The area bounded by the rear property line, the side property lines, and the rear setback line.

SETBACK AREA, SIDES – The area bounded by the side property lines, the side setback lines, and the front and rear setback line.

SETBACK LINE – A line defining the minimum required horizontal distance between a property line or street right-of-way line and a building or structure.

SEXUAL CONDUCT – Ultimate sexual acts, normal or perverted, actual or simulated, involving a person or persons, or a person or persons and an animal, including acts of masturbation, sexual intercourse, fellatio, cunnilingus, anilingus or physical contact, including fondling or other erotic touching, with a person’s nude or partially denuded genitals, pubic area, perineum, anal region, or, if such person be female, a breast.

SEXUAL DEVICE – An artificial human penis, vagina or anus, or other device primarily designed to stimulate or manipulate the human genitals, pubic area, perineum or anal area, including dildoes, penisators, vibrators, vibrillators, penis rings and erection enlargement or prolonging creams, jellies or other such chemicals or preparations.

SEXUALLY EXPLICIT NUDITY – A sexually oriented and explicit showing or exhibition, by any means or manner, which presents or exposes to the viewer the following anatomical areas: the human genitals, public area, perineum, buttocks or anal region, with less than a fully opaque covering; the covered human male genitals in a discernible turgid state; the post pubertal, fully or partially developed human female breast with less than opaque covering of a portion thereof below the top of the areola or nipple.

SIGN – A device for visual communications that is used to bring a subject to the attention of the public. Signs include: lettering, logos, trademarks, or other symbols located on a building or elsewhere on a property; signs attached to windows that are readily visible and intended to be seen by passersby; flags and insignia of any organization; banners; streamers, tinsel, pennants, spinners, reflectors, ribbons and similar materials; and inflatable objects. Signs do not include: architectural features; backlit awnings with no lettering, logos, or other symbols; signs within a buildings intended to be seen only within the building; and legal outdoor displays of merchandise.

AGRICULTURAL SIGN – An identification sign for a farm, farm occupation, or accessory drive-in produce stand.

BANNER SIGNS – A temporary identification sign composed of a flexible fabric-like material that advertises a special event including, but not limited to sales, going out of business, new management, grand openings, and events held by religious, charitable, and public service organizations.

BILLBOARD – A sign that is either attached to a building or freestanding upon which images and/or messages are placed. The images and/or messages advertise businesses, products, services, or other messages that are not related to the property upon which the sign is placed.

CENTER SIGN – An identification sign for a shopping center, office complex, industrial park, or similar center.

CONTRACTOR SIGN – A sign that carries the name and general information about a contractor performing work on the property on which the sign is located.

DIRECTIONAL SIGN – A sign that provides directional information to visitors of a property and contains no commercial messages.

FREESTANDING SIGN – An identification sign not attached to a building. The sign may be attached to a structure, provided the sole use of the structure is to support the sign.

FRONT DOOR SIGN – An identification sign located near the primary front access door.

GARAGE SALE SIGN – A sign located on the property where a garage or yard sale will be held advertising the date and time of the sale.

GOVERNMENT SIGN – A sign owned by a government agency that provides a public service function.

HOME OCCUPATION SIGN – An identification sign for a home occupation.

IDENTIFICATION SIGN – A sign used to identify the name and display information about the individual, business, organization, agency, institution, facility, or development located on the same property as the sign.

INFORMATIONAL SIGN – A sign that provides general information to visitors of a property and contains no commercial messages.

ISSUE SIGN – A sign that provides an opinion of a public or private nature, that endorses a candidate in a political contest, or that addresses a ballot issue.

OPEN HOUSE SIGN – A sign that identifies an open house or directs the public to such a house.

PERMANENT SIGN – A sign that is intended to be displayed for an indefinite period of time.

REAR DOOR SIGN – An identification sign located near the rear door.

REAL ESTATE SIGN – A sign that provides information about the sale, rental, or lease of the property, or portion thereof, on which the sign is located.

RESIDENTIAL DEVELOPMENT SIGN – An identification sign located near the entrance to a residential development.

SIDEWALK SIGN – An A-frame or similar movable identification sign that is displayed outside a business only during business hours.

TEMPORARY SIGN – A sign that because of its shape, size, weight, or design is able to be transported from one location to another by hand or by a vehicle and is not permanently attached to a support structure, building, or the ground. This includes signs that can be towed as a trailer and vehicles or trailers whose primary purpose is to function as a sign.

WALL SIGN – An identification sign that is attached to or painted on the wall, canopy, or façade of a principal building.

WINDOW SIGN – A sign attached to a window or transparent door that is readily visible and at least partially readable from an exterior lot line.

SINGLE AND SEPARATE OWNERSHIP – The ownership of a lot by one or more persons which ownership is separate and distinct from that of any abutting or adjoining lot.

SKIDDING - Dragging trees on the ground from the stump to the landing by any means.

SLASH - Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

SPECIAL EXCEPTION - The granting of the right to use land as authorized by the Zoning Hearing Board under the terms, procedures and conditions prescribed herein.

STABLE – A building and associated structures and areas used for the housing, caring, and riding of horses for purposes of boarding, riding, and/or show, for compensation.

STAND - Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

STORAGE - A function involving the deposition of materials, goods, products, or any combination thereof, for safekeeping.

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it. The first story of a building is the lowest story having at least 75% of its wall area above grade level.

STORY, HALF - A story under a gable, hip or gambrel roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 feet above the floor.

STREAM - Naturally occurring body of surface water, flowing in a defined bed or channel. Flow may be either continuous, or only during wet periods.

STREET - A public or private way, excluding driveways, which affords the principal means of access to abutting properties, intended to be used by vehicular traffic or pedestrians. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other dedicated and accepted public right-of-way or private right-of-way.

STREET LINE - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the "right-of-way line."

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STRUCTURE, ACCESSORY - A structure associate with an accessory use.

STRUCTURE, PRINCIPAL- A structure which is associated with the principal use of the lot.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE – The Paradise Township Subdivision and Land Development Ordinance.

SUBDIVISION RIGHT – The right to subdivide one lot from a parent tract within the A district.

SWIMMING POOL - Any pool or open tank containing water to a depth at any point of 18 inches or greater. Farm ponds and/or lakes are not included, provided that swimming was not the primary purpose for their construction.

TIMBER HARVESTING, TREE HARVESTING, OR LOGGING - That part of forestry involving cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.

TOTAL DEVELOPMENT TRACT – All lot or lots proposed to be subdivided or developed as part of an overall development scheme.

TOP - The upper portion of a felled tree that is unmerchantable because of small size, taper, or defect.

TRANSFERABLE DEVELOPMENT RIGHT – The right to construct one residential dwelling that can be transferred from a lot in the sending area to a lot in the receiving area to permit additional density in the receiving area and to preserve open space in the sending area.

TOWNSHIP - Paradise Township, York County.

USE - The specific purpose for which land, a building or a structure is designed, arranged, intended, occupied or maintained.

USE, ACCESSORY - A use customarily incidental and subordinate to the principal use and located on the same lot with this principal use. An accessory use is not permitted on a lot without a principal use.

USE, PRINCIPAL - The main or primary use of property, buildings or structures.

VARIANCE - The modification of any provision of this Ordinance by the Zoning Hearing Board in accordance with the standards of this Ordinance and the MPC.

VEHICLE FUELING FACILITY - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sales of motor vehicle accessories at retail only, but not including major repairing, body and fender work, painting, vehicle sales or rental or vehicle washing facility.

VEHICLE REPAIR AND SERVICE FACILITY - A building on a lot designed and/or used primarily for mechanical and/or body repairs, servicing, or supplying of oil to automobiles, recreational vehicles and similar vehicles.

VEHICLE SALES OR RENTAL FACILITY – A building and any associated open lot area for the display, sales, and/or rental of new or used automobiles, recreational vehicles, and similar vehicles.

VEHICLE WASHING FACILITY - A building or area on a lot, designed and used primarily for the washing and polishing of vehicles and which may provide accessory services related to washing and polishing.

VETERINARY OFFICE - An establishment used primarily for the treatment of animals by a veterinarian. Overnight boarding of such animals shall be for animals receiving medical or surgical treatment only.

WALL – See “Fence.”

WAREHOUSING AND DISTRIBUTION – An establishment engaged in storage, distribution, and wholesaling of manufactured products, supplies, and equipment.

YARD – An area between the principal structure and the property lines or street right-of-way lines.

YARD, FRONT – The area between a street right-of-way line and the principal structure projected the full width of the lot.

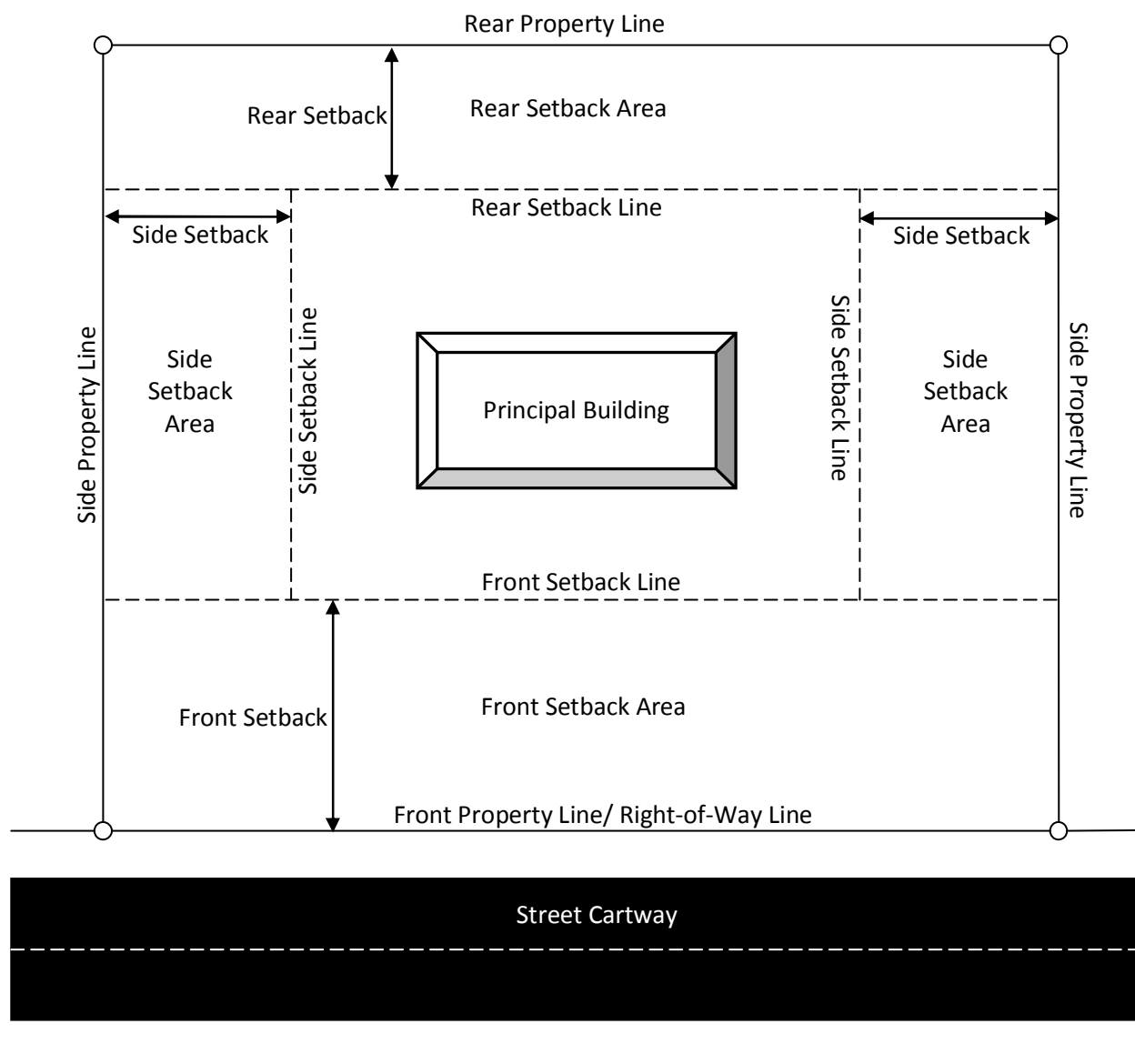
YARD, REAR – The area between a rear property line and the principal structure projected the full width of the lot.

YARD, SIDE – The area between a side property line and the principal structure projected from the front yard to the rear yard.

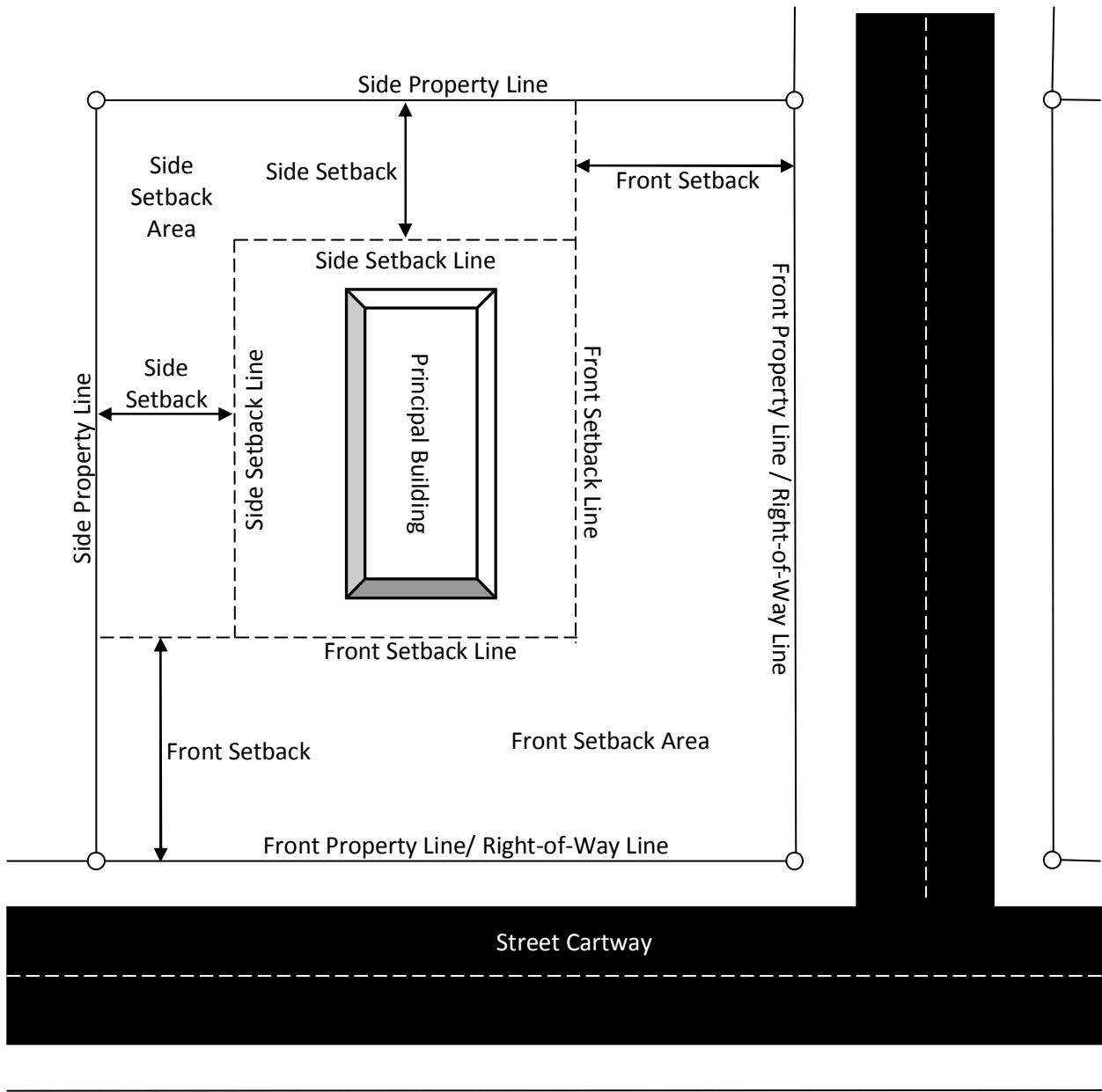
ZONING MAP - The map of the Township that designates the location and boundaries of zoning districts, as defined and described in this Ordinance.

ZONING OFFICER - The duly constituted municipal official designated to administer and enforce this Ordinance in accordance with its literal terms.

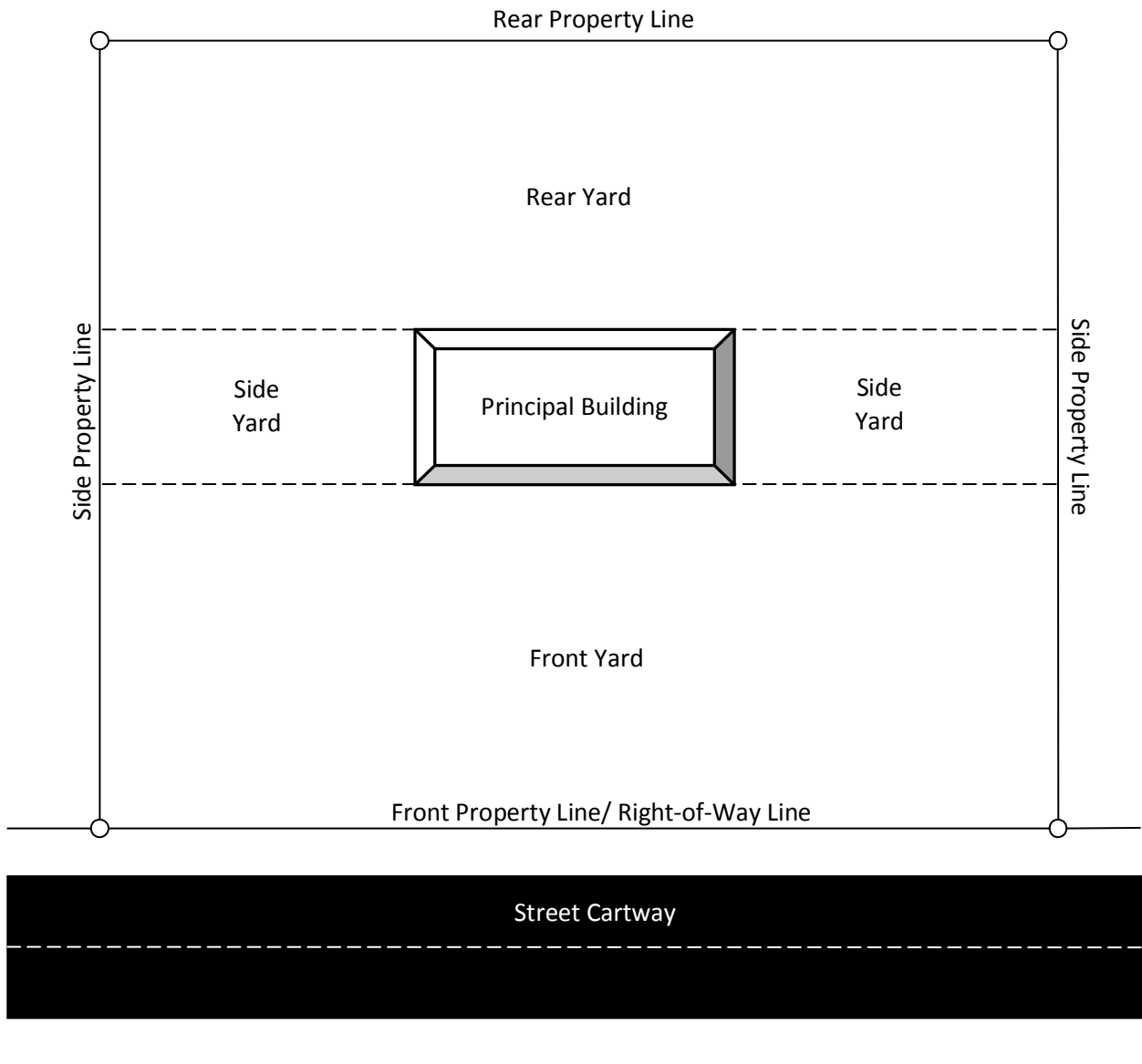
ZONING PERMIT - A permit issued indicating that a proposed use, building, or structure is in accordance with the provisions of this Ordinance and that authorizes an applicant to proceed with said use, building, or structure.



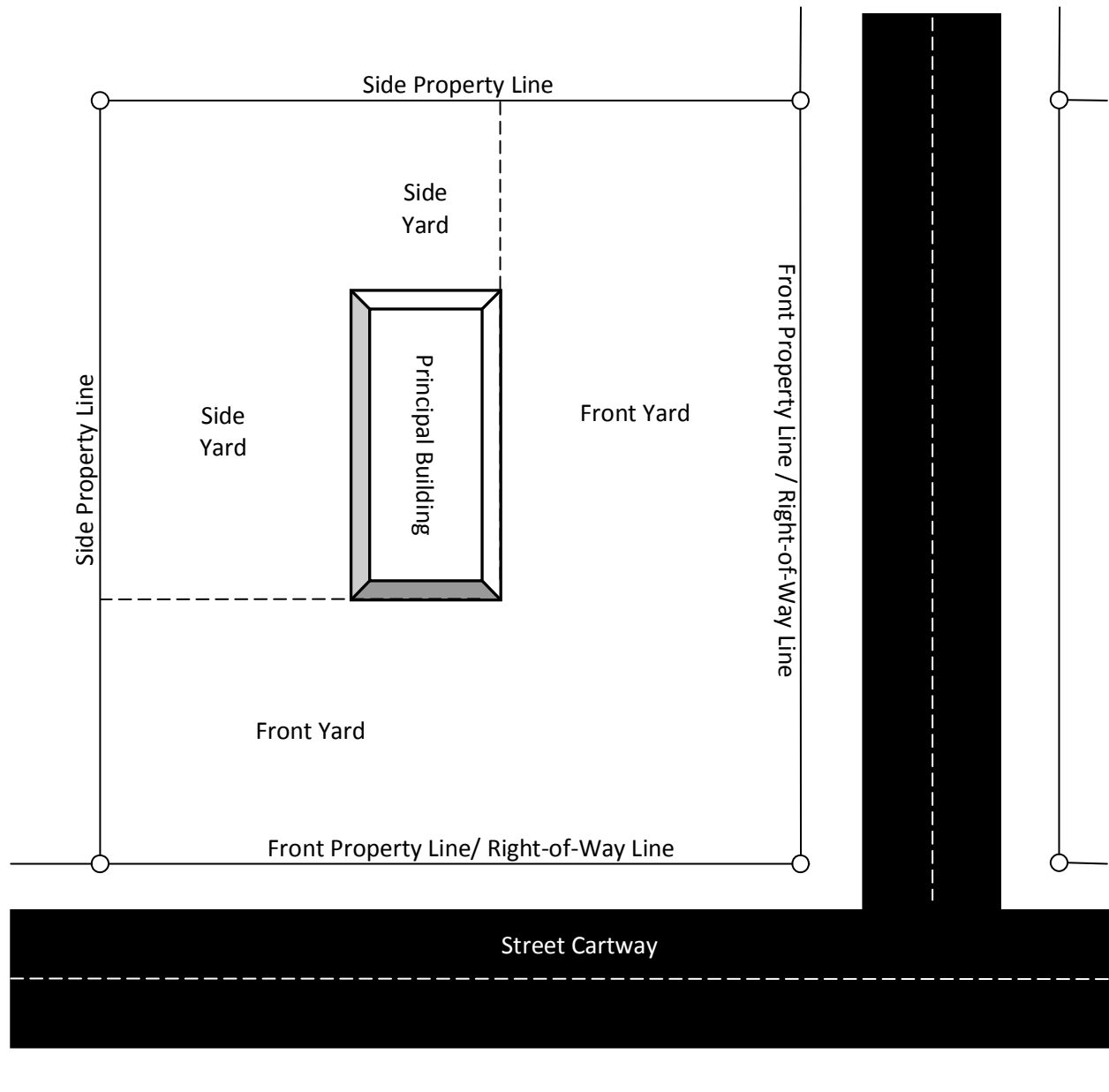
Depiction of Terms Related to Setbacks



Depiction of Terms Related to Setbacks on Corner Lots

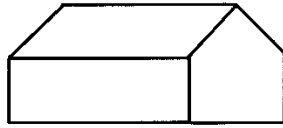


Depiction of Terms Related to Yards



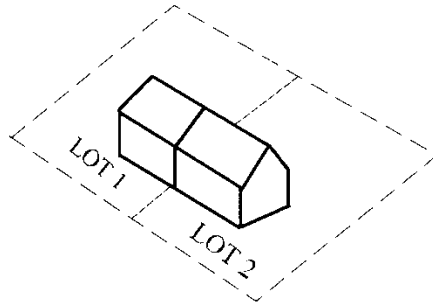
Depiction of Terms Related to Yards on Corner Lots

SINGLE FAMILY DETACHED DWELLING



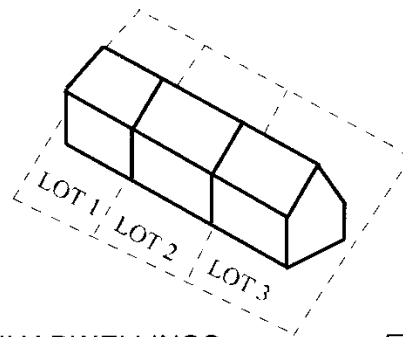
No party wall, one family, located on a single lot.

SINGLE FAMILY SEMI-DETACHED DWELLING



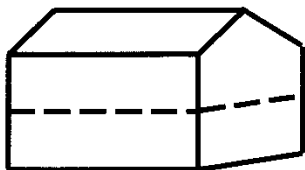
One party wall, one family per dwelling; each dwelling located on a single and separate lot.

SINGLE FAMILY ATTACHED DWELLINGS

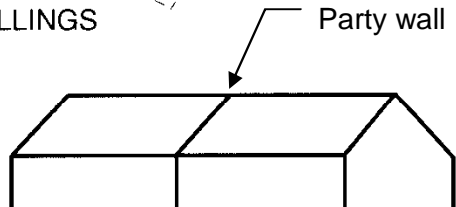


Two or more party walls, one family per dwelling; each dwelling located on a single and separate lot.

TWO FAMILY DWELLINGS

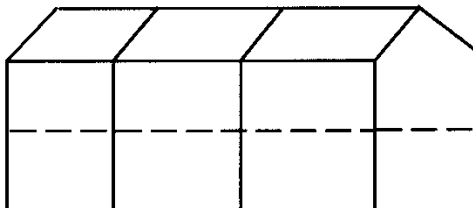


No party wall, one unit per floor; building located on a single lot.

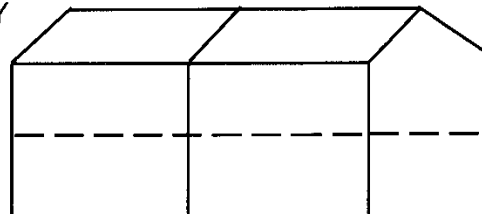


One party wall, one family per unit, both units located on a single lot.

MULTI-FAMILY



Two or more party walls, three or more families; all units located on a single lot.



One or more party walls, four or more families; all units located on a single lot.

Depiction of Terms Related to Dwelling Units

ARTICLE 3 - DESIGNATION OF DISTRICTS

Section 301 Designation of Districts.

For the purposes of this ordinance, Paradise Township is hereby divided into the following districts which shall be designated as follows:

A – Agricultural District

RC – Rural Conservation District

LDR – Low Density Residential District

MDR – Medium Density Residential District

V – Village District

C – Commercial District

In addition, the following overlay districts are hereby created:

EO – Environmental Overlay District

HO – Historic Overlay District

AO – Airport Safety Overlay District

Section 302 Zoning Map.

The boundaries of the districts noted in Section 301 are delineated on a map entitled “Paradise Township Zoning Map”, which is hereby made a part of this ordinance. The Environmental Overlay district has not been shown on the Paradise Township Zoning Map. This overlay zone occurs wherever the regulated environmental features occur within the Township.

Section 303 Interpretation of District Boundaries.

Where uncertainty exists regarding the boundaries of the districts as shown on the “Paradise Township Zoning Map”, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following municipal limits shall be construed as following municipality limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks, or where there are multiple tracks, midway between the sets of tracks.
- E. Boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines.
- F. Boundaries indicated as parallel to or extensions of features indicated in Subsections A. through E. shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

- G. Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map or in circumstances not covered by Subsections A. through E., the Zoning Hearing Board shall interpret the district boundaries.

Section 304 Lots Split by District Boundaries.

If a lot is split by a district boundary, the lot area and lot width requirements of the district in which the principal building, structure, or use is located shall apply to the entire lot. A building, structure, or use may only be located within the zoning district allowing such a building, structure, or use.

ARTICLE 4 - AGRICULTURAL DISTRICT (A)

Section 401 Purpose of the Agricultural District.

The purpose of the Agricultural District is to preserve existing farmland for agricultural use and support the continuation of agriculture and associated operations within the Township. The following objectives of this zoning district support its overall purpose:

- A. To preserve prime farmland as a finite and irreplaceable natural resource.
- B. To preserve large contiguous tracts of land that enable efficient farming operations by limiting the number of non-agricultural subdivisions and the size and location of the lots resulting from those subdivisions.
- C. To ensure adequate water supplies for the residents of the district and to limit the extension of public water service into the district.
- D. To ensure that adequate soils exist for on lot septic systems and to limit the extension of public sewer service into the district.
- E. To actively promote the continuation of agricultural uses and the rural lifestyle that is part of the history and heritage of Paradise Township.
- F. To allow residents actively engaged in farming to supplement their income by operating small businesses that do not detract from the rural nature of the area or interfere with agricultural operations.
- G. To allow limited other uses that support or complement the major agricultural uses of the district.

Section 402 Permitted Uses.

A. Permitted By-Right

Use	Minimum Lot Area	Maximum Lot Area	Minimum Lot Width
Accessory buildings and uses incidental to permitted principal uses	n/a	n/a	n/a
Accessory drive-in produce stand (§1301)	n/a	n/a	n/a
Agriculture (§1304)	25 ac. ¹	n/a	150 ft.
Cemetery (§1307)	45,000 s.f.	n/a	150 ft.
Communication transmitting and receiving facility (§1309)	n/a	n/a	n/a
Fire or ambulance station	45,000 s.f.	n/a	150 ft.
Forestry (§1315)	n/a	n/a	n/a
Grange hall or similar building of a purely agricultural organization	45,000 s.f.	n/a	150 ft.
Large animal veterinary office (§1320)	5 ac.	n/a	150 ft.
Municipal Building or Use	n/a	n/a	n/a

¹ All new lots subdivided for agricultural use shall be at least 25 acres in area. However, an agricultural use may be established on a lot existing at the time of enactment of this ordinance (DATE) of less than 25 acres, provided that the use complies with Section 1204 and other applicable regulations of this Ordinance.

Use	Minimum Lot Area	Maximum Lot Area	Minimum Lot Width
No-impact home-based business (§1326)	n/a	n/a	n/a
Non-commercial keeping of livestock (§1327)	5 ac.	n/a	n/a
Public park (§1331)	n/a	n/a	n/a
Public Utility Facility (§1332)	n/a	n/a	n/a
School	n/a	n/a	n/a
Single-family detached dwelling	45,000 s.f.	90,000 s.f.	150 ft.
Stable (§1336)	5 ac.	n/a	200 ft.
Veterinary office or animal hospital (§1342)	45,000 s.f.	5 ac.	150 ft.

B. Permitted by Special Exception.

Use	Minimum Lot Area	Maximum Lot Area	Minimum Lot Width
Additional farm dwelling (§1302)	n/a	n/a	n/a
Bed and Breakfast (§1305)	n/a	n/a	n/a
Communication tower (§1308)	n/a	n/a	n/a
Family day care home (§1313)	n/a	n/a	n/a
Farm occupation (§1314)	10 ac.	n/a	n/a
Home occupation (§1317)	n/a	n/a	n/a
Intensive Agriculture (§1318)	25 ac.	n/a	150 ft.
Kennel (§1319)	5 ac.	n/a	200 ft.
Multi-family conversion (§1324)	45,000 s.f.	n/a	150 ft.
Place of Worship (§1329)	5 ac.	n/a	200 ft.

Section 403 Dimensional Requirements.

Any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide for the minimum and not exceed the maximum dimensions as specified below.

- A. Minimum and maximum lot area. As provided in Section 402.
- B. Minimum lot width. As provided in Section 402.
- C. Minimum front setback. 50 feet.
- D. Minimum side setbacks.
 - 1. Accessory structures less than 150 square feet in area: 10 feet per side.
 - 2. All other structures: 25 feet per side.
- E. Minimum rear setback.
 - 1. Accessory structures less than 150 square feet in area: 10 feet.
 - 2. All other structures: 35 feet.
- F. Building Height.
 - 1. Agriculture uses and structures: No height limit.
 - 2. All other structures: 38 feet.
- G. Maximum impervious coverage. 20 percent.

Section 404 Limitation on subdivisions.

A. Number of subdivision rights granted.

1. Each parent tract of at least 90,000 s.f. shall be granted the following subdivision rights.

Net Area of Parent Tract	Number of Subdivision Rights Granted
90,000 s.f. - 25 acres	1
25.01 - 50 acres	2
50.1 - 75 acres	3
75.01 - 100 acres	4
100.01 - 125 acres	5
125.01 - 150 acres	6
150.01 - 175 acres	7
175.01 - 200 acres	8
200+ acres	8, plus one for each 25 acres (or fraction thereof) over 200 acres.

2. The number of subdivision rights shall be granted according to the above regulations. This number shall not be increased by the subdivision of the parent tract. Any subsequent owner of a lot after subdivision shall be bound by the actions of any and all previous owner(s).

B. Use of subdivision rights. The following regulations shall govern subdivisions and the use of subdivision rights.

1. New lots. Each new lot subdivided (including a lot to be added onto an adjacent lot) in the Agricultural District shall require the use of one subdivision right, unless exempted under Section 404.B.6 below.
2. New principal uses. Each new principal use shall be located upon a separate and approved lot, whether intended for transfer of title or not.
3. Area of lots.
 - a. All lots changed in area by transfer of land between existing lots shall meet the minimum and maximum lot area and minimum width requirements of Section 402.
 - b. All lots created by subdivision shall meet the minimum and maximum lot area and minimum lot width requirements of Section 402. However, the residual tract does not need to meet the maximum lot area requirements of Section 402 provided the use of the lot does not change from that which existed prior to the subdivision.
4. Location of subdivided lots. Lots subdivided for a use other than agriculture shall be located on a site that the applicant proves to the satisfaction of the Board of Supervisors to be the least agriculturally productive, based on the following factors:
 - a. The soil capability classes on the site, as shown within the USDA Soil Survey for York County, are the lowest that exist on the site.

- b. The slope of the site limits agricultural operations.
 - c. The existence of rock outcroppings, trees or other physical features limit agricultural operations on the site.
 - d. The shape or size of the site restricts the practical use of modern farm machinery.
5. Subdivision plans. Any subdivision plan for lands within the Agricultural District shall include the following information:
- a. Documentation of the parent tract area.
 - b. A calculation of all subdivision rights granted to the parent tract.
 - c. A history of the use of the subdivision rights.
 - d. The allocation of any remaining subdivision rights among the various lots created. The plan shall clearly indicate which lot or lots carry with them any unused subdivision rights.
6. Exemptions from subdivision limitations. The following subdivisions do not require the use of a subdivision right.
- a. Subdivisions that create a lot which will be transferred to the Township, a municipal authority created by the Township, another entity with the power of eminent domain, a fire company, a school district, or any other governmental agency for a public project.
 - b. Creation of a lease area for use solely by a communication tower or public utility.
 - c. Subdivisions that transfer land from one lot to an adjacent lot, provided that all lots meet the minimum and maximum area and dimensional requirements of Section 402 after the transfer.
 - d. Subdivisions that transfer land from one lot to an adjacent lot, provided that all lots after the transfer are 25 acres or greater in area.
 - e. Subdivisions where all lots created, including the residual tract, are 50 acres or greater in area.

Section 405 Transferable Development Rights.

Transferable Development Rights (TDRs) shall be granted, transferred and used in accordance with Section 1337.

ARTICLE 5 - RURAL CONSERVATION DISTRICT (RC)

Section 501 Purpose of the Rural Conservation District.

The purpose of the Rural Conservation District is to protect those areas of the Township that have special value due to scenic natural beauty and unique natural environments and those areas that have natural features that are important to a clean and sustainable environment. The following objectives of this zoning district support its overall purpose:

- A. To protect the supply and quality of groundwater and surface water.
- B. To protect woodlands
- C. To preserve watersheds, stream corridors, floodplains, wetlands, and recharge areas.
- D. To protect steep slopes and ridgelines.
- E. To preserve natural wildlife habitats.
- F. To prevent deterioration of air quality.
- G. To preserve open space.

Section 502 Permitted Uses.

Any lot existing or created hereafter may be used for any of the following purposes and a building may be erected, altered, or used on the lot in which to conduct the use.

A. Permitted By-Right

Use	Minimum Lot Area	Minimum Lot Width
Accessory buildings and uses incidental to permitted principal uses	n/a	n/a
Accessory drive-in produce stands (§1301)	n/a	n/a
Agriculture (§1304)	5 ac.	200 ft.
Cemetery (§1307)	5 ac.	200 ft.
Communication transmitting and receiving facility (§1309)	n/a	n/a
Forestry (§1315)	n/a	n/a
Large animal veterinary office (§1320)	10 ac.	200 ft.
Municipal building or use	n/a	n/a
No-impact home-based business (§1326)	n/a	n/a
Non-commercial keeping of livestock (§1327)	5 ac.	n/a
Preservation and conservation area including, but not limited to gameland, wildlife preserve, and manmade lake or reservoir	n/a	n/a
Public park (§1331)	n/a	n/a
Public utility facility (§1332)	n/a	n/a
School	n/a	n/a
Single-family detached dwelling	5 ac.	200 ft.
Stable (§1336)	5 ac.	200 ft.
Veterinary office or animal hospital (§1342)	5 ac.	200 ft.

B. Permitted by Special Exception.

Use	Minimum Lot Area	Minimum Lot Width
Additional farm dwelling (§1302)	n/a	n/a
Bed and Breakfast (§1305)	n/a	n/a
Campground (§1306)	10 ac.	200 ft.
Communication tower (§1308)	0.5 ac.	n/a
Family day care home (§1313)	n/a	n/a
Farm occupation (§1314)	10 ac.	n/a
Golf Course (§1316)	10 ac.	200 ft.
Home occupation (§1317)	n/a	n/a
Kennel (§1319)	5 ac.	150 ft.
Multi-family conversion (§1324)	5 ac.	150 ft.
Place of Worship (§1329)	5 ac.	200 ft.
Outdoor shooting range (§1334)	5 ac.	500 ft.

C. Permitted by Conditional Use

Use	Minimum Lot Area	Minimum Lot Width
Conservation development (§1310)	n/a	n/a

Section 503 Dimensional Requirements.

Any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide for the minimum and not exceed the maximum dimensions as specified below.

- D. Minimum lot area. As provided in Section 502.
- E. Minimum lot width. As provided in Section 502.
- F. Minimum front setback. 50 feet.
- G. Minimum side setbacks.
 - 1. Accessory structures less than 150 square feet in area: 10 feet per side.
 - 2. All other structures: 50 feet per side.
- H. Minimum rear setback.
 - 1. Accessory structures less than 150 square feet in area: 10 feet.
 - 2. All other structures: 50 feet
- I. Maximum height.
 - 1. Buildings devoted to agricultural use: No maximum height.
 - 2. All other structures: 38 feet.
- J. Maximum impervious coverage. 20 percent.

Section 504 Transferable Development Rights.

Transferable Development Rights (TDRs) shall be granted, transferred and used in accordance with Section 1337.

ARTICLE 6 - LOW DENSITY RESIDENTIAL DISTRICT (LDR)

Section 601 Purpose of the Low Density Residential District.

The purpose of the Low Density Residential District is to accommodate continued low density residential development in areas where such development is occurring in a setting that will continue to contain some rural characteristics.

Section 602 Permitted Uses.

Any lot existing or created hereafter may be used for any of the following purposes and a building may be erected, altered, or used on the lot in which to conduct the use.

A. Permitted By-Right.

Use	Public Sewer and Public Water		No Public Sewer and/or No Public Water	
	Minimum Lot Area	Minimum Lot Width	Minimum Lot Area	Minimum Lot Width
Accessory buildings and uses incidental to permitted principal uses	n/a	n/a	n/a	n/a
Accessory drive-in produce stand (§1301)	n/a	n/a	n/a	n/a
Agriculture (§1304)	5 ac.	100 ft.	5 ac.	150 ft.
Fire or ambulance station	40,000 s.f.	175 ft.	70,000 s.f.	175 ft.
Forestry (§1315)	n/a	n/a	n/a	n/a
Municipal building or use	n/a	n/a	n/a	n/a
No-impact home-based business (§1326)	n/a	n/a	n/a	n/a
Non-commercial keeping of livestock (§1327)	5 ac.	n/a	n/a	n/a
Place of worship (§1329)	40,000 s.f.	175 ft.	70,000 s.f.	200 ft.
Private Club (§1330)	40,000 s.f.	175 ft.	70,000 s.f.	175 ft.
Public park (§1331)	n/a	n/a	n/a	n/a
Public utility facility (§1332)	n/a	n/a	n/a	n/a
School	n/a	n/a	n/a	n/a
Single-family detached dwelling	25,000 s.f.	100 ft.	45,000 s.f.	150 ft.
Stable (§1336)	5 ac.	100 ft.	5 ac.	150 ft.

B. Permitted by Special Exception.

Use	Public Sewer and Public Water		No Public Sewer and/or No Public Water	
	Minimum Lot Size	Minimum Lot Width	Minimum Lot Size	Minimum Lot Width
Family day care home (§1313)	n/a	n/a	n/a	n/a
Home occupation (§1317)	n/a	n/a	n/a	n/a
Life care facility (§1321)	2 ac.	150 ft.	2 ac.	150 ft.
Mobile home park (§1323)	10 ac.	200 ft.	10 ac.	200 ft.
Multi-family conversion (§1324)	45,000 s.f.	150 ft.	45,000 s.f.	150 ft.

Section 603 Dimensional Requirements.

Any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide for the minimum and not exceed the maximum dimensions as specified below.

- C. Minimum lot area. As specified in Section 602.
- D. Minimum lot width. As specified in Section 602.
- E. Minimum front setback. 50 feet.
- F. Minimum side setbacks.
 - 1. Accessory structures less than 150 square feet in area: 10 feet per side.
 - 2. All other structures: 25 feet per side.
- G. Minimum rear setback.
 - 1. Accessory structures less than 150 square feet in area: 10 feet.
 - 2. All other structures: 35 feet.
- H. Maximum height.
 - 1. Buildings devoted to agricultural use: No maximum height.
 - 2. All other structures: 38 feet.
- I. Maximum impervious coverage. 25 percent.

ARTICLE 7 - MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR)

Section 701 Purpose of the Medium Density Residential District.

The purpose of the Medium Density Residential District is to provide an area that will accommodate the majority of future residential development within the Township by allowing higher densities and a mixture of housing types.

Section 702 Permitted Uses.

Any lot existing or created hereafter may be used for any of the following purposes and a building may be erected, altered, or used on the lot in which to conduct the use.

A. Permitted By-Right.

Use	Public Sewer and Public Water		No Public Sewer and/or No Public Water	
	Minimum Lot Area	Minimum Lot Width	Minimum Lot Area	Minimum Lot Width
Accessory buildings and uses incidental to permitted principal uses	n/a	n/a	n/a	n/a
Accessory drive-in produce stand (§1301)	n/a	n/a	n/a	n/a
Agriculture (§1304)	10 ac.	100 ft.	10 ac.	150 ft.
Fire or ambulance station	40,000 s.f.	175 ft.	70,000 s.f.	175 ft.
Forestry (§1315)	n/a	n/a	n/a	n/a
Municipal building or use	n/a	n/a	n/a	n/a
No-impact home-based business (§1326)	n/a	n/a	n/a	n/a
Non-commercial keeping of livestock (§1327)	5 ac.	n/a	n/a	n/a
Place of worship (§1329)	40,000 s.f.	175 ft.	70,000 s.f.	200 ft.
Private club (§1330)	40,000 s.f.	175 ft.	70,000 s.f.	175 ft.
Public park (§1331)	n/a	n/a	n/a	n/a
Public utility facility (§1332)	n/a	n/a	n/a	n/a
School	n/a	n/a	n/a	n/a
Single-family attached dwelling (townhouse), provided that they are arranged into groups of no more than 4 units and that, along a street frontage, groups are separated by at least one different dwelling type.	2,000 s.f.	20 ft.	Not permitted	Not permitted
Single-family detached dwelling	9,000 s.f.	60 ft.	45,000 s.f.	150 ft.
Single-family semi-detached dwelling	5,000 s.f.	50 ft.	45,000 s.f.	150 ft.
Stable (§1336)	10 ac.	100 ft.	10 ac.	150 ft.
Two-family detached dwelling	12,000 s.f.	70 ft.	90,000 s.f.	150 ft.

B. Permitted by Special Exception.

Use	Public Sewer and Public Water		No Public Sewer and/or No Public Water	
	Minimum Lot Area	Minimum Lot Width	Minimum Lot Area	Minimum Lot Width
Family day care home (§1313)	n/a	n/a	n/a	n/a
Home occupation (§1317)	n/a	n/a	n/a	n/a
Life Care Facility (§1321)	2 ac.	100 ft.	Not permitted	Not permitted
Mobile home park (§1323)	10 ac.	200 ft	10 ac.	200 ft.
Multi-family conversion (§1324)	45,000 s.f.	150 ft	45,000 s.f.	150 ft.

Section 703 Dimensional Requirements.

Any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide for the minimum and not exceed the maximum dimensions as specified below.

- A. Minimum lot area. As specified in Section 702.
- B. Minimum lot width. As specified in Section 702.
- C. Minimum front setback. The minimum front setback shall vary based on the functional classification of the road, as defined by the comprehensive plan, on which the lot fronts.
 - 1. Local road: 25 feet.
 - 2. Collector road: 40 feet.
 - 3. Arterial road: 50 feet.
- D. Minimum side setbacks.
 - 1. Accessory structures less than 150 square feet in area: 5 feet per side.
 - 2. All other structures: 10 feet per side, except as noted below.
 - 3. Single family semi-detached and attached dwellings shall have no minimum side setback on the side where they are attached to an adjacent dwelling.
- E. Minimum rear setback.
 - 1. Accessory structures less than 150 square feet in area: 5 feet.
 - 2. All other structures: 10 feet.
- F. Garage setback. Garage doors that face a street shall be set back at least 30 feet from the street right-of-way line.
- G. Maximum height.
 - 1. Buildings devoted to agricultural use: No maximum height.
 - 2. All other structures: 38 feet.
- H. Maximum impervious coverage. 70 percent.
- I. Maximum building coverage. 50 percent.

Section 704 Development Density.

The density shall be calculated based on the net area of the total development tract prior to development.

- A. Without the use of TDRs: Maximum density of 2 dwelling units per acre.
- B. With the use of TDRs: Maximum density of 5 dwelling units per acre.

ARTICLE 8 - VILLAGE DISTRICT (V)

Section 801 Purpose of the Village District.

The purpose of the Village District is to provide a zoning district that does all of the following:

- A. Provide for a mix of residential uses, commercial uses, and places of community assembly and recreation in proximity to each other at a scale and in a form that is similar to the traditional villages of Paradise Township.
- B. Establish standards for a unified, coordinated, and organized arrangement of buildings, streets, sidewalks, trails, alleys, service and parking areas to facilitate safe and convenient access for pedestrians, bicyclists, and automobiles.
- C. Provide opportunities for development at higher net densities than are allowed in other areas of the Township.
- D. Create incentives for pedestrian-oriented, village uses and to create disincentives for auto-oriented strip development.

Section 802 Permitted Uses.

Any lot existing or created hereafter may be used for any of the following purposes and a building may be erected, altered, or used on the lot in which to conduct the use.

A. Permitted By-Right.

Use	Minimum Lot Area	Minimum Lot Width
Accessory buildings and uses incidental to a permitted principal use	n/a	n/a
Accessory drive-in produce stand (§1301)	n/a	n/a
Agriculture (§1304)	10 ac.	100 ft.
Bank	§803.A	50 ft.
Bed and Breakfast (§1305)		
Business, professional, and/or financial office	§803.A	50 ft.
Cultural facility	§803.A	50 ft.
Day care facility (§1312)	§803.A	50 ft.
Fire or ambulance station	§803.A	50 ft.
Forestry (§1315)	n/a	n/a
Funeral home, Mortuary	§803.A	50 ft.
Indoor commercial recreation facility	§803.A	50 ft.
Medical or dental clinic	§803.A	50 ft.
Multi-family dwelling (§1325)	2,000 s.f. per unit	100 ft.
Municipal building or use	n/a	n/a
No-impact home-based business (§1326)	n/a	n/a
Non-commercial keeping of livestock (§1327)	n/a	n/a
Personal service shop	§803.A	50 ft.
Place of worship (§1329)	§803.A	50 ft.
Public park (§1331)	n/a	n/a
Public utility facility (§1332)	n/a	n/a
Restaurant, café, or other place serving food and/or beverages.	§803.A	50 ft.
Retail store, excluding the dispensing of motor vehicle fuel	§803.A	50 ft.
School	n/a	n/a

Use	Minimum Lot Area	Minimum Lot Width
Single-family attached dwelling (townhouse), provided that they are arranged into groups of no more than 6 units	1,500 s.f.	20 ft.
Single-family detached dwelling	7,000 s.f.	60 ft.
Single-family semi-detached dwelling	5,000 s.f.	50 ft.
Specialty shop for custom work and articles to be sold on premises, such as baking, dressmaking, tailoring, and printing	§803.A	50 ft.
Studio for teaching dance, music, art, or similar cultural activity	§803.A	50 ft.
Two-family detached dwelling	12,000 s.f.	70 ft.

B. Permitted by Special Exception.

Use	Minimum Lot Area	Minimum Lot Width
Drive-through facility in conjunction with any other permitted use. (§805.I)	n/a	n/a
Family day care home (§1313)	n/a	n/a
Home occupation (§1317)	n/a	n/a
Life care facility (§1321)	n/a	100 ft.

Section 803 Dimensional Requirements.

Any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide for the minimum and not exceed the maximum dimensions as specified below.

A. Lot area.

1. Unless specified in Section 802 above, no minimum lot area is required. However, sufficient lot area must be provided to accommodate front, side, and rear setbacks; off-street parking; and adequate access to the property.
2. All new lots shall have a maximum lot area of 45,000 s.f.

B. Minimum lot width. As specified in Section 802.

C. Minimum front setback. The minimum front setback shall be as indicated below.

1. Non-residential uses: 15 feet.
2. Residential uses.
 - a. Local road: 15 feet.
 - b. Collector road: 35 feet.
 - c. Arterial road: 50 feet.

D. Minimum side setbacks.

1. Accessory structures less than 150 square feet in area: 5 feet per side.
2. All other structures: 10 feet per side, except as noted below.
3. Single family semi-detached and attached dwellings shall have no minimum side setback on the side where they are attached to an adjacent dwelling.

- E. Minimum rear setback.
 - 1. Accessory structures less than 150 square feet in area: 5 feet.
 - 2. All other structures: 10 feet.
- F. Garage setback. Garage doors that face a street shall be set back at least 30 feet from the street right-of-way line and shall not extend closer to the street than any portion of the dwelling containing fully enclosed habitable area.
- G. Maximum height.
 - 1. Buildings devoted to agricultural use: No maximum height.
 - 2. All other structures: 38 feet.
- H. Maximum impervious coverage: 80 percent.
- I. Maximum building coverage: 60 percent.
- J. Maximum footprint of each principal structure: 10,000 square feet.

Section 804 Development density.

The density shall be calculated based on the area of the total development tract prior to development.

- A. Without the use of TDRs: Maximum density of 3 dwelling units per acre.
- B. With the use of TDRs: Maximum density of 7 dwelling units per acre.
- C. Residential units that are contained within the same building as a non-residential use and are not located on a first (ground) floor facing a public street shall not count toward the maximum development density and shall not require the use of TDRs. However, in no case shall the density of all dwelling units within the total development tract exceed 10 dwelling units per acre.

Section 805 Village District Design Standards.

- A. All applicants are strongly encouraged to begin discussions with the Township regarding development within the Village District as early as possible. The review of sketch plans and architectural renderings with Township staff members and the Planning Commission will provide the opportunity to create a pleasant and attractive village environment that is consistent with the purpose of the Village Zoning District.
- B. Multiple uses and structures.
 - 1. Multiple permitted uses may be located within one structure. In such a case, the structure shall be treated as a single unit and the most restrictive dimensional requirements of all the uses shall be applied to the building; they shall not be cumulative.
 - 2. Multiple uses and multiple principal structures may be located on one lot. In such a situation, each separate structure shall be located to comply with all dimensional requirements as if it were located on its own separate lot.

- C. All utilities serving residential uses shall be placed underground. For non-residential uses, utilities shall be placed underground to the greatest extent practicable. To the greatest extent practicable, utility boxes and meters shall be placed to the rear of structures or otherwise screened from view.
- D. All facilities and equipment for heating/air conditioning, trash collection and similar functions shall be concealed architecturally or otherwise screened from view from any public right-of-way or public space (including internal public spaces within a development).
- E. Sidewalks, pathways, and non-motorized multi-use trails shall be provided throughout the Village District, creating a completely linked network connecting all uses and open space areas. Specifically:
 - 1. Pedestrian access shall be designed to provide convenient, safe, and direct access between the various uses within the district and other nearby concentrations of development.
 - 2. Sidewalks shall be provided across the frontage of each lot and, where practicable, shall be separated from street curbs by a planting strip at least 5 feet wide, planted with shade trees. Design and location of sidewalks may be adjusted as necessary to permit conservation of significant existing vegetation, historic structures or other significant landscape features.
 - 3. Where provided, sidewalks shall be constructed of brick, concrete, concrete pavers, or concrete with brick borders. Sidewalks shall be no less than 4 feet in width in front of single family detached and semi-detached dwelling units and 5 feet in width in front of other dwellings. The sidewalks are required to be 6 to 8 feet in width along the frontage of commercial or mixed-use properties or where streetscape amenities such as benches, trash receptacles, bicycle racks or similar amenities are or are intended to be provided.
- F. Vehicular access shall be designed to limit the number of new access points to public roads and to limit potential for turning movement conflict. To the greatest extent possible, access to adjoining parcels shall be combined and shared so as to limit potential turning movement and pedestrian movement conflicts.
- G. Parking areas shall be designed and landscaped so as to appear broken in mass and in proportion to the scale of structural development. Shared access to parking areas and shared parking among adjacent uses shall be required wherever practicable. Parking shall not be provided in front of a principal structure, except where approved by the Board of Supervisors where the Board is satisfied that no other possible location is available for required parking. To the greatest extent possible, all off-street parking shall be located to the side or rear of principal structures and shall be accessed by private alleys or driveways, and shall be screened from view from any public street, non-motorized access way, or neighboring residence. On-street parking shall be permitted wherever possible and shall be included in the calculation of available parking.

- H. To the extent that parking areas are visible from public streets, they shall be screened by the use of landscaping, fences, walls, or other design means. Any landscaping, fences, or walls shall be between 3 and 4 feet in height. Chain link fence shall not meet the requirements of this section.
- I. Drive through facilities shall only be allowed by Special Exception approval by the Zoning Hearing Board. Where authorized, they shall be located to the rear of the structure to which they are attached. On corner lots, any portion of the drive through facility, including its access lanes, located adjacent to a sidewalk shall be screened as required for parking areas. Special consideration shall be taken to minimize the impact of the drive through facility on the streetscape.
- J. Streets shall be designed to calm traffic speeds and promote pedestrian movement. Applicants shall refer to the Traffic Calming Handbook published by the Pennsylvania Department of Transportation (PennDOT).
- K. To the maximum extent possible, private alleys shall be provided to move vehicular access to the rear of principal structures and thereby improve the appearance of the streetscape. Where provided, alleys shall be at least 16 feet in width if designed for two-way travel and at least 12 feet in width if designed for one-way travel.
- L. Landscape and Streetscape Design. Applicants are required to provide one of the following amenities for each 100 lineal feet of frontage to improve the streetscape and to satisfy the purposes of the Village District.
 - 1. Public trash receptacles
 - 2. Public benches
 - 3. Bike racks and the additional sidewalk width necessary to accommodate them.
 - 4. Additional landscape plantings and shade trees
 - 5. Sidewalks in widths greater than those required by this Article.
 - 6. Village greens and gathering spaces designed to serve a variety of outdoor leisure and assembly needs of residents and visitors. Where provided, village greens may be offered for dedication to the Township, which offer the Township shall not be obligated to accept.

Section 806 Required Utilities.

All development within the Village District shall be required to be provided with public water and public sewer.

ARTICLE 9 - COMMERCIAL DISTRICT (C)

Section 901 Purpose of the Commercial District.

The purpose of the Commercial District is to provide logical clustered locations for the orderly development of intensive highway-oriented businesses. These uses are clustered in areas where these uses currently exist or in other areas where it would make logical sense for these uses to locate.

Section 902 Permitted Uses.

Any lot existing or created hereafter may be used for any of the following purposes and a building may be erected, altered, or used on the lot in which to conduct the use.

A. Permitted By-Right.

Use	Minimum Lot Area	Minimum Lot Width
Accessory buildings and uses incidental to a permitted principal use	n/a	n/a
Accessory drive-in produce stand (§1301)	n/a	n/a
Agriculture (§1304)	10 ac.	100 ft.
Bank	§903.A	§903.A
Business, professional, and/or financial office	§903.A	§903.A
Communication transmitting and receiving facility (§1309)	n/a	n/a
Contractor shop and showroom (§1311)	§903.A	§903.A
Cultural facility	§903.A	§903.A
Day care facility (§1312)	§903.A	§903.A
Drive-through facility in conjunction with any other permitted use	n/a	n/a
Farm equipment sales, service, repair and storage	§903.A	§903.A
Fire or ambulance station	§903.A	§903.A
Forestry (§1315)	n/a	n/a
Funeral home, Mortuary	§903.A	§903.A
Hotel or motel	§903.A	§903.A
Indoor commercial recreation facility	§903.A	§903.A
Kennel (§1319)	2 ac.	§903.A
Medical or dental clinic	§903.A	§903.A
Medical or research laboratory	§903.A	§903.A
Municipal building or use	n/a	n/a
No-impact home-based business (§1326)	n/a	n/a
Non-commercial keeping of livestock (§1327)	n/a	n/a
Nursery and/or greenhouse, including retail sales	§903.A	§903.A
Outdoor commercial recreation facility (§1328)	§903.A	§903.A
Personal service shop		
Place of worship (§1329)	§903.A	§903.A
Private club (§1330)	§903.A	§903.A
Public park (§1331)	n/a	n/a
Public utility facility (§1332)	§903.A	§903.A
Restaurant, café, or other place serving food and/or beverages	§903.A	§903.A
Retail store	§903.A	§903.A
School	n/a	n/a
Specialty shop for custom work and articles to be sold on premises, such as baking, dressmaking, tailoring, and printing	§903.A	§903.A

Use	Minimum Lot Area	Minimum Lot Width
Stable (§1336)	10 ac.	
Studio for teaching dance, music, art, or similar cultural activity	§903.A	§903.A
Vehicle washing facility (§1340)	§903.A	§903.A
Veterinary office or animal hospital (§1342)	§903.A	§903.A

B. Permitted by Special Exception.

Use	Minimum Lot Area	Minimum Lot Width
Adult facility (§1303)	n/a	n/a
Caretaker or watchman dwelling	§903.A	§903.A
Communication tower (§1308)	n/a	n/a
Family day care home (§1313)	n/a	n/a
Home occupation (§1317)	n/a	n/a
Light manufacturing, provided the gross floor area dedicated to this use shall not exceed 30,000 s.f. on a lot. (§1322)	§903.A	§903.A
Self storage facility (§1333)	§903.A	§903.A
Vehicle fueling facility (§1338)	§903.A	§903.A
Vehicle repair and service facility (§1339)	§903.A	§903.A
Vehicle sales or rental facility	§903.A	§903.A
Warehousing and distribution, provided the gross floor area dedicated to this use shall not exceed 30,000 s.f. on a lot. (§1342)	§903.A	§903.A

Section 903 Dimensional Requirements.

Any structure hereafter erected or any lot hereafter used or occupied for any lawful purpose shall provide for the minimum and not exceed the maximum dimensions as specified below.

- A. Minimum lot area and width. Unless specified in Section 902 above, no minimum lot area or width is required. However, sufficient lot area and width must be provided to accommodate front, side, and rear setbacks; off-street parking; on-lot sewer and water facilities; and adequate access to the property.
- B. Minimum front setback. 50 feet.
- C. Minimum side setbacks.
 - 1. Accessory structures less than 150 square feet in area: 10 feet per side.
 - 2. All other structures: 25 feet per side.
- D. Minimum rear setback.
 - 1. Accessory structures less than 150 square feet in area: 10 feet.
 - 2. All other structures: 35 feet.
- E. Maximum height. 40 feet.
- F. Maximum impervious coverage. 85 percent.
- G. Maximum building coverage. 50 percent.

ARTICLE 10 - ENVIRONMENTAL OVERLAY DISTRICT (EO)

Section 1001 Purpose of the Environmental Overlay District.

The Environmental Overlay District promotes conservation of land in the Township possessing natural features identified as essential to the environmental health, economy and rural character of the community. These areas include lands with development constraints, such as steep slopes, wetlands, floodplains, and stream corridors. Protection of natural features provides benefits such as soil erosion control, improved soil quality, enhanced water quality by means of filtering out harmful substances from runoff, enriched habitat and biodiversity, flood control, and the protection of buildings, roads and other property: Therefore, to protect life and property, preserve the natural and open space character of the Township, as well as the physical and environmental amenities of these areas, new growth and development is directed to appropriate development areas, away from lands containing the restricted development features.

Section 1002 Delineation of Environmental Overlay District.

For purposes of this Ordinance, areas contained within the Environmental Overlay District shall include the following:

- A. Steep Slopes: Any portion of a property with slopes in excess of 15 percent.
- B. Wetlands: Any portion of a property designated as a wetland, as determined by current State and/or Federal guidelines, or within 10 feet of a designated wetland. The Township may require a wetland delineation when hydric soils are present on a site.
- C. Floodplains: Any portion of property within a 100 year floodplain as determined by the most recent Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA) or by a floodplain analysis performed by a qualified professional engineer.
- D. Stream Corridors: Any portion of a property located within 25 feet of the ordinary waterline of any stream or watercourse.

Section 1003 Abrogation and Greater Restrictions.

This section is intended to create an overlay district. All of the regulations of the underlying district shall remain in full force and effect. Where there exists any conflict between the provisions or requirements of the Environmental Overlay District and those of any underlying district, the more restrictive of the two provisions shall apply.

Section 1004 Permitted Uses.

The development and/or use of any land will be permitted, subject to the provisions of this section, provided that the development or uses adhere to all the requirements of the underlying district.

Section 1005 Design and Performance Standards.

- A. Conservation of Steeply Sloped Lands
 - 1. No site disturbance shall be allowed on slopes exceeding 25 percent.

2. Disturbance on slopes between fifteen 15 percent and 25 percent shall require the submission of a detailed site grading plan, which shall contain, at a minimum, the following information:
 - a. Existing contours in intervals of 5 feet or less.
 - b. Existing areas within the Environmental Overlay District as defined herein.
 - c. Location of existing and proposed structures, including vehicular accesses.
 - d. Proposed erosion and sedimentation control measures.
 - e. Proposed limits of disturbance.
 - f. A tabulation of the acreage of the area within the Environmental Overlay District which would be impacted by the proposed activity.
- B. Conservation of Wetlands
1. Any portion of a property delineated as a wetland or within 10' of a delineated wetland is not to be altered, regraded, filled, piped, diverted, or built upon except in conformance with the regulations of the PA DEP and the US Army Corps of Engineers.
 2. Any landowner proposing an activity requiring a Federal or State permit shall obtain such permit before approval by the Township.
 3. All uses and activities shall minimize to the extent possible the destruction, degradation, or adverse impact on a wetland.
 4. Wells, septic systems, and storm water management facilities shall not be located in wetland areas.
- C. Conservation of Floodplain Areas
1. Any portion of a property within a designated floodplain area shall not be altered, regraded, filled, or built upon except only in strict compliance with the provisions of this Ordinance, with
 2. Chapter 8 of the Paradise Township Code of Ordinances, and with all other applicable codes, ordinances, and regulations.
- D. Conservation of Stream Corridors
1. Stream corridors shall not be altered, regraded, filled, or used for any purpose, excluding agricultural land uses, except in conformance with this Section.
 2. Stream corridors shall be maintained at all times in an undisturbed vegetative buffer and filter strip to intercept sediment and pollutants from runoff occurring overland before they reach the stream, thereby protecting local water resources and the environment. Ordinary turf grass, mowed on a regular basis, shall not satisfy these filter strip requirements. The buffer shall consist of existing or new vegetation or a combination thereof, in the following order of preference.
 - a. Existing hedgerow, woodlot, brush and/or uncultivated fields which are naturally occurring along the stream.

- b. A combination of existing vegetation (such as above) and newly- established vegetation.
 - c. A newly established area of trees, bushes and grasses, where no vegetation existed prior to development.
- 3. Where it is necessary to cross a stream or watercourse with a street, access road, driveway, or any other vehicle or ATV crossing, such crossing shall be accomplished only with a bridge or culvert. The crossing shall be placed perpendicular to the stream or waterway and shall minimize the disturbance to the vegetative filter strip. If any vegetation is proposed to be disturbed, the disturbed area must be replaced so that the resulting size of the vegetative filter strip remains the same.
- 4. Where it is necessary to provide for livestock crossings of a stream or watercourse, farmers must obtain a permit issued by the Pennsylvania Department of Environmental Protection. Additionally, farmers are encouraged to work with the York County Conservation District to establish best management practices (BMPs) to protect the stream.
- 5. Any person proposing changes in an existing stream or watercourse, stream, channel, or other drainageway shall gain approval from and receive any necessary permits issued by the appropriate state and/or federal agency, or prove that no approvals or permits are required.

ARTICLE 11 - HISTORIC OVERLAY DISTRICT (HO)

Section 1101 Purpose of the Historic Overlay District.

The purpose of Historic Overlay District is to promote, protect, enhance, perpetuate, and preserve the historic resources located within Paradise Township for the educational, cultural, economic and general welfare of the public through the preservation, protection and regulation of buildings and structures within the Historic Overlay District. The protection of historic resources will:

- A. Safeguard the heritage of Paradise Township.
- B. Foster civic pride in the beauty and accomplishments of the Borough's past.
- C. Preserve and protect the cultural, historical and architectural assets of the Township.
- D. Create a lasting legacy for generations yet to come.
- E. Enable the public to learn about historical architectural styles and forms.

Section 1102 Delineation of Historic Overlay District.

The Historic Overlay District shall be an overlay district that overlaps and supplements underlying zoning districts. The HO District is delineated on the official Paradise Township Zoning Map.

Section 1103 Abrogation and Greater Restrictions.

This section is intended to create an overlay district. All of the regulations of the underlying district shall remain in full force and effect. Where there exists any conflict between the provisions or requirements of the Historic Overlay District and those of any underlying district, the more restrictive of the two provisions shall apply.

Section 1104 Additional Permit Review by Planning Commission.

- A. Any applicant who seeks a zoning permit to demolish, alter, or construct an addition to a historic structure or to construct a new principal structure within the Historic Overlay District shall require additional review of the zoning permit application by the Planning Commission. The applicant shall submit all of the following information:
 1. An application for a zoning permit as required elsewhere in this Ordinance.
 2. For new structures:
 - a. A scale drawing, commonly called an elevation, showing the façade of the proposed building facing the street.
 - b. A description of the materials comprising the façade of the proposed building.
 3. For additions and alterations to existing structures:
 - a. One or more photographs of the façade of the building facing the street.
 - b. A sketch of the proposed changes to the façade or addition to the building.
 - c. A written description of the proposed changes to the façade or addition to be constructed, including the materials to be used.
 4. For demolitions of existing structures:

- a. All necessary information to demonstrate compliance with Section 1105 below.
- B. The application and all supporting documentation shall be forwarded to the Paradise Township Planning Commission for review at a regularly scheduled meeting. The Planning Commission shall review the application in accordance with the performance standards of Section 1105 and generally accepted standards for historic preservation. The Planning Commission may consult with individuals and groups with expertise in historic preservation, architectural design, local history, and related areas regarding the application. The applicant is strongly encouraged to present their proposal to the Planning Commission and provide justification for the proposed project. Based on information contained in the application, any information provided by expert consultants, and discussions with the applicant, The Planning Commission shall make a recommendation regarding the applicant's proposal. The applicant is strongly encouraged to consider implementing the Planning Commission's recommendations in order to maintain the historical integrity of the area.
- C. The Planning Commission shall make its recommendation within 60 days of receipt of the application by the Township. If no recommendation is made within the 60 days, the Zoning Officer may proceed to evaluate the zoning permit application and issue a zoning permit in accordance with the regulations elsewhere in this Ordinance

Section 1105 Performance Standards.

- A. Historic structures and other historical resources, including historic ruins or sites, historic road or other transport traces, paths and trails, and any other historic landscape features, shall be preserved to the greatest degree practicable.
- B. No historic structure shall be removed or demolished except where one or more of the following conditions is shown by the applicant to exist and to therefore warrant demolition:
 - 1. It is not feasible to continue the current use.
 - 2. Other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.
 - 3. Adaptive use opportunities do not exist due to constraints related to the building, structure or property.
 - 4. The building, its permitted uses, and adaptive use potential do not provide a reasonable rate of return, based on a reasonable initial investment.
 - 5. The applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration or similar physical action.
 - 6. The demolition will not adversely affect the character of the property, neighborhood or community.
 - 7. A proposed new building, structure or use (if applicable) on the property will not adversely affect the character of the property, neighborhood, or community.
 - 8. The building is structurally unsound.

9. The denial of demolition would result in unreasonable economic hardship to the owner.
 10. The sale of the building or structure is impossible or impractical.
 11. Denial of demolition will deprive the property as a whole of all beneficial use.
 12. Demolition of the building is an essential and unavoidable part of a larger development scheme that will provide substantial public benefit.
- C. Construction plans for the rehabilitation, alteration or enlargement of any historic structure should be in substantial compliance with accepted guidelines for such work. An example of such guidelines is the Secretary of the Interior's currently adopted Standards for Rehabilitation.
 - D. To the extent practicable, all new construction and/or additions to existing structures shall be designed with either a traditional architectural character or a contemporary expression of traditional styles and forms, respecting the scale, proportion, roof pitch, character, and materials of historic examples in Paradise Township.
 - E. An addition to a historic structure should be located to the rear of the structure or otherwise sited to block the view of the addition from area roads.

Section 1106 Demolition By Neglect.

All historic structures within the Historic Overlay District shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration to prevent demolition by neglect. Demolition by neglect of historic structures in the Historic Overlay District shall constitute a violation of this Ordinance. Evidence of demolition by neglect includes, but is not limited to:

- A. Deterioration of exterior walls or other vertical supports.
- B. Deterioration of roofs or other horizontal members.
- C. Deterioration of exterior chimneys.
- D. Deterioration of crumbling exterior stucco or mortar.
- E. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors, lack of paint, deteriorated mortar, inadequate or absence of gutters or spouting, deteriorated flashing, etc.
- F. Deterioration of any feature so as to create a hazardous condition that could lead to the claim that a demolition is necessary for the public safety.

Section 1107 Vacant Buildings.

Vacant historic structures in the Historic Overlay District shall be secured against the elements and against vandals using guidelines set forth in NPS Preservation Brief #31, "Mothballing Historic Buildings." Such buildings shall be inspected no less than annually by the Zoning Officer and the owner or the owner's representative. Uncorrected deficiencies shall constitute evidence of demolition by neglect.

ARTICLE 12 – AIRPORT SAFETY OVERLAY DISTRICT (AO)

Section 1201 Purpose of the Airport Safety Overlay District.

This Article is adopted to comply with act 164 of 1984, commonly known as the “Airport Zoning Act”. Obstructions to the York Airport have the potential to endanger the lives and property of users of the airport, and property or occupants of land in its vicinity. Obstructions may affect existing and future instrument approach minimum of the airport and obstructions may decrease the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein. Therefore, the requirements of this Article limit the height of structures placed within the Airport Safety Overlay Zone to prevent the creation of obstructions that will negatively affect the York Airport.

Section 1202 Applicability.

As used within this Article, the term "Airport" includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this Ordinance. This Article is intended to provide regulations for land in the vicinity of the York Airport.

Section 1203 Airport Zones.

The Airport Safety Overlay District shall be comprised of two zones delineated as follows:

- A. Horizontal Surface Zone. The Horizontal Surface Zone is established by swinging arcs of 10,000 feet from the center of each end of the York Airport runway and connecting the adjacent arcs by drawing lines tangent to those arcs.
- B. Conical Surface Zone. The Conical Surface Zone is established as the area that commences at the periphery of the Horizontal Surface Zone and extends outward therefrom a horizontal distance of 4,000 feet.

Section 1204 Airport Zone Height Limitations.

- A. For the purpose of determining the height limits in all zones set forth in this Article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- B. Except as otherwise provided in this Article, no structure, including temporary and mobile structures, shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by this Article to a height in excess of the applicable height limit herein established for each of the zones in question as follows:
 - 1. Horizontal Surface Zone. Established at 150 feet above the established airport elevation. For the York Airport, the height limitation of the Horizontal Surface Zone is 630 feet.
 - 2. Conical Surface Zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal surface and at 150 feet above the established airport elevation and extending to a height of 350 feet above the airport elevation. For the York Airport, the height limitation of the Conical Surface Zone begins at 630 feet and ends at 830 feet.

Section 1205 Use Restrictions.

Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

Section 1206 Nonconforming Uses.

- A. Regulations Not Retroactive. The regulations prescribed by this Article shall not be construed to require the removal, lowering or other change or alteration of any structure or trees not conforming to the regulations as of the effective date of this Article, or otherwise interfere with the continuance of any nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Article, and is diligently executed.
- B. Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the airport.

Section 1207 Permits and Variances.

- A. Future Uses. Except as specifically provided in Section 1207.B, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created by this Article unless a zoning permit therefore shall have been applied for and granted. Each application for a Zoning Permit shall indicate the purpose for which the Zoning Permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. No Zoning Permit for a use inconsistent with the provisions of this Article shall be granted unless a variance has been approved in accordance with this Ordinance.
- B. Permit Exception. In the area lying within the limits of the horizontal zone and conical zone, no Zoning Permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for zones. Nothing contained in the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Article.

- C. Existing Uses. Before any nonconforming structure may be replaced, substantially altered or rebuilt or tree allowed to grow higher or replanted, a Zoning Permit must be secured from the Township authorizing the replacement or change. However, no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure. No Zoning Permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Chapter or any amendment thereto or than it is when the application for a Zoning Permit is made.
- D. Nonconforming Uses Abandoned or Destroyed. Whenever the Zoning Officer determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated or decayed, no Zoning Permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this Part.
- E. Variance. Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth or otherwise use his property in violation of Airport Safety Overlay District regulations may apply to the Zoning Hearing Board for a variance from the zoning regulation in question. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for variance to the requirements of this Article may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the Zoning Hearing Board may act to without such input to grant or deny said application.
- F. Marking and Lighting. In granting any Zoning Permit or variance under this Article, the Zoning Officer or Zoning Hearing Board, as applicable, shall, if deemed advisable to effectuate the purpose of this Article and reasonable under the circumstances, so condition the Zoning Permit or variance as to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person or persons requesting the Zoning Permit or variance, to install, operate and maintain thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA.

Section 1208 Acquisition of Air Rights.

In any case in which it is desired to remove, lower or otherwise terminate a nonconforming structure or use, or the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations, or it appears advisable that the necessary approach protection be provided by acquisition of property rights, rather than by airport zoning regulations, the Township or a municipal authority owning the airport or served by it, may acquire by purchase, grant or condemnation, in the manner provided by the law under which municipalities are authorized to acquire real property for public purposes, such air right, aviation easement or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purpose of this Article. In the case of the purchase of any property or any easement or estate, or interest therein, or the acquisition

thereof by the power of eminent domain, the municipality making the purchase of exercising the power shall, in addition to the damages for the taking, injury or destruction of property, also pay the cost of the removal and relocation of any structure or any public utility which is required to be moved to a new location.

ARTICLE 13 - SPECIFIC USE REGULATIONS

This article establishes additional specific requirements for certain specific uses in addition to the other general requirements contained within this Ordinance. Wherever these requirements conflict others contained within this ordinance, the requirements here shall apply, unless specifically noted otherwise.

Section 1301 Accessory Drive-in Produce Stand.

- A. The stand shall only be for the sale of farm or garden products.
- B. At least 50% of the products sold must have been produced on the same property where offered for sale or on other lands owned or leased in the Commonwealth of Pennsylvania by the same owner or lessee of the property.
- C. No building or structure other than a portable stand shall be constructed for the sale of the products and the stand shall not exceed 400 square feet.
- D. The stand shall be removed when products are not being offered for sale and each stand shall be removed for at least 3 months a year.
- E. The stand shall be set back at least 10 feet from any right-of-way line and 50 feet from an intersection.
- F. A parking area shall be constructed to accommodate customers, however it does not need to be paved. The parking area shall access the road via a driveway meeting the requirements of this ordinance. An existing driveway on the lot may be used and shared.

Section 1302 Additional Farm Dwelling.

- A. Minimum lot size: 50 acres.
- B. Only one additional dwelling is permitted per lot.
- C. The dwelling must be temporary and clearly accessory in nature. It shall be a mobile home or manufactured home capable of being removed if no longer used or needed
- D. At least one resident of the dwelling shall be employed full time on the farm on which it is located.
- E. In the event that the farming operation to which the dwelling unit is accessory is discontinued, the dwelling unit shall be removed within 6 months following the date of discontinuance.
- F. The dwelling shall be supplied with an approved sewage disposal system and water service.
- G. The dwelling shall have a maximum of 3 bedrooms.
- H. The number of persons allowed to use the dwelling shall be two times the number of bedrooms available in the unit.

Section 1303 Adult Facility.

- A. A lot on which an adult facility is located shall be at least 500 feet from a lot containing a residential use or from a zoning district that permits residential uses.

- B. A lot on which an adult facility is located shall be at least 1,000 feet from a lot containing a church, school, library, park, playground, day care center, or any other adult facility.
- C. Adult facilities shall conduct all business within a fully enclosed building. The building shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film or services are exhibited or displayed; and no sale materials, merchandise, film or other offered items of service shall be visible from outside the building.
- D. No sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film or service offered therein.
- E. Every entrance to the structure shall be posted with a notice that the use is an adult facility that persons under the age of 18 are not permitted to enter and warning all others that they may be offended upon entry.
- F. No unlawful sexual activity or conduct shall be performed or permitted.
- G. No adult use may change to another adult use, except upon approval of an additional Special Exception by the Zoning Hearing Board.

Section 1304 Agriculture.

- A. All agricultural uses involving the breeding, raising, or keeping of animals shall comply with the following:
 - 1. In all districts except A and RC Districts, the minimum lot size shall be 10 acres. In A and RC Districts, the minimum lot size shall be 5 acres.
 - 2. Barns and other structures used for animal shelter shall be located as follows:
 - a. At least 150 feet from any property line or right-of-way line.
 - b. At least 100 feet from any perennial stream, creek, river, spring, lake, pond, or reservoir and be located outside of any floodplain.
 - c. At least 100 feet from an active public water supply drinking well or an active intake for a public water supply.
 - 3. Feed stations, cribs, sheds, and similar agricultural accessory buildings shall be located at least 50 feet from any property line.
 - 4. Manure storage areas shall meet the setback requirement of Act 38 of 2005, or, if not regulated by this act, be set back 100 feet from property lines.
 - 5. In a district other than the A or RC, no new agricultural buildings shall be constructed which by their size and nature will inhibit future non-agricultural development.
 - 6. Fencing shall be used as necessary to prevent animals from entering streets and unauthorized property.
 - 7. Fencing for animal containment and property delineation shall be in accordance with Section 1401.C.

8. New or expanded livestock or poultry operations shall provide evidence of compliance with Act 38 of 2005 (ACRE) and related regulations, erosion and sedimentation control regulations, and all other state and federal regulations.
- B. All greenhouse and horticultural uses shall primarily be a wholesale operation. Any on-site retail sales shall be conducted as an accessory drive-in produce stand in accordance with the regulations for that use. However, sales may be conducted within a greenhouse building instead of a temporary stand. In such a case, the sales area shall be limited to a maximum of 400 square feet.

Section 1305 Bed and Breakfast.

- A. Maximum guest stays shall be limited to 14 consecutive days.
- B. The maximum number of guest rooms shall be 6.
- C. No external appearance modification of the building which would alter the residential character is permitted, except for the provisions of fire escapes.
- D. The use must comply with all applicable local and state regulations, including but not limited to, fire, health and building codes.
- E. Breakfast shall be the only meal served. Meals shall be served to overnight guests only.
- F. The use shall be conducted so as to be clearly incidental and accessory to the primary use of the site as a single family detached dwelling.
- G. Satisfactory evidence of approval of the water and sewer facilities for the use must be provided.
- H. One off street parking space shall be provided for each guest room in addition to the spaces provided for the dwelling.

Section 1306 Campground.

- A. The minimum lot area is 10 acres.
- B. All campsites shall be located at least 50 feet from any property line.
- C. Each campsite shall be at least 500 square feet in area and shall contain, in addition to a tent or RV pad, one vehicle parking space that does not interfere with the convenient and safe movement of traffic. As an alternative, an equivalent amount of parking may be provided in a common parking area.
- D. There shall be a maximum of 10 campsites per acre of lot area in any campground.
- E. An internal road system shall be provided. The pavement width for the driveway entrance way shall be at least 24 feet. The pavement width for internal drives shall be a minimum of 16 feet. All internal drives must be improved to a mud-free, dust-free condition.
- F. All outdoor play areas shall be set back at least 100 feet from any property line and screened from adjoining properties.
- G. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.

- H. If the nature of the campground is such that it will generate a high volume of vehicular traffic, then access should be via a street designed to handle such volume.
- I. All campgrounds shall furnish centralized sanitary and garbage collection facilities that shall be set back a minimum of 100 feet from any property line.
- J. Any accessory retail or service commercial uses shall be set back at least 100 feet from any property line. Such accessory commercial uses shall be designed and constructed to solely serve the campground's registered guests and their visitors and shall be subject to Zoning Hearing Board approval. Any parking spaces provided for such uses shall have vehicular access from the campground's internal road rather than the public street.
- K. A site manager shall be available on the site at all times when the campground is in operation.
- L. The campground must comply with all applicable State and local laws and regulations.
- M. Either public water and public sewer approved by the PA DEP must be utilized or else satisfactory evidence must be submitted to assure that the new or existing on-site system is capable of adequately serving the proposed use.

Section 1307 Cemetery.

Where permitted, cemeteries shall meet the requirements of the district in which they are located and the following:

- A. All burial plots or facilities shall be located at least 30 feet from all property lines or right-of-way lines.
- B. Provisions must be made to ensure that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.
- C. No burial plots or facilities are permitted within a floodplain.
- D. In the A and RC districts, cemeteries are permitted anywhere as a principal use. In all other districts, they are only permitted as an accessory use to a place of worship.

Section 1308 Communication Tower.

The following regulations have been enacted to insure the development of an efficient telecommunications network that will serve both businesses and resident of the Township, with minimal disturbance to the community. The purpose is to protect and preserve the rights of the residents to benefit from natural, scenic, and historic values of the environment, preserve agricultural land, and provide compatible land uses as set forth in the Township Comprehensive Plan.

- A. No public business office nor any storage yard or storage building shall be operated in connection with such use.
- B. Communication Towers shall be located on a leased lot of at least 10,000 square feet in area, and monopole construction is mandated to lessen the footprint area disturbed by installations.
- C. Efforts must be made to collocate antennae on existing towers and structures, before new towers are erected.

- D. A landscape screen shall be provided around all fencing and accessory structures associated with a communication tower to shield them from public views and from adjoining properties. The screen shall consist of evergreen trees that are a minimum of 6 feet tall at time of planting.
- E. Communication towers shall not be equipped with lights. Communication towers shall not be located in the vicinity of an existing airport such that the height of the tower requires it to be equipped with lights according to FAA regulations.
- F. Communication towers shall not have advertising, attached signs, or be painted colors other than non-contrast gray.
- G. In the A and RC districts, communication towers shall be accessed by way of existing farm lanes. A maximum of 100 linear feet of new access road will be permitted to reach tower sites.
- H. A note shall be made on each land development plan proposing a new tower that neither the owner of the land, nor the operator of the communication tower will prohibit or cause to prohibit the collocation of additional antennae on the tower.
- I. Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the Township with a copy of the notice to the FCC of intent to cease operations and shall be given 90 days from the date of ceasing operations to begin to remove the obsolete tower and accessory structures. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations. The equipment on the ground is not to be removed, however, until the tower structure has first been dismantled and removed.

At the termination of use of towers by the owner, the tower, associated structures and equipment, foundations within 4 feet of the surface, paving gravel, fencing and access road or drive shall be removed within one year. A plan shall be prepared for replacement of topsoil and vegetation on the site, to match the surrounding area. Such plan shall be prepared by a licensed Landscape Architect. These removals and renovations are deemed to be improvements in this subsection. Financial security for these improvements is required for all communication towers in accordance with the [Township](#) Subdivision and Land Development Ordinance.

- J. Location and Soil Characteristics. Communication towers in the Agricultural district shall be located on soils that are not designated as Prime Farmland by the most recent issue of the Soil Survey of York County, Pennsylvania, or on lands that cannot feasibly be farmed:
 1. Due to existing features of the site such as rock outcroppings, or the fact that the area is heavily wooded; or
 2. Due to the fact that the shape of the area suitable for farming is insufficient to permit efficient use of farm machinery.

Where such location is not feasible, permits shall be issued to enable towers to be located on lands containing higher quality soils. However, in all cases such towers shall be located on the least agriculturally productive land feasible, and so as to minimize interference with agricultural production.

- K. If the applicant proposes to build a tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a ¼ mile radius of the site proposed, asked for permission to install the antenna on those structure, and was denied for reasons other than economic ones. This would include smokestacks, water towers, tall buildings, antenna support structures of other telecommunications companies, other communications towers (fire, police, etc.), and other tall structures. The Board of Supervisors may deny any application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.
- L. In order to reduce the number of antenna support structures in the community in the future, the proposed support structure shall be required to accommodate at least 3 other users, including other personal wireless service companies, and local police, fire, and ambulance companies.
- M. When a land development plan for a communication tower is submitted, the developer shall be required to show what will be located on the tower, i.e. antenna, microwave dish, etc. The developer shall be required to notify the Township and the property owner any time any additional apparatus is to be located on the structure. The Township engineer shall review the specifications for any additional apparatus to ensure compliance with Township ordinances and other regulations.
- N. Communication towers shall not exceed 160 feet in height. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose that they are to serve, and then only in accordance with any other governmental requirements. In no case shall they be higher than the shortest distance between the base of the structure and the closest property line

Section 1309 Communication Transmitting and Receiving Facilities.

- A. The Township encourages the use of existing structures for location of new communication antennae.
- B. No public business office nor any storage yard or storage building shall be operated in connection with such use.
- C. The top of antennae shall not extend more than 10 feet above the structure to which they are attached. In no case shall the top of antennae exceed 50 feet in height. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose that they are to serve, and then only in accordance with any other governmental requirements. In no case shall they be higher than the shortest distance between the base of the structure and the closest property line
- D. A landscape screen shall be provided around all fencing and accessory buildings and structures to shield them from public views and adjoining properties. The screen shall consist of evergreen trees that are a minimum of 6 feet tall at time of planting. This landscape screen may be omitted if the accessory buildings are shielded from view from all directions by existing structures.

Section 1310 Conservation Development.

- A. Purpose. The Conservation Development Option is permitted within the Rural Conservation district and is created to serve the following purposes:
 - 1. To protect environmentally sensitive areas and avoid soil erosion and sedimentation
 - 2. To preserve areas of prime farmland
 - 3. To steer development to areas most suited for it
 - 4. To avoid construction of steep roads and driveways.
 - 5. To conserve forested areas.
 - 6. To reduce construction costs and municipal maintenance costs.
 - 7. To provide transitional areas between farmland and residential and commercial areas.
 - 8. To provide large areas of undeveloped land that maintains the Township's current rural character.
 - 9. To allow greater flexibility in the siting of development areas on a tract of land.
- C. Approval. A Conservation Development requires conditional use approval by the Board of Supervisors. The applicant must prove compliance with this Section and Section 1803 related to conditional uses.
- D. Single Plan Required. The tract of land to be developed as a Conservation Development shall be in one ownership, or, if in multiple ownerships, shall be developed according to a single plan with common authority and responsibility.
- E. Procedure. The following procedure shall be followed for approval of a Conservation Development
 - 1. The applicant is strongly encouraged to submit an informal sketch plan for discussion with the Township staff and Planning Commission prior to officially submitting the conditional use application.
 - 2. The applicant shall submit a conditional use application. The application shall include adequate information to show how the proposal conforms to all requirements of this section and other applicable sections of this Ordinance and other applicable ordinances and regulations.
 - 3. The conditional use application shall include a management plan for the preserved open space detailing the ownership of the preserved open space, how the area will be maintained in perpetuity, and who will perform maintenance. Proposed homeowners' association or similar documents may be submitted to describe these items, however, a separate management plan may be required by the Board of Supervisors if necessary to ensure the continued maintenance of the preserved open space.

4. The Planning Commission shall review the conditional use application and shall make a recommendation to the Board of Supervisors. Any recommendation for approval should include proposed conditions.
 5. The Board of Supervisors shall hold a hearing and render a decision on the conditional use as prescribed by the MPC.
- F. Uses, Density, Open Space, Lot Standards.
1. Uses. Lots other than the preserved open space shall only be used for single-family detached dwellings and their permitted accessory uses. Preserved open space lots shall only be used for preservation and conservation areas, Township-owned recreation land, other recreation land approved by the Board of Supervisors, agriculture, and utilities necessary to serve the conservation development.
 2. Density. The density of the Conservation Development shall be calculated based on the area of the total development tract. The maximum density shall be 0.3 dwelling units per acre. (3.33 acres per dwelling)
 3. Open Space. A minimum of 50 percent of the area of the total development tract shall be preserved as preserved open space.
 4. Minimum Lot Size. 1 acre.
- G. Preserved Open Space Standards. Preserved open space shall meet all the following requirements:
1. It shall be designed to preserve the features of the site that are most important to the scenic value and natural value of the area.
 2. It shall contain to the greatest extent possible all important natural features of the site, including, but not limited to, creeks, lakes, floodplains, wetlands, steep slopes, wooded areas, rock outcrops, hedgerows, prime agricultural soils, and scenic vistas.
 3. It shall be in large cohesive sections, rather than divided into small, disconnected, or narrow areas. At least 50 percent of the preserved open space shall be in one lot.
 4. If it is to be used for agriculture, it shall contain the highest value soils and shall be of a shape and size to permit the use of modern farming machinery.
 5. It shall be sited to provide views of it from nearby roadways.
 6. It shall be interconnected with existing preserved open space and with other open space and recreation land on abutting properties.
 7. It shall provide for the continuation of existing trails and greenways on abutting properties.
 8. It shall be located so that future open space on abutting properties can be interconnected with it.
 9. It may include wells and sewage disposal systems that serve the dwellings in the conservation development, provided that the wells and sewage disposal systems do not interfere with the intended use of the preserved open space.
 10. It shall not contain:

- a. Streets or driveways, unless required for essential access to agriculture or conservation areas.
 - b. Parking areas.
 - c. Areas less than 50 feet wide, unless performing an essential function for the preserved open space, such as providing public access. In no case shall an area less than 50 feet wide exceed a length of 100 feet.
 - d. Stormwater detention basins, unless designed to resemble a natural feature, such as a pond or wetland, and approved by the Board of Supervisors.
 - e. Areas located within rights-of-way for existing electric transmission lines of 35 Kilovolts or greater.
 - f. Areas located within the rights-of-way for proposed electric transmission lines of any voltage.
- H. Ownership of Preserved Open Space: Except to provide for permitted open space uses, preserved open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Board of Supervisors and duly recorded in the office of the Recorder of Deeds of York County. Subject to such permanent restrictions, restricted open space land in any open space development may be owned by a homeowners' association, the Township, a land trust or other conservation organization recognized by the Township, or by a similar entity, or may remain in private ownership.
1. Offer of Dedication. The Township may, but shall not be required to, accept dedication in the form of fee simple ownership of restricted open space land provided:
 - a. Such land is accessible to the residents of the Township.
 - b. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance and recording fees.
 - c. The Township agrees to and has access to maintain such lands.
 - d. Where the Township accepts dedication of restricted open space land that contains improvements, the Board of Supervisors may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed 18 months from the date of acceptance of dedication. The amount of financial security shall not exceed 15 percent of the actual cost of installation of said improvements.
 2. Homeowners' Association. The restricted open space land and associated facilities may be held in common ownership by a homeowners' association. The homeowners' association shall be formed and operated under the following provisions:
 - a. The developer shall provide a description of the homeowners' association including its bylaws and methods for maintaining the open space open space.

- b. The homeowners' association shall be organized by the developer and operating with financial subsidization by the developer, before the sale of any lots within the development.
- c. Membership in the homeowners' association shall be mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the homeowners' association from developer to homeowners shall be identified.
- d. The homeowners' association shall be responsible for maintenance and insurance on common open space land, enforceable by liens placed by the homeowners' association. Maintenance obligations also may be enforced by the Township which may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.
- e. The members of the homeowners' association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the homeowners' association declaration or bylaws. Homeowners' association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).
- f. In the event of a proposed transfer, within the methods here permitted, of common open space land by the homeowners' association, or of the assumption of maintenance of such land by the Township, notice of such action shall be given to all property owners within the development.
- g. The homeowners' association shall have or hire adequate staff to administer common facilities and properly and continually maintain the common open space land.
- h. Homeowners' association documentation demonstrating compliance with the provisions herein shall be filed with the final subdivision and land development plans. At the time of preliminary plan submission, Applicant shall provide draft homeowners' association documentation with sufficient detail to demonstrate feasible compliance with this Section.
- i. Individual properties may be liened if the overall responsibilities of the Homeowners' association fail to be carried out, as outlined in this section.

3. Condominiums. The restricted open space land and associated facilities may be held in common through the use of condominium agreement(s), approved by the Board of Supervisors. Such agreement shall be in conformance with the Pennsylvania Uniform Condominium Act. All common open space land shall be held as "common elements" or "limited common elements." To the degree applicable, condominium agreement(s) shall comply with the provisions set forth for homeowners' associations. Condominium agreement(s) shall be filed with the final subdivision and land development plans. At the time of preliminary plan submission, Applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this Section.
 4. Dedication of Easements. The Township may, but shall not be required to, accept easements for public use of any portion or portions of restricted open space land, title of which is to remain in ownership as otherwise provided in this section, provided:
 - a. Such land is accessible to Township residents.
 - b. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance.
 - c. A satisfactory maintenance agreement is reached between the developer, landowner, and the Township.
 5. Transfer of Easements to a Private Conservation Organization. With the permission of the Township, an owner may transfer easements to a private, nonprofit, organization recognized by the Township, among whose purpose it is to conserve open space and/or natural resources, provided that:
 - a. The organization is acceptable to the Board of Supervisors and is a bona fide conservation organization with perpetual existence.
 - b. The conveyance contains appropriate provision for proper reverter or retransfer in event that organization becomes unwilling or unable to continue carrying out its functions.
 - c. A maintenance agreement acceptable to the Board of Supervisors is entered into by the developer and the organization.
 6. Private Ownership of Restricted Open Space. Restricted open space may be retained in ownership by the Applicant or may be transferred to other private parties subject to compliance with all standards and criteria for preserved open space herein. All or portions of the preserved open space, where permitted by the Board of Supervisors, may be included within or divided among one or more of the individual lots. Where deemed appropriate, the Supervisors may require that responsibility for maintenance of restricted open space be conferred upon and/or divided among the owners of one or more individual lots.
- I. Phasing. Phasing of the development shall be allowed provided that each phase, when combined with previously developed phases, shall comply with all requirements of this section and function as a standalone development.

Section 1311 Contractor Shop and Showroom.

Vehicles, equipment, and materials used in the contractor's trade may be stored outside provided the storage area complies with the following:

- A. The storage area shall not be located within the required front setback area and shall be located behind or to the side of any principal structure.
- B. The storage area may not exceed 30% of the lot area.
- C. The storage area shall be secured with a fence. All fencing shall comply with Section 1401.

Section 1312 Day Care Facility.

- A. Facility operators shall be responsible for meeting all state and federal licensing and registration requirements and shall provide proof of compliance. Operators shall provide copies of all certificates and licenses to the Township.
- B. Outdoor recreation areas shall meet the setbacks of the zoning district and shall be securely fenced to ensure the health and safety of the children.
- C. Drop off and pick up areas shall be arranged to prevent vehicle congestion and to prevent vehicle backups onto adjacent roadways.

Section 1313 Family Day Care Home.

- A. The use shall be operated as an accessory use to a permitted residential use or an existing nonconforming residential use.
- B. The facility shall be conducted so as to be clearly incidental and accessory to the primary use of the property as a single family detached dwelling.
- C. Facility operators shall be responsible for meeting all State and Federal licensing and registration requirements and shall provide proof of compliance. Operators shall provide copies of all certificates and licenses to the Township.
- D. Outdoor play areas shall be provided and shall be sufficiently enclosed to provide for the health and safety of the children.
- E. Either public water and public sewer approved by the PA DEP must be utilized or else satisfactory evidence must be submitted to assure that the new or existing on-site system is capable of adequately serving the proposed use.

Section 1314 Farm Occupation.

- A. Farm occupations shall only be conducted on a farm of 10 acres or greater.
- B. Farm occupations may involve any one of a wide range of uses, so long as it remains secondary to and compatible with the active farm use. Examples of acceptable farm occupations include, but are not limited to welding shop, machine shop, lawn furniture manufacturing, custom butchering, quilt making, and farm machinery repair. The farm occupation shall not involve an adult use or junk yard,
- C. Retail sales shall be limited to incidental sales of products that are manufactured, assembled, or created by the business on the property.
- D. No more than the equivalent of 2 full-time nonresidents shall be employed by the farm occupation, and at least one owner of the farm occupation must reside on the site.

- E. The use must be conducted within a completely enclosed building. Where practicable, the farm occupation shall be conducted within an existing farm building. However, any new building constructed for use by the farm occupation shall be located behind the farm's principal buildings, or must be no less than 100 feet from any adjoining road right-of-way or property line.
- F. All parking, loading, and outdoor storage areas shall be screened from adjoining roads and properties. Outdoor storage must be located behind the building containing the farm occupation.
- G. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use or removed if the farm occupation is discontinued.
- H. All portions of the farm occupation, including outdoor storage and parking, shall be set back 100 feet from all property lines and 300 feet from land within the LDR, MDR, or V zoning district.
- I. The farm occupation shall occupy no more than 4,000 square feet of gross floor area and no more than 1 acre of lot area. Any driveway serving both the farm occupation and the farm shall not be calculated as land serving the farm occupation.
- J. Signs shall be permitted in accordance with Article 15.

Section 1315 Forestry.

Forestry activities, including timber harvesting, shall be a permitted use by right in all zoning districts, subject to the following regulations.

- A. There shall be no minimum lot area required to conduct forestry activities. Any lot subdivided exclusively for forestry activities shall be at least 10 acres in area.
- B. For all timber harvesting operations, the landowner shall notify the Township Zoning Officer at least 3 business days before the operation commences and within 3 business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
- C. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by this ordinance. No timber harvesting shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Township Zoning Officer upon request. The landowner and the timber harvesting operator shall be jointly and severally responsible for complying with the terms of the logging plan.
- D. As a minimum, the logging plan shall include the following:
 1. Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings.
 2. Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars.

3. Design, construction, and maintenance of stream and wetland crossings.
 4. The general location of the proposed operation in relation to municipal and state highways, including any accesses to those highways.
- E. Each logging plan shall include a sketch map or drawing containing the following information:
1. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within that property.
 2. Significant topographic features related to potential environmental problems.
 3. Location of all earth disturbance activities such as roads, landings, and water control measures and structures.
 4. Location of all crossings of waters of the Commonwealth.
 5. The general location of the proposed operation to municipal and state highways, including any accesses to those highways.
- F. The logging plan shall address and comply with the requirements of all applicable state laws and regulations including, but not limited to, the following: (1) Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. §§691.1 et seq.); (2) Stream crossing and wet lands protection regulations contained in 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §§693.1 et seq.).
- G. Any permits required by state laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map required above, provided that all information required by these paragraphs is included or attached.
- H. The following requirements shall apply to all timber harvesting operations in the Township.
1. Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
 2. No tops or slash shall be left within 25 feet of any public thoroughfare or private roadway providing access to adjoining residential property.
 3. All tops and slash between 25 and 50 feet from a public roadway or private roadway providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped to a maximum height of 4 feet above the surface of the ground.
 4. No tops or slash shall be left on or across the boundary of any property adjoining the operation without the written consent of the owner thereof.

5. Littering resulting from a timber harvesting operation shall be removed from the site before it is vacated by the timber harvesting operator.
- I. Pursuant to Title 75 Pennsylvania Consolidated Statutes, Chapter 49, and Title 67 Pennsylvania Code, Chapter 189, the landowner and the timber harvesting operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation to the extent the damage is in excess of that caused by normal traffic and may be required to furnish a bond to guarantee the repair of such damages.
- J. The Township Zoning Officer may go upon the site of any timber harvesting operation before, during, or after active logging to (1) review the logging plan or any other required documents for compliance with sections 1 through 8, and (2) inspect the operation for compliance with the logging plan and other on-site requirements of these regulations

Section 1316 Golf Course.

- A. In no case shall the golf course design permit or encourage a golf ball to be driven across any building, building lot, parking lot, street, or driveway.
- B. Golf paths shall be graded so as to discharge storm water runoff. Surface conditions of paths shall be adequately protected from an exposed soil condition. The golf course design shall minimize golf crossings of streets and driveways. Easily identifiable golf paths must be provided for crossings of streets or driveways. The golf course design shall both discourage random crossing and require use of golf path crossings of streets and driveways. Golf path crossings shall conform with the following:
 1. Each crossing shall be perpendicular to the traffic movement.
 2. Only one street or driveway may be crossed at each location.
 3. The crossing must be provided with a clear sight triangle and proper sight distance as required of a local street intersection by the Township Subdivision and Land Development Ordinance.
 4. The golf cart path shall not exceed a slope of 8% within 25 feet of the cartway crossing.
 5. Golf path crossings shall be signed warning motorists and pedestrians and golfers. The surface of the golf path shall be brightly painted with appropriate markings.
 6. Golf path crossings of collector or arterial streets shall consist of a tunnel that is located below street grade. The golf course design shall both prohibit on-grade crossing of collector or arterial streets and require the use of a tunnel. The construction of the collector or arterial roadway tunnel shall comply with PennDOT standards.
- C. All golf course buildings shall be set back 75 feet from any adjoining road rights-of-way and 100 feet from any side or rear property lines.
- D. Where there is the possibility of errant golf balls crossing over or onto a public road or an adjacent property, protection (such as netting) shall be provided to a height of at least 25 feet.

- E. Golf courses may include the following accessory uses, provided such uses are reasonably sized, and located so as to provide incidental service to the golf course employees and users:
 1. Restaurant, snack bar, lounge and banquet facilities.
 2. Locker and rest rooms.
 3. Pro shop.
 4. Administrative offices.
 5. Golf cart and maintenance equipment storage and service facilities.
 6. Fitness and health equipment, including workout machines, spas, whirlpools, saunas, and steam rooms.
 7. Game rooms, including card tables, billiards, ping-pong, and other similar table games.
 8. Babysitting rooms and connected fence enclosed playlots.
 9. Driving range, provided all lighting shall be reviewed and approved by the Zoning Hearing Board and shall be directed away from adjacent dwellings and extinguished by 9:00 pm.
 10. Practice putting greens.
 11. Tennis courts
 12. Playground equipment.
 13. Freestanding maintenance equipment and supply buildings and storage yard.
- F. All outdoor storage of maintenance equipment and/or golf carts shall be set back at least 100 feet and screened from adjoining residential structures and roads.
- G. All dumpsters and off-street parking and/or loading areas shall be screened from adjoining or nearby residences. In addition, all off-street loading and dumpsters shall be screened from adjoining roads.

Section 1317 Home Occupation

- A. A home occupation shall be conducted within a single-family detached dwelling that is a permitted use or that is an existing nonconforming use.
- B. The area devoted to the home occupation shall be located wholly within the operator's dwelling and shall not occupy more than 30 percent of the habitable floor area of the dwelling or 600 square feet, whichever is less.
- C. Persons engaged in the home occupation shall be limited to occupants of the dwelling plus one additional person. Given proper justification, the Zoning Hearing Board may authorize additional employees as a part of the special exception approval.
- D. There shall be no exterior alterations, additions, or changes to the structure in order to accommodate or facilitate the home occupation
- E. All goods sold on the premises must be produced on the premises or must be goods normally incidental to the approved home occupation.

- F. A home occupation may not in any way alter the residential character of the neighborhood or in any way adversely affect the sale and comfortable enjoyment of the individual property rights of the neighborhood in which the use is located.
- G. In addition to the required parking for the dwelling unit, additional off street parking is required as follows:
 - 1. 1 space for the home occupation and one for each employee.
 - 2. 3 additional spaces are required for a physician, dentist or similar professional.
 - 3. No additional driveways are allowed to be created to serve the home occupation.
 - 4. The number and location of parking spaces may be adjusted by the Zoning Hearing Board as a part of the special exception approval, including allowing parking spaces to be provided on the street in areas where on street parking is permitted and no shortage of on street parking spaces exists.
- H. A sign is permitted in conformance with Article 15.
- I. Other than a sign, there shall be no exterior display, no exterior storage of material, no repetitive servicing by truck or other exterior indication of the home occupation or variation from the residential character of the premises.

Section 1318 Intensive Agriculture.

Intensive agricultural uses, as defined herein, are permitted by Special Exception, and shall comply with the following:

- A. Minimum lot area: 25 acres.
- B. Barns and other structures used for animal shelter, feeding, or watering shall be located at least 500 feet from a lot in the V, LDR, or MDR district and at least 200 feet from any existing dwelling. This setback shall not apply to dwellings owned by the operator of the agricultural use or other dwellings where the owner has provided a notarized statement waiving such setback.
- C. The use shall be operated in accordance with an approved nutrient management plan. The plan and evidence of approval shall be submitted to the Township.
- D. The use shall be operated in accordance with an approved conservation plan. The plan and evidence of approval shall be submitted to the Township.
- E. The applicant shall demonstrate that efforts have been made to limit any negative impacts on neighboring properties.

Section 1319 Kennel.

- A. Minimum lot area shall be 5 acres in the A and RC districts and 2 acres in the C district.
- B. The operation of a kennel shall be in accordance with all relevant Pennsylvania laws. Prior to the granting of a permit for a kennel, the applicant shall present proof of compliance with such regulations.
- C. Retail sales of animals shall not be permitted.
- D. All kennel facilities that are not completely enclosed and any outdoor animal pens, stalls or runways shall be located:

1. Within the rear yard and screened from adjoining properties
 2. A minimum of 100 feet from all property lines.
 3. A minimum of 200 feet from the V, LDR, or MDR zoning districts.
 4. A minimum of 200 feet from the lot line of an existing residential use.
- E. Buildings shall be soundproofed so that sounds within the building cannot be heard at the property line.
- F. Outdoor runs shall not be used from 8 pm to 8 am.

Section 1320 Large Animal Veterinary Office.

- A. The minimum lot area shall be 5 acres.
- B. Any structure used to house animals under treatment shall comply with the standards of Section 1304 related to agriculture.

Section 1321 Life Care Facility.

- A. The minimum lot area shall be 2 acres.
- B. The use may involve multiple buildings on the lot or parcel. All buildings shall be sited to provide adequate light, air, and privacy to each room or dwelling unit.
- C. The maximum density shall be 25 persons (beds) per acre.
- D. Non-residential accessory uses shall be permitted provided they are principally designed to serve the needs of residents of the Life-Care Facility. Examples of acceptable accessory uses include: community center, fitness facility, hairdresser, doctor or dentist office, bank, recreation areas. All accessory uses shall be reviewed for compatibility by the Zoning Hearing Board during the Special Exception hearing. The Zoning Hearing Board must approval all accessory uses.
- E. At least 20% of the lot area shall be maintained as open space that provides a direct benefit to residents and that containing no buildings, parking areas, driveways, or required setback areas. The open space shall provide some specific benefit to the residents, including, but not limited to the following examples:
 1. Recreation or park area that includes improvements such as walking trails, sitting areas, and gardens.
 2. Areas of significant landscaping that provide natural beauty able to be directly viewed from windows in residents' rooms.

Section 1322 Light Manufacturing.

- A. No manufacturing shall take place outside of a fully enclosed building.
- B. Any outdoor storage shall comply with the requirements contained within Section 1409.

Section 1323 Mobile Home Parks.

- A. The design of the mobile home park shall comply with the Paradise Township Subdivision and Land Development Ordinance.

- B. The minimum lot area for the mobile home park shall be 10 acres. The area of the mobile home park shall be adequate in size and the land shall be suitable by reason of topography and drainage.
- C. Individual mobile homes shall, in every case, provide not less than the required minimum front, side, and rear yard area for a single-family dwelling.
- D. Each mobile home lot shall abut upon a public street or a private street having a right-of-way width of not less than 50 feet which shall be improved to current Township specifications for street improvements.
- E. The gross area of the mobile home park (less the area of the streets and rights-of-way and less any area deemed by the Township unsuitable for the purpose referred to above) shall be at least equal to the total number of mobile home lots times the lot area required for a single family dwelling for the district in which the mobile home park is located.
- F. In addition to the required front, side, and rear setbacks around the perimeter of the mobile home park, there shall be adequate space provided for buffer yards and screen planting as required by the Zoning Hearing Board.
- G. The Zoning Hearing Board may restrict the proximity of mobile homes or other improvements to adjoining properties or may attach such other conditions or safeguards to the use of the land for a mobile home park as may be deemed necessary to protect the general welfare.
- H. The mobile home park shall provide buffer yards in accordance with Section 1412.
- I. Each mobile home lot shall be provided with a hard surfaced mobile home stand providing a foundation that will not heave, shift, or settle unevenly because of frost action, inadequate drainage, vibration, or other forces acting on the superstructure. Each mobile home stand shall be equipped with appropriately designed utility connections and shall have minimum dimensions of 50 feet by 24 feet. The space between the floor of the mobile home and the mobile home stand shall be enclosed to conceal all supports and utility connections.

Section 1324 Multi-Family Conversion.

Where permitted, a single family detached dwelling existing on the date of enactment of this Ordinance (DATE) may be converted into a multi-family dwelling meeting the following requirements:

- A. The converted dwelling may have a maximum of 2 dwelling units on the first and second floors and shall not contain more than 4 total dwelling units.
- B. The use shall meet all dimensional requirements of the district in which it is located.
- C. A 25% expansion of the ground floor living area is allowed. Otherwise, the character and size of the existing structure shall be maintained except for the addition of required life safety features, such as fire escapes.
- D. The existing dwelling shall have at least 1,500 square feet of living area.
- E. A property must be owned by the current owner for 3 years prior to seeking approval for a multi-family conversion.

- F. Parking, minimum habitable floor area, and all other applicable requirements of this Ordinance shall be met.
- G. Either public water and public sewer approved by the PA DEP must be utilized or else satisfactory evidence must be submitted to assure that the new or existing on-site system is capable of adequately serving the proposed use or additional units.
- H. All second floor units shall have private indoor or outdoor stair access.

Section 1325 Multi-Family Dwelling.

- A. The use may involve more than one multi-family dwelling on a single lot or parcel, provided the minimum distance between any two principal buildings shall be 1 ½ times the height of the taller of the two buildings or 30 feet, whichever is greater, and buildings shall be sited to provide privacy to individual units.
- B. The maximum length of individual buildings shall not exceed 180 feet.
- C. Both public water and public sewer approved by the PA DEP must be utilized.
- D. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open spaces.

Section 1326 No-Impact Home-Based Business.

- A. The business shall be conducted within a dwelling that is a permitted use or that is an existing nonconforming use.
- B. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- C. The business shall employ no employees other than family members residing in the dwelling.
- D. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- E. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- F. 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.
- G. 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.
- H. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- I. The business may not involve any illegal activity

Section 1327 Non-Commercial Keeping of Livestock.

- A. It must be accessory to a single family detached dwelling that is a permitted use or is an existing nonconforming use.

- B. A minimum lot area of 5 acres is required for the first animal kept. There shall be at least the following pasture area for each additional animal kept:
 - 1. 1 acre for each animal with an average adult weight greater than 100 pounds.
 - 2. 0.5 acre for each animal with an average adult weight between 25 and 100 pounds.
 - 3. 0.1 acre for each animal with an average adult weight less than 25 pounds
- C. No barn, shelter, or stable building for such animals shall be located within 150 feet of any lot line or right-of-way line.
- D. A maximum of 50 animals shall be permitted on any one lot.
- E. Within the LDR, MDR and V districts, no new agricultural buildings shall be constructed which by their size and nature will inhibit future residential development.

Section 1328 Outdoor Commercial Recreation Facility.

- A. Uses involving outdoor activities covering more than 1 acre of ground shall provide buffering and screening through the use of fences, walls, plantings, and open spaces to reduce any visual or noise impacts on adjacent properties.
- B. Structures exceeding the maximum permitted height shall be allowed provided they are set back from property and right-of-way lines a distance equal to their height plus the setback requirement of the zoning district in which they are located. The portion of the structure exceeding the maximum permitted height shall not contain finished areas intended for permanent occupancy.
- C. Parking shall be required in accordance with Article 15. Overflow parking areas should be provided to accommodate peak usage periods. The overflow parking areas may be grass or gravel, but shall only be connected to internal driveways and not directly to an adjacent roadway.
- D. Any collection of parking or entry fees shall be conducted in such a manner that does not cause vehicles to back up onto adjacent roadways.

Section 1329 Place of Worship.

- A. A place of worship may also include customary accessory uses, such as a rectory, convent, parsonage, religious school, child care, and cemetery.
- B. Any accessory uses shall be located on the same lot as the place of worship.
- C. Child care facilities shall comply with the regulations for that use contained within this Section.
- D. Parking may be shared by the place of worship and its accessory uses provided the times of use will not overlap. Where times of use overlap, parking shall be provided for both uses.
- E. The use shall be located on and gain access from a collector or arterial road if the largest room of assembly is designed for 500 people or more.

Section 1330 Private Club.

- A. The use shall be non-profit in nature.

- B. In the Commercial district, a dining room may be operated for the benefit of members. No sign advertising the sale of food or beverages shall be permitted.
- C. The applicant shall furnish written evidence as to how the use will be controlled to prevent it becoming a nuisance to neighboring properties due to noise, glare from lighting, loitering outside the club, or similar problems.

Section 1331 Public Park.

- A. No minimum lot area or lot width is required. However, the lot shall be appropriately sized to accommodate the intended uses and to provide adequate access to the lot. All structures shall meet the setbacks of the underlying zoning district.
- B. Where the use will generate a large volume of traffic, access shall be from a collector or arterial street, as designated with the Township's comprehensive plan, or another street that can adequately accommodate the generated volume.
- C. Areas devoted to uses that will generate noise, light, trash, and other undesirable impacts (ball fields, tennis courts, other lighted play areas) shall be located to reduce their impact on neighboring properties. Any impacts on neighboring properties that cannot be mitigated by location must be addressed with buffers and screens as necessary. This includes, but is not limited to, fences, walls, plantings and open spaces.
- D. Required parking shall be provided in accordance with this Ordinance. Additional spaces beyond those required may be provided with a grass, gravel, or other unpaved surface.

Section 1332 Public Utility Facility.

- A. The following uses shall not be permitted in the A, RC, LDR, MDR, or V districts:
 - 1. The storage of vehicles or equipment used in the maintenance of a utility.
 - 2. Buildings and areas used for maintenance workers and maintenance activities.
 - 3. Buildings used to house general office, billing, planning, and operations work.
 - 4. None of the above shall prevent a Public Utility Facility in the A, RC, LDR, MDR, or V districts from containing office areas or maintenance vehicles, buildings, or areas that are essential to the operation of the immediate facility.
- B. The use shall emit no obnoxious noise, glare, dust, odor, vibration, electrical disturbance or any other objectionable impact beyond the property lines.
- C. The external design of the building or structure shall be in conformity with the buildings in the surrounding area to the greatest extent possible.
- D. There shall be no specific minimum lot area or lot width, however, each lot shall provide 10 foot minimum front, side and rear setbacks.

Section 1333 Self Storage Facility.

- A. Parking for the individual storage units shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least 20 feet wide where access to storage units is only on one side of the aisle and at least 24 feet wide where access to storage units is on both sides of the aisle.

- B. If a manager/business office is established on the site, at least 2 parking spaces must be provided adjacent to the office.
- C. The servicing or repair of stored equipment shall not be conducted on the premises. Also no business activities shall be conducted within the storage units.
- D. The storage of flammable liquids, highly combustible or explosive materials or hazardous materials or chemicals is prohibited.
- E. If an outdoor storage area is to be provided, it shall only be for parking and storage of recreational vehicles, boats, off-road vehicles and similar items. Required parking shall not be provided within the outdoor storage area. Each vehicle in the outdoor storage area shall have an up-to-date registration, license, and inspection, and, if motorized, shall be operable and capable of moving under its own power.
- F. Security fencing may be provided and shall comply with Section 1401.

Section 1334 Outdoor Shooting Range.

- A. Applicant shall demonstrate the use will utilize adequate safety techniques with regards to adjacent properties.
- B. Applicant shall demonstrate noise created by the use will not negatively impact the adjacent properties.
- C. Adjacent areas must be predominantly undeveloped or of an industrial nature.
- D. The range area must be at least 200 feet from any property or street right-of-way line. The use must also be located at least 1,000 feet from the property line of any existing residential use or district.
- E. An earthen background berm must be provided within 20 feet of the farthest target post to prevent wild or ricocheting bullets or arrows. Such berm must extend at least 5 feet above the height of the highest target. The crest of the berm at the required height limit shall be at least 4 feet in width.
- F. Earthen side berms must be provided immediately adjacent to the range and shall extend from the firing line to the background berm. The side berms shall meet the same design qualifications as set forth for background berms above.
- G. Warning signs must be posted at least 10 feet from the outside of the berms.
- H. The firing range shall be free of gravel and other hard surface materials and be adequately drained.
- I. Adult supervision must be provided for children under sixteen (16) years of age.
- J. Hours of operation shall be limited to between the hours of 7:00 a.m. and 9:00 p.m.

Section 1335 Single Family Attached Dwelling.

- A. The length of any one grouping of dwellings shall not exceed 180 feet.
- B. Access easements shall be provided around each group of dwellings so that interior dwellings have access to their rear yards without traveling through the dwelling.

Section 1336 Stable.

- A. Minimum lot area shall be 5 acres.
- B. No barn, shelter, or stable building for such animals shall be located within 150 feet of any lot line or right-of-way line.
- C. The standards of Section 1304 Agriculture shall apply.
- D. When adjacent to the LDR, MDR, or V zoning districts, appropriate screening planting must be provided in accordance with Section 1412.

Section 1337 Transferable Development Rights (TDRs).

In accordance with the MPC, this section establishes procedures by which TDRs are granted, conveyed, applied, and recorded.

- A. Purpose. The use of TDRs serves to further the purposes of this Ordinance by:
 - 1. Providing a voluntary means of preserving valuable farmland
 - 2. Providing compensation via the free market to landowners who preserve their land.
 - 3. Directing development to areas where growth is desired and public facilities are available.
- B. Sending and Receiving Areas.
 - 1. The sending areas shall be the Agricultural District and the Rural Conservation District
 - 2. The receiving areas shall be the Medium Density Residential District and the Village District
- C. Calculation of TDRs in the sending areas.
 - 1. Any lot, or portion thereof, from which TDRs are to be separated, shall be at least 10 acres in area.
 - 2. The number of available TDRs shall be calculated by multiplying the area in acres of the land from which development rights are to be sold by 0.25, with fractional results rounded down the next lowest whole number.
 - 3. TDRs are not granted to:
 - a. Land restricted from development by covenant, easement, or deed restriction. In the event said covenant, restriction, or easement is dissolved or rescinded, such land shall be eligible for issuance of TDRs.
 - b. Tracts of land, or portions thereof, subject to easements (including, but not limited to easements of roads, railroads, electrical transmission lines, water, gas, or petroleum pipelines) in favor of governmental agencies, utilities, and nonprofit corporations
- D. Process of conveyance of TDRs from the sending area. TDRs may be sold and/or donated to any party, subject to the following:

1. Application. Application shall be made on a form developed by the Township for such a purpose. The form shall be signed by the transferor. The application shall be accompanied by:
 - a. A metes and bounds description of the property from which the TDRs will be sent and a plot plan or survey of the property. The plot plan or survey shall indicate all easements, land restricted against development, and any area devoted to non-farm use.
 - b. A title search of the property from which the TDRs will be sent that identifies all owners and lienholders.
 - c. A history of the property beginning from the date of enactment of this Section (DATE) that identifies any previous use of TDRs.
 - d. If the proposed conveyance entails less than all TDRs granted to a property, the portion of the property from which the TDRs are to be transferred shall be clearly identified on a plan drawn to a scale acceptable to the Township. This plan shall include a notation of all TDRs attributable to the property, the number of TDRs attributable to the portion of the property from which TDRs will be separated, and the number of TDRs which remain with the remaining portion of the property.
 - e. A copy of the proposed Deed of Transferable Development Rights and a copy of the proposed conservation easement required by this Section.
2. Review and determination. Upon submission as required above, the Zoning Officer, with advice from the Township Engineer and/or Solicitor, shall determine the sufficiency of the application and supporting documentation and, if found to be adequate, the number of TDRs which shall be permitted to be conveyed from the property in the sending area. The Zoning Officer shall inform the transferor of his/her determination in writing. Any appeals from the determination of the Zoning Officer shall be made in accordance with this Ordinance.
3. Required conservation easement. The owner conveying TDRs shall perpetually restrict the use of the lot, or portion thereof, from which TDRs are conveyed by a conservation easement or other instrument acceptable in form and content to the Board of Supervisors and the Township Solicitor. The conservation easement shall restrict the future use of the site to principal agricultural or conservation use and any accessory agricultural uses, as determined by this Ordinance.
 - a. All conservation easements shall designate the Township as a third party beneficiary of the restriction imposed upon the transferor and his/her land. Such restrictions shall be enforceable by the Township as such third-party beneficiary.
 - b. Property from which TDRs have been conveyed shall continue to be owned, subject to said restrictions, by the landowner, his/her heirs, executors, administrators, successors and/or assigns.
 - c. All owners of the property from which TDRs will be conveyed shall execute the conservation easement. All lien holders shall execute a joinder and/or consent to the conservation easement.

- d. If the TDRs are to be conveyed from less than the entire property, the plan prepared in accordance with Section 1337.D.1.d above shall be recorded with the conservation easement.
4. Township Endorsement. Upon receipt of written approval by the Zoning Officer, as provided above, the transferor and transferee may present the Township with the deed of transferable development rights for endorsement as required by the MPC. No deed of transferable development rights shall be so endorsed until the Township is presented with evidence that the conservation easement has been approved by the Township and has been recorded with the York County Recorder of Deeds. In lieu of presentation of proof of recording the conservation easement, the fully executed conservation easement may be presented to the Township when the deed of transferable development rights is presented for endorsement, and the Township, at the applicant's expense, shall record both documents.
- E. Use of TDRs.
- 1. Effect of the use of TDRs.
 - a. TDRs may be used within the receiving areas to increase the density of dwelling units permitted within a development. One TDR shall be used for each additional dwelling unit.
 - b. In no case shall the additional dwelling units allowed by TDRs cause the overall density of the development to exceed the maximum allowable density of the zoning district in which they are applied.
 - c. Any development that proposes to use TDRs to increase its density must utilize public water and sewer service.
 - d. The use of TDRs does not modify any requirements of the receiving area zoning district other than density of dwelling units.
 - 2. Process by which TDRs are applied to a development.
 - a. Application. An application to apply TDRs to a development shall include:
 - (1) Materials required by Section 1337.D, if the TDRs to be used have not yet been separated from their lot.
 - (2) An agreement of sale between the owner of the TDRs and the owner of the property to be developed with TDRs. The agreement may be contingent upon approval of a final subdivision or land development plan for the development using the TDRs.
 - (3) A title search for any TDRs previously separated from a lot.
 - (4) A preliminary or final subdivision plan prepared in accordance with the latest version of the Township's Subdivision and Land Development Ordinance. The plan must indicate:
 - A. The base density and number of dwelling units allowed for the site without the use of TDRs.

- B. The density and number of dwelling units proposed for the site with the use of TDRs.
 - C. The number of TDRs to be applied to the site.
- b. Review, approval, and recording of plans. No final plan for any subdivision or land development which utilizes TDRs shall be executed on behalf of the Township until the Township has been presented with a copy of the recorded Deed of Transferable Development Rights and the recorded conservation easements with proof of recording in the York County Office of the Recorder of Deeds. In lieu of presenting the required recorded documents, fully endorsed documents, including the final plan, may be presented to the Township for its endorsement. The Township will then record all documents at the applicant's expense.

Section 1338 Vehicle Fueling Facility.

- A. Fuel pumps shall be set back at least 25 feet and fuel and canopies shall be set back at least 20 feet from all street rights-of-way. Additionally, they shall meet all side and rear setback requirements.
- B. Adequate space shall be provided for vehicle fuel delivery vehicles so that when they are present, they shall not block driveways or cause traffic to back up onto public streets.
- C. All luminaries mounted on or recessed into the fuel canopy shall be fully shielded and utilize flat lenses.
- D. Any sign placed on the canopy shall be in lieu of and no larger than a permitted freestanding sign.

Section 1339 Vehicle Repair and Service Facility.

- A. All repair and servicing of vehicles shall be conducted within a fully enclosed building.
- B. The outdoor storage of tires, vehicle parts, or inoperable vehicles shall only be within an area fully enclosed by a wall or opaque fence at least 6 feet in height. The fence or wall shall be maintained in good repair. Each tire, vehicle part, or inoperable vehicle shall be removed from the site within 6 weeks.
- C. All uses involving drive-through service shall provide adequate on site stacking lanes to prevent vehicle backups onto adjoining roads.
- D. The demolition or junking of vehicles is prohibited.
- E. All vehicles shall be repaired and removed from the site within 6 weeks.
- F. Buffers and screens shall be provided to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open space.

Section 1340 Vehicle Washing Facility.

- A. Trash receptacles must be provided and emptied on a regular basis to prevent the scattering of trash.
- B. Adequate on site stacking lands shall be provided to prevent vehicle backups onto adjoining roads.

Section 1341 Veterinary Office or Animal Hospital.

- A. The primary use shall be the medical attention and professional care of animals, with incidental boarding only of animals receiving treatment.
- B. All facilities that are not completely enclosed and any outdoor animal pens, stalls or runways shall be located:
 - 1. Within the rear yard and screened from adjoining properties
 - 2. A minimum of 100 feet from all property lines.
 - 3. A minimum of 200 feet from the V, LDR, or MDR zoning districts.
 - 4. A minimum of 200 feet from the lot line of an existing residential use.
- C. Buildings shall be soundproofed so that sounds within the building cannot be heard at the property line.
- D. Outdoor runs shall not be used from 8 pm to 8 am.
- E. Accumulation and storage of manure or other odor producing substances shall not be permitted in the Commercial district.
- F. The applicant shall demonstrate proof of an approved means of disposal of all solid, medical and hazardous waste.

Section 1342 Warehouse or Wholesale Facility.

- A. No outdoor storage of materials is permitted.
- B. Vehicle loading and unloading is prohibited between 11:00 pm and 6:00 am.
- C. Buffers and screens shall be provided to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings and open space.

ARTICLE 14 - GENERAL REGULATIONS

Section 1401 Accessory Uses and Structures

A. General

1. An accessory structure attached to the principal building is considered a part of the principal building for all regulatory purposes.
2. Accessory structures shall not be located within a front yard. This restriction shall not apply to structures accessory to a principal agricultural use, such as barns.

B. Detached Garages. Detached garages may be located in a front yard, provided they are at least 50 feet from the road right-of-way.

C. Fences and Walls

1. Fences and walls shall not obstruct clear sight triangles or otherwise obscure the view of vehicles on the roadway or attempting to enter the roadway.
2. Fences and walls may be located up to, but not on top of, a property line or right-of-way line.
3. On a lot used for residential purposes, any fence or wall located within a front yard shall not exceed 4 feet in height. A fence or wall shall not exceed 6 feet in other locations.
4. On a lot used for agricultural purposes, a fence or wall used to contain animals shall not exceed 8 feet in any location. Fences and walls not used for animal containment shall comply with subsection 3 above.
5. On a lot used for commercial or industrial purposes, any fence or wall located within a front yard shall not exceed 6 feet in height. A fence shall not exceed 8 feet in height in other locations.
6. Taller fences and walls may be permitted around tennis courts and where the applicant proves that such fence is required to protect the public safety around a specific hazard. In such instances, the fence shall meet setback requirements for the underlying zoning district.
7. Barbed wire shall not be used in fences on a lot used for residential purposes. On lots used for other purposes, a maximum of 3 strands of barbed wire may exceed the maximum fence height.
8. No fence or wall shall be constructed of fabric, junk, vehicles, drums, barrels, or similar items.
9. Retaining Walls that are necessary to hold back slopes shall not be required to meet the above wall regulations. They shall comply with the following:
 - a. Any retaining wall over 8 feet in height shall set back a minimum of 15 feet from the lot line of an existing dwelling.
 - b. No retaining wall greater than 3 feet in height shall be permitted within a front yard or within 10 feet of a side or rear property line in a residential district.

- c. Retaining walls over 6 feet in height shall have a fence at least 3 feet tall erected at the top of the wall.
- D. Swimming Pools. Accessory swimming pools shall be constructed, operated, and used in accordance with Chapter 23 of the Paradise Township Code of Ordinances and the Pennsylvania Uniform Construction Code. Swimming pools that are a principal use shall comply with the standards for an outdoor commercial recreation facility contained within this Ordinance and the Pennsylvania Uniform Construction Code.
- E. Antennas.
 - 1. On lots used principally for residential or agricultural uses:
 - a. Antennas shall not exceed 50' in height above grade.
 - b. Antennas shall be attached to the principal structure, or shall meet all setback requirements if not attached to the principal structure.
 - 2. On lots used principally for non-residential, non-agricultural uses:
 - a. Antennas, including satellite dish antennas, shall not exceed 50 feet in height above grade.
 - b. Any antenna that exceeds 50 feet in height above grade shall be regulated as a Communication Tower under section 1308.
 - c. Freestanding antennas shall meet all setback requirements of the zoning district.
- F. Keeping of Pets.
 - 1. Pets may be kept as an accessory use to any residential use.
 - 2. Only animals that are domesticated, customarily kept as pets within the local area, and compatible with residential character may be kept as pets. Examples of permitted pets include cats, dogs, rabbits, small birds, gerbils, lizards, guinea pigs, and fish.
 - 3. Horses may be kept in accordance with the standards for non-commercial keeping of livestock, Section 1327.
 - 4. The following animals may not be kept as pets: deer, bears, wolves, wolf-dog hybrids, venomous snakes toxic to humans, and any animal defined as "exotic wildlife" by the Pennsylvania Game and Wildlife Code.
 - 5. No more than 5 animals over 6 months of age may be kept as pets on any property. If more than 5 animals over 6 months of age are kept, the use shall comply with the regulations for a kennel in Section 1319 and shall only be located in a district permitting kennels.
 - 6. Pets shall not be kept in a manner that creates a nuisance, including noise or odor, a health hazard, or a public safety hazard. All fecal matter shall be disposed of in a sanitary way.
 - 7. All animal runs, cages, or enclosures shall be located in a rear yard and shall be at least 10 feet from a side or rear property line.

8. The Zoning Hearing Board, by granting of a Special Exception, may modify any keeping of pets requirements provided the applicant proves that the property where the animal(s) will be kept is rural and undeveloped and there will be no impacts to neighboring properties. The Zoning Hearing Board may attach any conditions necessary to ensure that impacts are not created.

Section 1402 Lot Area and Width Modifications

- A. The minimum lot area shall be increased to match any requirement imposed by DEP as part of the approval of the sewage facilities for a lot.
- B. In the A district, a lot may exceed the maximum lot area when required by DEP and/or a Township ordinance as part of the approval of the sewage facilities for a lot. In such cases, the lot shall be no larger than that required by DEP or such Township ordinance.
- C. Subdivisions may create lots of common open space that do not meet minimum lot area and width requirements provided that ownership and maintenance are adequately set forth in documents that are reviewed and approved by the Township Solicitor.

Section 1403 Setback Modifications

- A. Corner Lots. For a corner lot, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum front setback. The remaining sides of the lot shall be side yards with side yard setbacks.
- B. Lots With Multiple Frontages. When a lot fronts on more than one street, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum front setback. Remaining yards shall be side yards with side setbacks.
- C. Bus shelters and telephone booths may be located within a minimum front setback, provided they are located at least 1 foot from right-of-way and property lines and outside of any clear sight triangles.
- D. The front setback on a lot may be reduced to the average depth of the front yards of all lots located within 200' feet of and on the same side of the street as the lot in question. In no case shall a structure be located within an existing right-of-way or within a right-of-way that would be required by the standards of the Subdivision and Land Development Ordinance.
- E. Cornices, eaves, roof overhangs, sills, chimneys or other similar architectural features may project into the setback area a maximum of 3 feet.
- F. Steps, fire escapes, handicapped ramps, and outside doors for basement access may project into a setback area. Stoops, patios, decks, porches, carports and similar features may not project into a setback area.

Section 1404 Maximum Height Modifications.

- A. The maximum height limitations of the zoning districts within this Ordinance shall not apply to the following: antennae and communication towers that meet the requirements contained in Article 13 or 14 of this Ordinance, water towers, clock or bell towers, steeples and religious symbols attached to a place of worship, electrical transmission lines, elevator shafts, windmills, skylights, chimneys, heating/ventilating/air conditioning equipment, industrial mechanical equipment areas that are not occupied by humans, and other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy.
- B. Any mechanical equipment or other appurtenances placed on the roof shall be screened from direct view from the ground.

Section 1405 Frontage Onto Improved Street

Every principal structure hereafter placed or constructed shall be on a lot that directly abuts an existing public street, a street proposed for dedication to the Township by the subdivision plan that created the lot, or a private street meeting the requirements of the Township Subdivision and Land Development Ordinance. When a lot has frontage on more than one street, principal access shall be from the street of lesser classification or the street that provides the safest ingress and egress.

Section 1406 Number of Principal Structures and Uses Per Lot

- A. A lot within the C district may contain more than one permitted principal use per lot and/or more than one permitted principal structure per lot provided that most restrictive requirements for each use or structure shall apply to the lot as a whole.
- B. A lot within the A, RC, LDR, or MDR district shall contain only one principal use or structure, unless specifically permitted elsewhere by this ordinance.
- C. A lot within the V district may contain more than one permitted principal use per lot and/or more than one permitted principal structure per lot in accordance with Section 805.B

Section 1407 Outdoor Display and Sales Area.

Permitted commercial uses may have outdoor display and sales areas as follows:

- A. Passenger vehicles, motorcycles, boats, recreational vehicles and similar items that do not exceed 15 feet in width and 30 feet in length may be displayed outdoors. Such display area shall be no closer than 10 feet to all property lines and right-of-way lines.
- B. Vehicles, boats, recreational vehicles, and similar items that are larger than 15 feet by 30 feet may be displayed outdoors. Such display areas shall be no closer than 20 feet to all property lines and right-of-way lines.
- C. The above setbacks shall be maintained with a vegetative ground cover or landscaping.
- D. No display area may be located within the existing or future street right-of-way, a sidewalk or similar pedestrian area, or an area used for required parking or loading. No display area shall be located within or hinder or affect a clear sight triangle.

Section 1408 Outdoor Storage.

- A. Outdoor storage and stockpiling.
 - 1. In all zones, no outdoor storage or stockpiling of any material is permitted within the front yard.
 - 2. In the A, RC, LDR, MDR, and V Districts, the outdoor stockpiling of materials for more than 3 months is prohibited. Firewood to be used on the lot on which it is stored may be stockpiled in a side or rear yard for an indefinite period of time.
 - 3. Outdoor storage of raw materials, finished products, or merchandise shall be surrounded by an opaque fence or wall 6 feet in height or screening that meets the requirements of Section 1412.C.
- B. Recreational vehicles, boats, trailers. Recreational vehicles, boats, trailers and similar items may be stored on a lot occupied by the owner of the item, provided the item shall not be stored within the front yard. These items may be parked anywhere on the lot during active loading and unloading for a maximum of 2 days.
- C. Temporary storage pods, temporary dumpsters. Temporary storage pods, temporary dumpsters, and similar items may be placed on a property in any yard provided that they are not located within a street right-of-way or clear sight triangle. They shall remain on the property for no longer than 15 days.
- D. Trash, garbage, refuse, and junk.
 - 1. Unless otherwise authorized by this ordinance, no outdoor accumulation of trash, garbage, refuse, or junk is permitted for a period exceeding 15 days.
 - 2. All permanent trash dumpsters shall be screened from view with an opaque fence or wall.

Section 1409 Minimum Habitable Floor Area.

- A. Single family dwellings shall contain at least 700 square feet of habitable floor area.
- B. Multifamily dwellings shall contain at least 400 square feet of habitable floor area per dwelling.

Section 1410 Nonconformities.

- A. Proof and Registration of Nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence of such nonconformity.
- B. Continuation of Nonconformities.
 - 1. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
 - 2. Any expansion of, construction upon, or change in use of a nonconformity shall only occur in conformance with this section.
 - 3. If an existing use, structure, or lot was not lawfully established, it shall not have any right to continue as a nonconformity.

- C. Nonconforming Structures.
1. As a special exception, the Zoning Hearing Board may permit a nonconforming structure to be reconstructed or expanded provided:
 - a. Such action will not increase the severity or amount of the nonconformity or create any new nonconformity.
 - b. Any expanded area will comply with the applicable setbacks in that zoning district and other requirements of this Ordinance.
 - c. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.
 2. As a special exception, the Zoning Hearing Board may approve a reduction of up to 50 percent in a side or rear setback for an existing dwelling if the applicant proves such setback is necessary to allow a customary addition of such dwelling or a replacement of an existing undersized dwelling with a new dwelling. This subsection shall not allow a reduction in setback to increase the number of dwelling units on the lot.
- D. Nonconforming Lots. A nonconforming lot may be constructed upon and used provided all of the following additional requirements are met:
1. Setback requirements of the zoning district in which the lot is located shall be met.
 2. If an on-lot septic system or well is used, the requirements of DEP and the Township Well Ordinance shall be met.
- E. Expansion of a Nonconforming Non-Residential Use. By special exception, the Zoning Hearing Board may permit a nonconforming non-residential use or a building used by a nonconforming non-residential use to be expanded, provided the following provisions are met:
1. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
 2. The total building floor area used by a nonconforming use or the total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by more than 50 percent beyond what existed in the nonconforming use at the time the use first became nonconforming. This maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the maximum increase.
 3. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance.
- F. Expansion of a Nonconforming Residential Use. An existing nonconforming residential use may be expanded by right provided that:
1. The number of dwelling units or rooming house units is not increased.
 2. The expansion meets all applicable setbacks.

3. No new types of nonconformities are created.
 4. A nonconformity is not made more severe.
- G. Nonconforming Signs. The provisions of this Ordinance shall not provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall be permitted only if allowed by Article 15.
- H. Damaged or Destroyed Nonconformities.
1. By special exception, the Zoning Hearing Board may permit a nonconforming structure or nonconforming use that has been destroyed or damaged to be rebuilt in a nonconforming fashion provided:
 - a. The application for a special exception is submitted within 6 months after the date of damage or destruction.
 - b. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
 - c. No nonconformity may be newly created or increased by any reconstruction
 2. An application for a zoning permit shall be submitted within 3 months after the date of approval of the special exception by the Zoning Hearing Board.
 3. Work shall begin in earnest within 3 months after the zoning permit is issued and continue without undue delay until finished.
- I. Abandonment of a Nonconformity.
1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except as provided for in Section 1411.H.
 2. The applicant shall be responsible to provide clear and convincing evidence that the nonconformity was not abandoned.
 3. An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" by this Section, provided the dwelling and its lot is maintained during the time it is unrented.
- J. Changes from One Nonconforming Use to Another.
1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
 2. A nonconforming use may be changed to a different nonconforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use.

3. Where Special Exception approval is required for a change of a nonconforming use, the Zoning Hearing Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
 - a. Traffic safety and generation (especially truck traffic).
 - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards.
 - c. Amount and character of outdoor storage.
 - d. Hours of operation if the use would be close to dwellings.
 - e. Compatibility with the character of the surrounding area.
 4. A nonconforming use shall not be changed to a nonconforming Adult Use.
- K. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

Section 1411 Landscaping and Screening

- A. Ground Cover. Any part of a site which is not used for structures, parking or loading spaces and aisles, driveways, sidewalks, and designated storage areas shall be planted with an all-season well-maintained vegetative ground cover. The landscaped area shall be kept free from trash, rubbish, and noxious weeds.
- B. Buffer Yards.
 1. A reverse frontage lot shall have a 10 foot wide buffer yard provided along the road of non-access. No driveway access to the property shall be through the buffer yard.
 2. Wherever a new or expanded non-residential use other than agriculture abuts an existing residentially used property or a property zoned for residential uses, a buffer yard shall be provided. This provision shall not apply if both the non-residential use and the residential use or property are located in the V district.
 - a. The buffer yard shall be a minimum of 30 feet in width.
 - b. The buffer yard shall be increased to 50 feet where a building exceeds 100,000 square feet of gross floor area.
 - c. The buffer yard shall be increased to a minimum of 70 feet along any side of a building where a loading dock is proposed.
 - d. For existing non-residential uses that are expanding, the buffer yard shall only be required for areas of the lot with new uses or structures.
 3. A buffer yard may overlap with a setback area, provided the greater width of the two is maintained.
 4. The width of a buffer yard shall be measured from the right-of-way line, property line, or zoning district boundary line, whichever is applicable.
 5. The buffer yard shall be comprised entirely of landscaping and screening. The only permitted structures are fences used for screening purposes.

- C. Screening. Every buffer yard shall be provided with landscaping that visually screens the use from adjacent properties.
1. The screen shall principally contain evergreen trees with a minimum height at planting of 4 feet. The trees shall be able to produce a mostly solid year-round visual screen of 6 feet in height within 3 years. The trees shall be planted in a staggered or offset fashion to allow for future growth.
 2. Arborvitae shall not be used for screening.
 3. Any screen with more than 20 trees shall contain a mixture of species interspersed throughout the screen.
 4. The screen shall contain 1 deciduous tree for each 75 feet of length of the screen.
 5. A fence or sections of fence may be used within the screen; however, the fence shall only provide supplementary screening. Principal screening shall be provided by landscaping. Any fence used for screening shall be placed toward the interior of the non-residential lot and may not directly abut the street right-of-way.
 6. A fence or wall in excess of the maximum height for fences and walls permitted by Section 1401.C may be permitted by the Board of Supervisors when approving a land development plan, provided that the fence or wall meets the setbacks required by the zoning district.
 7. An earthen berm may be used within the screen to provide additional screening.
 8. Any plant used in a screen shall be replaced if it dies within 18 months of planting.

Section 1412 Outdoor Lighting

- A. Purpose. The purpose of this Section is:
1. To provide for and control lighting in outdoor public places where public health, safety and welfare are potential concern.
 2. To protect drivers and pedestrians from the glare of non-vehicular light sources.
 3. To protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources.
 4. To promote energy efficient lighting design and operation.
 5. To protect and retain the intended visual character of Paradise Township.
- B. Applicability.
1. All new outdoor lighting fixtures shall comply with this Section.
 2. Temporary seasonal decorative lighting is exempt from all but the glare-control requirements of this Section.
 3. Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, is exempt from the requirements of this Section.
- C. Criteria.
1. Illumination Levels.

- a. Lighting, where required by this Ordinance, or otherwise required or allowed by the Township, shall have intensities, uniformities and glare control in accordance with the recommendations contained within the Lighting Handbook and within separate Recommended Practices published by the Illuminating Engineering Society of North America (IESNA).
 - b. Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles. The average illumination in the area directly below the canopy shall not exceed 20 initial footcandles and the maximum shall not exceed 30 initial footcandles.
 - c. The illumination projected from any use onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight from any point on the receiving residential property.
 - d. The illumination projected from any property onto a non-residential use shall at no time exceed 1.0 footcandle, measured line-of-sight from any point on the receiving property.
2. Time Limits.
- a. Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations) for commercial, industrial and institutional uses shall be automatically extinguished no later than one-half hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of 25 percent of the number of fixtures or illumination level required or permitted for illumination during regular business hours.
 - b. Illumination for signs, billboards, building facades and/or surrounding landscapes for decorative, advertising or aesthetic purposes is prohibited between 11:00 p.m. and dawn, except that such lighting situated on the premises for an establishment may remain illuminated while the establishment is actually open for business, and until one-half hour after closing.
3. Lighting Fixture Design.
- a. Fixtures shall be of a type and design appropriate to the lighting application.
 - b. For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, and building entrances, fixtures shall be aimed straight down and shall meet IESNA full-cutoff criteria. Fixtures containing non-directional lamps with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph. In the case of decorative street lighting, the Township may approve the use of luminaires that are fully shielded or comply with IESNA cutoff criteria.

- c. For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Fixtures containing non-directional lamps with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent lamp, are exempt from the requirements of this paragraph.
 - d. "Barn lights," aka "dusk-to-dawn lights," where visible from another property, shall not be permitted unless fully shielded as viewed from that property.
4. Control of Glare.
- a. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting light onto a neighboring use or property.
 - b. Directional fixtures such as floodlights and spotlights shall be so shielded, installed, and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway or pedestrian way.
 - c. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
5. Installation.
- a. Electrical feeds for lighting standards shall be run underground, not overhead.
 - b. Poles supporting lighting fixtures for the illumination of parking areas shall be suitably protected from damage by vehicles and snowplows.
 - c. Pole mounted fixtures for lighting horizontal tasks shall be aimed straight down and poles shall be plumb.
6. Maintenance. Lighting fixtures and ancillary equipment shall be maintained so as to always meet the requirements of this Ordinance.
7. Billboards and Signs. The lighting of new or relighting of existing billboards and signs shall require a Zoning Permit, which shall be granted when the Township is satisfied that excessive illumination, light pollution, glare and light trespass have been adequately mitigated, and shall be subject to the following requirements:

- a. Externally illuminated billboards and signs shall have fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto and not beyond the sign or billboard. At no point on the face of the sign or billboard and at no time shall the illumination exceed 30-vertical footcandles during hours of darkness.
 - b. The light source for internally illuminated signs and billboards shall not exceed 1,000 initial lumens per square foot of sign face.
 - c. The illumination of billboards within 400' of a residential use or district shall not be permitted.
8. Flags. Illumination of the official flag of the United States of America and the official flag of the Commonwealth of Pennsylvania shall be exempt from all requirements of this Section, subject to the following limitations:
- a. One spot or flood light may be used to illuminate the flag.
 - b. The illumination shall not adversely affect any adjoining property.
 - c. The light fixture shall be located within 5 feet of the base of the flagpole, directed upward to illuminate the flag(s) only, and shielded so that the lamp is not visible from any adjoining property, roadway, or building.
 - d. No other flags, banners or signs shall be located on the flagpole or shall be placed so as to be illuminated by the light permitted by this subsection.
- D. Plan Submission. Where lighting regulated by this Section is proposed, the applicant shall submit lighting plans for review and approval. The submitted information shall contain the following:
- 1. A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed fixtures by location, orientation, aiming direction, mounting height and type. The submission shall include, in addition to existing and proposed area lighting, all other exterior lighting, e.g., architectural, building-entrance, landscape, flag, sign, etc.
 - 2. A 10'x10' illuminance grid plot or isofootcandle plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Section.
 - 3. Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods.
 - 4. Evidence of the IESNA recommendations for the proposed use.

5. When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
 6. When requested by the Township, Applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate the potential consequences of on-site and off-site glare and to retain the intended character of the Township. This plan may require the inclusion of initial vertical footcandle values at specific off-site venues, e.g., bedroom windows of adjacent residential uses.
- E. Post Installation Inspection. The Township reserves the right to conduct a post installation inspection to verify compliance with the requirements of this Section prior to issuance of a Certificate of Use and Occupancy for the lighting fixtures or use. Any required remedial action shall be at no expense to the Township.
- F. Nonconforming Lighting. Any lighting fixture or lighting installation lawfully installed prior to and operable on the effective date of this Section that does not conform to the requirements of this Section, shall be considered as a lawful nonconformance. A nonconforming lighting fixture or lighting installation shall be made to conform to the requirements of this Section when:
1. It is deemed by the Township to create a safety hazard
 2. It is replaced by another fixture or fixtures.
 3. It is abandoned or relocated
 4. There is a change in use.

ARTICLE 15 - SIGNS

Section 1501 Applicability

- A. Purpose. The purpose of this Article is to:
 - 1. Allow for signs as a means of visual communications while creating standards that ensure the overall aesthetic quality of those signs.
 - 2. Set forth reasonable time, place, and manner standards that do not infringe on free speech rights.
 - 3. Prohibit a sign that would be distracting to motorists.
 - 4. Minimize adverse effects on nearby properties.
 - 5. Enhance the economic value of the community.
- B. This Article shall apply to all signs whether constructed prior to or after the enactment of these regulations.
- C. A Zoning Permit shall be required for the erection of a new sign or any change to an existing sign that is shown as requiring a permit by the tables in Section 1506.

Section 1502 General Regulations

- A. Signs shall reflect the general character of the neighborhood.
- B. Signs shall be constructed of durable materials and shall be maintained in good condition and repair.
- C. When a sign becomes unsafe, the Zoning Officer shall give written notice to the property owner or lessee to repair or remove the unsafe sign.
- D. Any sign shall be removed within 3 months if the use for which it was erected no longer exists. This shall not apply to a vacant building that is clearly being offered for sale or lease to new tenants, provided that the commercial message of the sign is removed or covered.
- E. No temporary signs shall be permitted unless specifically authorized herein.
- F. Permanent signs shall be securely and permanently attached to their support structure, a building, or the ground.
- G. Signs shall not be attached to utility poles, traffic control signs, fire hydrants, or similar items.
- H. Signs shall not have any lighting that constitutes a public safety or traffic hazard.
- I. Signs shall not imitate in any way an official traffic sign or signal or other governmental sign, such as using the words "stop" or "danger" or by using red, green, or yellow lights.
- J. Signs shall not include a revolving or flashing light resembling an emergency vehicle or facility.
- K. Signs shall not advertise products or services that are in any way illegal.
- L. Signs shall not include words, phrases, or pictures that are considered to be vulgar, obscene, or pornographic.

- M. Streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons or similar items shall not be displayed outside a building.
- N. Signs shall not include animated, sequential, intermittent, flashing, oscillating, or rotating elements. Time and temperature displays may be permitted provided they do not include any of the aforementioned prohibited elements.
- O. Signs shall not emit smoke, vapors, particles, sounds, or odors.
- P. Open flames shall not be used in a sign or to otherwise attract attention.
- Q. Searchlights, beacons, lasers, and similar lights are considered signs and shall not be permitted.
- R. The light from an illuminated sign shall not adversely affect (1) the safe vision of operators of motor vehicles on nearby roads, driveways, and parking areas, (2) the LDR, MDR, or V zoning district, or (3) any part of a building used for residential purposes. Special attention shall be paid to the proper shielding of externally illuminated signs.
- S. Unless otherwise permitted within this Ordinance, a sign shall only include information related to the property on which it is located.

Section 1503 Sign Location

- A. No sign shall be located within a street right-of-way, except a government sign or other sign approved by the Board of Supervisors or the Pennsylvania Department of Transportation
- B. No sign shall be located in an easement for stormwater, public water, public sewer, or similar use.
- C. No sign shall be attached to a utility pole, fence, tree, fire hydrant or other object not intended to hold a sign.
- D. No sign shall be located in a clear sight triangle or other area required to be kept clear by this or another ordinance.
- E. Freestanding signs shall be set back 10 feet from side and rear property lines.
- F. Sign setback distances shall apply to all portions of the sign and the support structure.
- G. No sign shall be located so as to block a sidewalk, fire escape, access door or any other area designed for pedestrian use.
- H. A sign located over a pedestrian area shall be at least 10 feet above the walking surface.
- I. A sign located over a vehicle driving area shall be at least 18 feet above the driving surface.

Section 1504 Sign Dimensions

- A. Sign area. The area of a sign shall be the area of the smallest rectangle, triangle, or circle that will encompass all letters, symbols, figures, designs, or other display elements of the sign.
 - 1. When the sign is a separate unit, the area shall include any borders, framing, trim, background and space between elements. Structural support members shall not be included unless they contains design or display elements.

2. When the sign consists of individual elements attached to or painted on a wall or otherwise has no definable edges, the area shall include all color, artwork, or other means used to differentiate the sign from the surface to which it is attached.
 3. The maximum area of a sign shall be applied to each sign face, provided that the faces are no more than 5 feet apart at any point.
- B. Sign height. The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign.
1. The ground elevation at the base of a sign shall not be artificially increased so as to increase the maximum height of the sign.
 2. No sign shall exceed the height limitation of the zoning district in which it is located.
 3. Wall signs shall not extend higher than the top of the wall to which they are attached.
- C. Sign projection. Any sign attached to a wall or other surface shall project no more than 12 inches away from the surface to which it is attached.

Section 1505 Nonconforming Signs

- A. Signs legally existing at the time of enactment or amendment of this ordinance which do not conform to the requirements of this Ordinance shall be considered nonconforming signs.
- B. Nonconforming signs may continue to be used and may be modified and replaced provided that the modified or new sign does not increase the nonconformity in any way.
- C. Nonconforming signs shall be removed in accordance with Section 1502.D.

Section 1506 Specific Sign Requirements

The following two tables list specific requirement for Permanent and Temporary signs.

Regulations for Permanent Signs

Type of Sign	Zoning District	Maximum Height	Minimum Setback From Right-of-Way	Maximum Area	Number Permitted	Additional Requirements	Permit Required
Freestanding Sign	A, RC, LDR, MDR	10 ft.	10 ft.	20 s.f.	1 along each street frontage of a lot	Only permitted in conjunction with a permitted principal use that is non-residential and non-agricultural	Yes
	V	10 ft.	10 ft.	40 s.f.			
	C	20 ft.	10 ft.	40 s.f.			
Wall Sign	A, RC, LDR, MDR	Cannot extend above top of wall or canopy to which it is attached.	n/a	0.5 s.f. per linear foot of exterior wall to which the sign is attached. Maximum area of 20 s.f.	1 per lot	Only permitted in conjunction with a permitted principal use that is non-residential and non-agricultural	Yes
	V			0.75 s.f. per linear foot of exterior wall to which the sign is attached. Maximum area of 30 s.f.	1 per tenant or business		
	C			1 s.f. per linear foot of exterior wall to which the sign is attached. Maximum area of 40 s.f.	1 per street on which a tenant or business has frontage.		
Front Door Sign	All	n/a	n/a	2 s.f.	1 per tenant or business	Must be mounted on door or within 1 ft. of door.	Yes
Rear Door Sign		n/a	n/a	2 s.f.	1 per tenant or business	Must be mounted on door or within 1 ft. of door.	Yes
Window Sign	All	n/a	n/a	20% of window area	n/a	The sign shall not obscure the vision of the police or other safety personnel	No
Center Sign	A, RC, LDR, MDR, V				0	Not Permitted	
	C	20 ft.	20 ft.	1 s.f. per 2,000 s.f. of gross floor area in center. Maximum area of 60 s.f.	1 per center	Center must contain at least 80,000 s.f. of gross floor area.	Yes

Regulations for Permanent Signs - continued

Type of Sign	Zoning District	Maximum Height	Minimum Setback From Right-of-Way	Maximum Area	Number Permitted	Additional Requirements	Permit Required
Residential Development Sign	All	5 ft.	10 ft.	20 s.f.	1 per principal entrance. Maximum of 2 per development	Only allowed for residential developments. No commercial advertising permitted. When the development is under construction, a temporary sign displaying real estate sales information may be permitted in lieu of a permanent sign.	Yes
Agricultural Sign	All	10 ft.	10 ft.	16 s.f.	1 per lot		Yes
Home Occupation Sign	All	5 ft.	5 ft.	3 s.f.	1 per lot	May be freestanding or wall mounted.	Yes
Directional or Informational Sign	All	5 ft.	10 ft.	3 s.f.	Unlimited	No more than two may be located at each driveway entrance.	No
Billboard	A, RC, LDR, MDR, V				0	Not Permitted	
	C	25 ft. above the closest roadway surface	25 ft.	300 square feet per sign face	1 per location	Permitted only by special exception. One billboard may have 2 faces with different messages, provided surfaces are back to back or at an angle of 45 degrees or less. Billboards shall be set back 25 ft. from side and rear property lines. Each billboard shall be at least 1000 ft. from all other billboards. and at least 300 ft. from any A, RC, LDR, MDR, or V district on the same side of the street as the billboard. Not permitted on a lot with a residential use.	Yes
Government Sign						No regulations.	No

Regulations for Temporary Signs

Type of Sign	Zoning District	Maximum Height	Minimum Setback From Right-of-Way	Maximum Area	Number Permitted	Comments	Permit Required
Real Estate Sign	A, RC, LDR, MDR	5 ft.	5 ft.	6 s.f.	1 per street frontage	Must be located on the property offered for sale or lease. Must be removed within 7 days after settlement or signing of lease.	No
	V	5 ft.	5 ft.	10 s.f.			
	C	10 ft.	5 ft.	32 s.f.			
Open House Sign	All	5 ft.	5 ft.	6 s.f.	1 per street frontage plus 2 located off-premise with no more than 1 per intersection	Shall not be displayed longer than 4 days. Off-premise signs shall have the approval of the landowner.	No
Contractor Sign	All	5 ft.	5 ft.	6 s.f.	1 per contractor	Must be removed within 7 days after completion of construction. More than 4 contractors shall be displayed on a single sign. Such a sign shall not exceed 10 ft. in height and 32 s.f in area.	No
Sidewalk Sign	All	5 ft.	5 ft.	8 s.f.	1 per tenant or business	Sign shall only be placed outside when business is open. Sign shall not obstruct any sidewalk.	Yes
Issue Sign	All	5 ft.	5 ft.	6 s.f.	1 per political candidate or issue per street frontage	Issue signs that endorse a candidate in a political contest shall be removed within 30 days after the election.	No
Banner Sign	All	10 ft.	10 ft.	20 s.f.	1 per tenant, business, or organization	Shall only be displayed 2 times in a 12 month period for no more than 14 days at a time.	No
Garage Sale Sign	All	5 ft.	5 ft.	6 s.f.	1 per street frontage	Shall be displayed for no more than 4 days at a time.	No

ARTICLE 16 - VEHICULAR ACCESS

Section 1601 Driveways

- A. All vehicular access and entrance to a lot shall be by a driveway or driveways meeting the requirements of this Ordinance and the SALDO. See the SALDO for specific driveway requirements.
- B. Variations to the driveway regulations for a project that does not require a subdivision or land development plan shall only be permitted as a variance in accordance with Section 1706.
- C. Variations to the driveway regulations for a project that requires a subdivision or land development plan shall be permitted during the subdivision or land development plan process as a waiver in accordance with the regulations of the SALDO.

Section 1602 Required Off-Street Parking

- A. Off street parking spaces shall be required in accordance with the table in Section 1602.G and this Article when a new building or use is established, when an existing building or use is altered, enlarged, or expanded so as to require additional parking, and when an existing building or use is changed to a different use that requires additional parking.
- B. Any use not specifically listed shall comply with the most similar use.
- C. When multiple uses are involved, required parking shall be calculated for each independent use, and the sum total number of required parking spaces shall be provided.
- D. Required spaces shall be provided on the same lot as the use requiring the spaces.
- E. Areas used for vehicle fueling, vehicle washing, or performing other vehicle services shall not count toward required parking spaces.
- F. The Zoning Hearing Board may approve a modification of the required number and/or location of parking spaces by Special Exception where the applicant provides proper justification.
 - 1. Proper justification shall require the provision of studies of existing cases of similar uses or situations; reports or recommendations produced by recognized engineering, parking, or planning organizations; or other data that is authoritative or produced by a person with appropriate professional credentials.
 - 2. Parking may be reduced where multiple uses have a common parking lot and share customers or have different times of peak usage, provided proper justification is provided for the requested reduction.
 - 3. Where the Zoning Hearing Board grants approval of shared parking arrangements or parking spaces located on a lot other than the one containing the use requiring the parking, appropriate easements or agreements ensuring continued access to the parking lot shall be required.

G. Table of required off-street parking spaces.

Use	Required Parking Spaces
Agricultural Uses	
Stable	1 per horse boarded, plus 1 per 1.5 pupils of the largest class.
Residential Uses	
Life Care Facility	1 per individual dwelling unit, plus 1 per bed
Group Home	1 per 2 occupants, plus 1 per employee on largest shift
In-Law Quarters	1
Dwelling unit	2 per dwelling unit
Commercial Uses	
Bed and Breakfast	1 per guest room
Bank or Financial Institution	1 per 200 s.f. of gross floor area
Campground	1 per campsite
Day Care Facility	1 per 10 persons of maximum capacity, plus 1 per employee
Contractor Shop and Showroom	1 per 400 s.f. of showroom floor area
Convenience Store	1 per 100 s.f., plus 1 per employee on the largest shift
Crematorium	1 per employee
Farm Equipment Sales, Service, Repair, and Storage	1.5 per employee
Funeral Home	1 per 200 s.f. of gross floor area
Golf Course	4 per hole, plus 1 per employee, plus 50% of required spaces for accessory uses.
Indoor Recreation Facility	1 per 4 persons of maximum capacity
Kennel	1 per 10 animals boarded, plus 1 per employee
Medical or Dental Clinic	4 per doctor, dentist, or physician's assistant, plus 1 per employee.
Mobile Home Sales Lot	1 per 5 dwellings displayed
Motel or Hotel	1 per sleeping room, plus 1 per 4 persons of capacity of any meeting rooms, plus 1 per employee on the largest shift.
Office	1 per 300 s.f. of gross floor area
Outdoor Recreation Facility	1 per 4 persons of maximum capacity
Personal Service Shop	1 per 200 s.f. of customer floor area or 1 per customer chair, whichever is greater.
Restaurant, Bar	1 per 4 seats, plus 1 per employee
Retail Store	1 per 200 s.f. of customer floor area, plus 1 per employee on the largest shift.
Shopping Mall, Center or Plaza	1 per 200 s.f. of customer floor area, plus 1 per employee on the largest shift
Studio for Teaching Dance, Art, or Similar Cultural Activity	1 per 1.5 students
Theater, Auditorium, Nightclub or other Assembly Area	1 per 4 persons of maximum capacity, plus 1 per employee on the largest shift.
Vehicle Repair and Service Facility	5 per repair bay, plus 1 per employee on the largest shift.
Vehicle Sales or Rental Facility.	1 per 10 vehicles displayed or stored on site, plus 1 per employee.
Vehicle Washing Facility	1 per wash or vacuum station
Veterinary Office	4 per veterinarian
Industrial Uses	
All Industrial, Warehouse, and Laboratory Uses	1 per 1.5 employee on the largest shift

Use	Required Parking Spaces
Institutional and Public Uses	
Cultural Facility	1 per 50 s.f. of floor area or 1 per 4 seats, whichever is greater, plus 2 per 3 employees
Place of Worship	1 per 4 seats in room of greatest capacity
Hospital	1 per 3 beds, plus 1 per employee on the largest shift
Municipal Buildings and Services	No requirement
Public or Private School	1 per 20 students in grades K-10, plus 1 per 5 students above grade 10, plus 1 per employee.
Public Utility Facility	1 per employee
Miscellaneous Uses	
Outdoor Shooting Range	2 per shooting station
Private Club	1 per 4 seats in room of greatest capacity or 1 per 50 s.f., whichever is greater.

Section 1603 Parking Lots

- A. Applicability. A parking lot shall be utilized to provide off street parking for every use except a single family dwelling.
- B. Size of Spaces and Marking. Parallel spaces shall have minimum dimensions of 8 feet by 23 feet. Non-parallel spaces shall have minimum dimensions of 9 feet by 19 feet. Individual spaces shall be delineated by paint striping or other pavement markings to show their location.
- C. Handicapped Parking Spaces. The amount, location, and design of handicapped parking spaces and accessible routes to a building shall comply with the Americans With Disabilities Act Accessibility Guidelines for Buildings and Facilities.
- D. Aisle Width. Aisles between rows of parking spaces shall meet the following minimum widths.

Parking Angle	One Way Traffic	Two Way Traffic
90 degrees	20 feet	24 feet
60 degrees	18 feet	22 feet
45 degrees	14 feet	20 feet
30 degrees	12 feet	20 feet
Parallel	11 feet	20 feet

- E. Surfacing. Parking lots shall be surfaced with asphalt, concrete, pavers, or other low dust material approved by the Township.
- F. Drainage. Parking lots shall be graded to provide adequate drainage to avoid areas of ponding and shall have an approved stormwater management plan.
- G. Speed Bumps. Speed bumps and other speed control devices are permitted provided they are clearly delineated with paint or pavement color and are marked with signs. They shall not be permitted where they will cause vehicles to back up onto adjacent public roadways.

H. Stacking Areas. Parking lots shall be designed to provide adequate stacking area for vehicles entering the parking lot so that public roadways are not blocked. Stacking areas shall also be provided for vehicles leaving the parking lot so that parking spaces and aisles are not blocked.

I. Landscaping.

1. Parking lots shall be separated from street right-of-way lines with a landscape strip planted with an all weather ground cover or other landscape plantings. The width of the landscape strip shall be based on the number of spaces within the parking lot.

Spaces in Parking Lot	Landscape Strip Width
1-100	10 feet
101-250	15 feet
251 or more	20 feet

2. A 10 foot wide landscape strip shall be provided along rear and side property lines.
3. Parking lots shall contain at least 1 deciduous shade tree for every 15 parking spaces provided.
 - a. When only 1 tree is required, it may be placed adjacent to the parking lot.
 - b. Where 2 or more trees are required, they shall be located within the interior of the parking lot in a landscaped island protected by curbing or other physical barrier.
 - c. The trees shall have a trunk diameter of at least 2 inches at a point 6 inches above finished grade level.
4. Parking lots with 15 or more spaces shall dedicate at least 5% of their total area to interior landscaping.
 - a. The landscaping shall be located within the interior of the parking lot and shall be protected by curbing or other physical barrier.
 - b. Ground cover alone shall not meet this landscaping requirement. Trees and shrubs shall be used in the planting areas.
 - c. Planting areas containing a required deciduous shade tree may be used to meet the interior landscaping requirement.
 - d. A maximum of 25 parking spaces shall be placed in a row without being separated by a landscape island.
5. The buffer and screening requirements of Section 1412 shall apply to parking areas.

J. Curb Stops. Curb stops or other means shall be used to ensure that parked vehicles do not overhang onto walking areas, sidewalks, or landscape areas.

K. Backing Onto Roadway. Parking lots shall be arranged so that no vehicle will be required to back onto a public roadway.

L. Lighting. When a parking lot will be used after dark, lighting shall be provided. When lighting is provided it shall be directed inward and downward onto the parking lot. It shall not create a glare on adjacent lots or streets.

- M. Connection to Street. The parking lot shall only be connected to a street or streets by a driveway meeting the requirements of this Article and the Township Subdivision and Land Development Ordinance.
- N. Cross Access. Parking lots for adjacent uses shall be connected to each other to enable cross access between the uses. Appropriate easements and agreements shall be provided to ensure the continued right of access.
- O. Prohibited Uses of a Parking Lot. Parking lots are for the sole purpose of accommodating passenger vehicles of persons associated with a use. Parking lots shall not be used for the following purposes:
 1. The sale, display, or storage of any type of merchandise.
 2. The parking of vehicles accessory to the use.
 3. Performing services on vehicles.
 4. Loading and unloading functions, except minor and incidental package delivery.

Section 1604 Required Off-Street Loading Spaces

- A. Off street loading spaces shall be required in accordance with the table below and this Article, when a new building or use is established, when an existing building or use is altered, enlarged, or expanded so as to require additional loading spaces, and when an existing building or use is changed to a different use that requires additional loading spaces.
- B. Table of required off-street loading spaces.

Use	Required Loading Spaces	Required Loading Space Size (L X W X H)
Office, Bank, Theater, Auditorium, Hospital or Other Institution, Recreational Establishment	1 for a gross floor area of 10,000 s.f. to 100,000 s.f., plus 1 for each additional 100,000 s.f., or fraction thereof.	40' X 12' X 15'
All Other Commercial Uses	1 for a gross floor area of 5,000 to 25,000 s.f., plus 1 for each additional 50,000 s.f., or fraction thereof.	40' X 12' X 15'
Manufacturing and Industrial	1 for a gross floor area of 2,000 to 25,000 s.f., plus 1 for each additional 50,000 s.f., or fraction thereof.	65' X 12' X 15'
Wholesale or Storage	1 for a gross floor area of 1 to 10,000 s.f., plus 1 for each additional 20,000 s.f., or fraction thereof.	65' X 12' X 15'

- C. Surfacing. All loading spaces must be surfaced with asphalt or concrete.
- D. Location. Loading spaces shall be located so that vehicles do not back over public roadways. Loading spaces shall be separate from and shall not interfere with parking lots, pedestrian walkways, or other areas associated with customer, client, or employee traffic.
- E. Connection to Street. The loading spaces shall only be connected to a street or streets by a driveway meeting the requirements of this Article and the Township Subdivision and Land Development Ordinance.

- F. Drainage. Loading spaces shall be graded to provide adequate drainage to avoid areas of ponding and shall have an approved stormwater management plan.
- G. Lighting. When a loading space will be used after dark, lighting shall be provided. When lighting is provided, it shall be directed inward and downward onto the parking lot. It shall not create a glare on adjacent lots or streets.
- H. Buffers and Screens. The buffer and screening requirements of Section 1412 shall apply to loading spaces and areas.

ARTICLE 17 - ZONING HEARING BOARD

Section 1701 Creation and Membership of the Zoning Hearing Board

- A. There is hereby created for the Township a Zoning Hearing Board. The membership of the Zoning Hearing Board shall, upon the determination of the Board of Supervisors, consist of either three or five residents of the Township appointed by resolution by the Board of Supervisors. The terms of office of a three member board shall be three years and shall be so fixed that the term of office of one member shall expire each year. The terms of office of a five member board shall be five years and shall be so fixed that the term of office of one member of a five member board shall expire each year. If a three member board is changed to a five member board, the members of the existing three member board shall continue in office until their term of office would expire under prior law. The Board of Supervisors shall appoint two additional members to the Zoning Hearing Board with terms scheduled to expire in accordance with the provisions of this section. The Zoning Hearing Board shall promptly notify the Board of Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other elected or appointed office in the Township nor shall any member be an employee of the Township.
- B. The Board of Supervisors may appoint by resolution at least one but no more than three residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 1702, an alternate shall be entitled to participate in all proceedings and discussions of the Zoning Hearing Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the Township, including service as a member of the planning commission or as a zoning officer, nor shall any alternate be an employee of the Township. Any alternate may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor be compensated pursuant to Section 1703 unless designated as a voting alternate member pursuant to Section 1702.
- C. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Section 1702 Organization of Zoning Hearing Board

- A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. 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 Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Hearing Board as provided in section 1705.

- B. The chairman of the Zoning Hearing Board may designate alternate members of the Zoning Hearing Board to replace any absent or disqualified member and if, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to reach a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Hearing Board has made a final decision on the matter or case. Designation of an alternate pursuant to this section shall be made on a case by case basis in rotation according to declining seniority among all alternates.
- C. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Board of Supervisors as requested by the Board of Supervisors.

Section 1703 Expenditures for Services

Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Alternate members of the Zoning Hearing Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members pursuant to Section 1702, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors.

Section 1704 Jurisdiction

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final decisions in the following matters:

- A. Substantive challenges to the validity of any land use ordinance except those brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1(a)(2) of the MPC.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said Ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the Township and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provision within a land use ordinance.

- E. Applications for variances from the terms of the Zoning Ordinance and flood hazard ordinance or such provisions within a land use ordinance, pursuant to Section 1706.
- F. Applications for special exceptions under the Zoning Ordinance or flood plain or flood hazard ordinance or such provision within a land use ordinance, pursuant to Section 1707.
- G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provision of the Zoning Ordinance.
- H. Appeals from the Zoning Officer's determination under Section 916.2, Procedure to Obtain Preliminary Opinion, of the MPC.
- I. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same related to development not involving Subdivision and Land Development or Planned Residential Development applications.

Section 1705 Public Hearings.

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

- A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer, all adjoining property owners and to any person who, at least 15 days prior to the scheduled hearing date, has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance, or in the absence of ordinance provision, by rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of the hearing shall be conspicuously posted on the affected parcel of land at least 7 days prior to the hearing.
- B. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation of the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- C. The first hearing before the Zoning Hearing Board or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Hearing Board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Zoning Hearing Board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. And applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may,

upon the written consent or consent on the record by the applicant and Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

- D. The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board; however, the appellant or the applicant, as the case may be, in addition to the Township may, prior to the decision of the hearing, waive decision or findings by the Zoning Hearing Board and accept the decision of the hearing officer as final.
- E. Parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
- F. The Chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- G. 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.
- H. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- I. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- J. The Zoning Hearing 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 except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.

- K. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Zoning Hearing Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, as amended, or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Zoning Hearing Board fails to render the decision within the period required by this Subsection, or fails to commence or complete as required in Section 1705.C of this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as herein above provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in Section 1705.A. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.
- L. 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 Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- M. Whenever the Zoning Hearing Board imposes a condition or conditions with respect to the granting of an application or appeal, this condition must be stated in the decision of the Zoning Hearing Board and in the permit issued pursuant to the order by the Zoning Officer. This permit remains valid only as long as the conditions or conditions upon which it was granted or the conditions imposed by this Ordinance are adhered to.

Section 1706 Variances

- A. Filing of Variance. An application may be made to the Zoning Hearing Board for a variance where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may by rule prescribe the form of application and may require preliminary application to the zoning officer. An application for a variance shall only be filed by the landowner of the affected property, the landowner's legal representative, or another party that provides conclusive evidence of a legitimate financial interest in the property. The application shall include all information required by Section 1801.C for a Zoning Permit. In addition, the application

must include the names and addresses of adjoining property owners, including those directly across a public street.

- B. Referral to Planning Commission. All applications for a variance shall be referred to the Township Planning Commission for a review.
- C. Standards for Variance. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - 1. There are unique physical circumstances or conditions, including (a) irregularity, narrowness, or shallowness of lot size or shape, or (b) 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.
 - 2. 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.
 - 3. The unnecessary hardship has not been created by the appellant.
 - 4. 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.
 - 5. 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.
- D. Conditions. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the MPC and this Zoning Ordinance.
- E. Decision. The Zoning Hearing Board's decision on a variance application shall be made only after public hearing in accordance with the provisions of Section 1705 of this Ordinance.
- F. Time Limits. Unless otherwise specified or extended by the Zoning Hearing Board, a variance authorized by it expires if the applicant fails to obtain a zoning permit or use certificate within 6 months from the date of the authorization of the variance.

Section 1707 Special Exceptions

- A. Filing of Special Exceptions. For any use or activity permitted by special exception, a special exception must be obtained from the Zoning Hearing Board. An application for a special exception shall only be filed by the landowner of the affected property, the landowner's legal representative, or another party that provides conclusive evidence of a legitimate financial interest in the property. The application shall include all information required by Section 1801.C for a Zoning Permit. In addition, the special exception application must show the following:
 - 1. Ground floor plans and elevations of proposed structures.

2. Names and addresses of adjoining property owners, including those directly across a public street.
- B. Temporary Special Exceptions.
1. A temporary special exception may be granted for a nonconforming use or structure, existing or new, which:
 - a. Is beneficial to the public health or general welfare.
 - b. Is necessary to promote the proper development of the community.
 - c. Is seasonal in nature.
 2. A temporary special exception may be issued for a period not exceeding one year, and may be renewed for an aggregate period not exceeding 3 years. All applications for renewal shall be submitted at least 30 days prior to the expiration of the permit. The nonconforming structure or use must be completely removed within 30 days of the expiration of the special exception, or failure of the use to conform with the special exception conditions, without cost to the Township.
- C. Referral to Planning Commission. All applications for a special exception shall be referred to the Township Planning Commission for a review.
- D. Conditions. The Zoning Hearing Board, in approving special exception applications, may attach conditions considered necessary to protect the public welfare and to implement the purposes of the MPC, the Township Comprehensive Plan, and this Ordinance. The conditions may be more restrictive than those established for other uses in the same district.
- E. General Standards. A special exception may be granted when the Zoning Hearing Board finds from a preponderance of the evidence produced at the hearing that all the following are true:
1. The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the district.
 2. That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use.
 3. That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences.
 4. That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets.
 5. That the specific standards set forth for each particular use for which a special exception may be granted have been met.
- F. The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact, which are to be determined by the Zoning Hearing Board.

- G. Special Standards. In addition to the general standards for all special exceptions as contained in this Section, the specific standards for particular uses as listed in Article 13 or elsewhere in this Ordinance must be met prior to the granting of a special exception.
- H. Decision. The Zoning Hearing Board's decision on a special exception application shall be made only after public notice and public hearing in accordance with the provisions of Section 1705 of this Ordinance.
- I. Time Limits. Unless otherwise specified or extended by the Zoning Hearing Board a special exception authorized by the Zoning Hearing Board expires if the applicant fails to obtain, where required to do so, a zoning permit within 6 months of the date of the authorization of the special exception.

ARTICLE 18 - ADMINISTRATION

Section 1801 Zoning Permits

- A. A zoning permit is required for any of the following:
 - 1. A change in use of land or structures.
 - 2. The erection or construction of a structure, or portion thereof.
 - 3. The moving, improvement, enlargement, or alteration of an existing structure.
 - 4. The alteration or development of any real estate, including mining, dredging, grading, filling, excavation, or drilling.
 - 5. The erection or alteration of a sign.
 - 6. The construction of impoundments for water or animal wastes
- B. Zoning Permit Exemptions. A zoning permit is not required for maintenance and repairs that do not alter the use or exterior dimensions of a structure.
- C. The Zoning Permit application must be accompanied by a site plan drawn to scale that includes the following information:
 - 1. The location and dimensions of the lot.
 - 2. Names and widths of abutting streets and highways.
 - 3. Locations, dimensions, and uses of existing and proposed structures and yards on the lot and, as practical, of any existing structures within 100 feet of the proposed structure, but off the lot.
 - 4. Locations of existing on-site water wells and septic systems on the lot and, if served by such facilities.
 - 5. Proposed off-street parking and loading areas, driveways, and walks, landscaping, lighting, signs, storage areas, fences, walls, sewage disposal system, and any other significant features to be part of the proposed construction or development.
- D. The Zoning Permit application must include a statement of the intended use and any existing use of the structure or land.
- E. The Zoning Officer shall act on a Zoning Permit application in accordance with Section 1804.D.
- F. Work on the proposed construction or development shall begin within 6 months and shall be completed within 12 months after the date of issuance of the zoning permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Time extensions shall be granted only if a written request is submitted by the applicant who sets forth sufficient and reasonable cause for the Zoning Officer to approve such a request.

Section 1802 Certificates of Use and Occupancy

- A. A Certificate of Use and Occupancy shall be required prior to the use and/or occupancy of any structure, land, or portion thereof for which a Zoning Permit is required. The Certificate of Use and Occupancy shall be issued by the Zoning Officer upon his or her determination that the use and/or occupancy of a structure or land complies with this Ordinance.
- B. The application for a Certificate of Use and Occupancy must include a statement of the intended use and any existing use of the structure or land. The certificate continues in effect as long as the use of the structure or land for which it is granted conforms to this Ordinance.
- C. The Zoning Officer shall act on applications for Certificates of Use and Occupancy in accordance with Section 1804.E.

Section 1803 Conditional Uses

- A. Filing of Conditional Uses. For any use or activity permitted by conditional use, a conditional use approval must be received from the Board of Supervisors. An application for a conditional use shall only be filed by the landowner of the affected property, the landowner's legal representative, or another party that provides conclusive evidence of a legitimate financial interest in the property. The application shall include all information required by Section 1801.C for a Zoning Permit. In addition, the conditional use application must show the following:
 - 1. Ground floor plans and elevations of proposed structures.
 - 2. Names and addresses of adjoining property owners.
- B. Referral to Planning Commission. All applications for a conditional use shall be referred to the Township Planning Commission for a review.
- C. Conditions. The Board of Supervisors in approving conditional use applications may attach conditions considered necessary to protect the public welfare and to implement the purposes of the MPC, the Township Comprehensive Plan, and this Ordinance. The conditions may be more restrictive than those established for other uses in the same district.
- D. General Standards. A conditional use may be granted when the Board of Supervisors finds from a preponderance of the evidence produced at the hearing that all the following are true:
 - 1. The proposed use, including its nature, intensity and location, is in harmony with the orderly and appropriate development of the district.
 - 2. That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use.
 - 3. That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences;

4. That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets.
 5. That the specific standards set forth for each particular use for which a conditional use may be granted have been met.
- E. The applicant for a conditional use shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact, which are to be determined by the Board of Supervisors.
- F. Special Standards. In addition to the general standards for all conditional uses as contained in this Section, the specific standards for particular uses as listed in Article 13 or elsewhere in this Ordinance must be met prior to the granting of a conditional use.
- G. Hearing and Decision. A decision on a conditional use application shall only be made after the Board of Supervisors holds a hearing in accordance with the following:
1. The hearing shall be conducted by the Board of Supervisors or the Board of Supervisors may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board of Supervisors. However, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board of Supervisors and accept the decision or findings of the hearing officer as final. In granting a conditional use, the Board of Supervisors 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 act in the zoning ordinance.
 2. The Board of Supervisors shall render a written decision or, when no decision is called for, make written findings on the conditional use application within 45 days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this act 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.
 3. Where the Board of Supervisors fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in Section 908(1.2) of the MPC, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Board of Supervisors shall fail to provide such notice, the applicant may do so.

4. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following its date.
- H. Time Limits. Unless otherwise specified or extended by the Board of Supervisors, a conditional use authorized by the Board of Supervisors expires if the applicant fails to obtain, where required to do so, a zoning permit within 6 months of the date of the authorization of the conditional use.

Section 1804 Enforcement – Zoning Officer

- A. Appointment and Powers. For the administration of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Township, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Township and shall be able to demonstrate to the satisfaction of the Township a working knowledge of municipal zoning. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance. The Zoning Officer is the enforcement officer for this Ordinance. He issues all zoning permits, use and occupancy certificates, and at direction of the Zoning Hearing Board, special exceptions and variances. The Zoning Officer may identify and register nonconforming uses and nonconforming structures together with the reasons why they were identified as nonconformities. The Zoning Officer may conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance with consent of the owner. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.
- B. Forms: The Zoning Officer must provide a form or forms approved by the Township Solicitor for:
1. Zoning permits.
 2. Special exceptions.
 3. Appeals.
 4. Variances.
 5. Certificates of Use and Occupancy.
 6. Registration of nonconforming uses and nonconforming structures.
- C. Transmittal of Papers: Upon receipt of an application for a special exception, variance or a notice of appeal, the Zoning Officer must transmit to the Secretary of the Zoning Hearing Board and to the Township Planning Commission, copies of all papers constituting the record upon the special exception, variance, or appeal.

- D. Action on Zoning Permits. Within 30 days after receipt of a completed application for a zoning permit that includes evidence of all other applicable approvals, including the Planning Commission recommendation required in the Historic Overlay District by Article 11, the Zoning Officer shall grant or refuse the permit. If the application conforms to this Ordinance, the Zoning Officer must grant a permit. If the permit is not granted, the Zoning Officer must state in writing the grounds for denial and inform the applicant of the right to appeal to the Zoning Hearing Board.
- E. Action on Certificates of Use and Occupancy. Within 15 days after receipt of a completed application for a Certificate of Use and Occupancy that includes evidence of all other applicable approvals, the Zoning Officer shall issue or deny the certificate. If the certificate is not granted, the Zoning Officer must state in writing the reasons for the denial and inform the applicant of the right to appeal to the Zoning Hearing Board.
- F. Erroneous Permits. A Zoning Permit or any other permit or authorization issued or approved in violation of the provisions of this Ordinance is void without the necessity of any proceedings of revocation. Any work undertaken or use established pursuant to such a permit or other permit or authorization is unlawful. No action may be taken by a board, agency, or employee of the Township supporting such a violation.
- G. Enforcement. Upon determining that a violation of any of the provisions of this Ordinance exists, the Zoning Officer must send an enforcement notice to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state at least the following:
 1. The name of the owner of record and any other person against whom the Township intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance.
 4. The date before which the steps for compliance must be commenced (within 15 days of issuance of notice) and the date before which the steps must be completed (within 45 days of issuance of notice).
 5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within 15 days of issuance of said notice in accordance with procedures set forth in Article 17.
 6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation of this Ordinance.
- H. Records. The Zoning Officer must keep record of:
 1. All applications for zoning permits, use and occupancy certificates, special exceptions and variances and all actions taken on them, together with any conditions imposed by the Zoning Hearing Board.
 2. All complaints of violations of provisions of this Ordinance and the action taken on them.

3. All plans submitted.
 4. Nonconforming uses and nonconforming structures.
 5. All such records and plans shall be available for public inspection.
- I. Reports. At intervals of not greater than 6 months, the Zoning Officer must report to the Board of Supervisors
1. The number of zoning permits, and use and occupancy certificates issued.
 2. The number of complaints of violations received and the action taken on these complaints.

Section 1805 Amendments

- A. The Board of Supervisors may from time to time amend, supplement or repeal any of the regulations and provisions of this Ordinance.
- B. Public Hearing. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations. If after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice before proceeding to vote on the amendment.
- C. County Planning Commission Review. The Township shall submit any proposed amendment to the County Planning Commission for recommendations in accordance with MPC regulations.
- D. Amendments Involving Zoning Map Changes. If the proposed amendment involves a zoning map change, notice of the required public hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the tract to notify potentially interested citizens. The affected parcel or area shall be posted at least one week prior to the date of the hearing. In addition to the requirement that notice be posted, notice of the public hearing shall be mailed by the Township at least 30 days prior to the date of the hearing by first class mail to the addresses to which real estate tax bills are sent for all real estate property located within the area being rezoned. The notice shall include the location, date and time of the public hearing. This clause shall not apply when the rezoning constitutes a comprehensive rezoning.

- E. Enactment of Amendments. Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one newspaper of general circulation in the Township not more than 60 days or less than 7 days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not advertised, then:
1. A copy thereof shall be supplied to the newspaper in general circulation in the Township at the time the public notice is published, and
 2. An attested copy of the proposed ordinance shall be filed in the County Law Library or other County offices designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing the Ordinance.
 3. Within 30 days after enactment of any amendment to the Zoning Ordinance, a copy of the amendment shall be forwarded to the County Planning Commission.
- F. Landowner Curative Amendments. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in the MPC.
- G. Municipal Curative Amendments. If the Township determines that its Zoning Ordinance or any portion thereof is substantially invalid, the Township shall declare by formal action, its Zoning Ordinance or portions thereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity as provided for and in accordance with the procedures set forth in the MPC

Section 1806 Fees

The Board of Supervisors shall by resolution establish fees for all applications, permits, appeals, and other procedures pertaining to this Ordinance. The fee schedule shall be available at the Township Office for inspection. Until all fees have been paid in full, the application or appeal shall not be considered complete and no action shall be taken on the application or appeal and no time limits shall begin.

Section 1807 Appeals

Any person aggrieved or affected by provision of this Ordinance or decision of the Zoning Officer, Township Engineer, Zoning Hearing Board or Board of Supervisors may appeal in the manner set forth in either Article IX or X-A of the MPC, whichever is applicable. Appeals shall be decided as provided for in the MPC.

Section 1808 Repealer

All Township ordinances or parts thereof in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 1809 Interpretation

The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Ordinance shall prevail. When provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail.

Section 1810 Causes of Action

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Board of Supervisors or, with approval of the Board of Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Board of Supervisors at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Township. No such action may be maintained until such notice has been given.

Section 1811 Enforcement Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of the provision of this Ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than six hundred dollars (\$ 600) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgement, the Township may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was not such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.

All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township.

Section 1812 Validity

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by a recognized court of the Commonwealth, such decision shall not affect the legality of the remaining sections, clauses, provisions or portions of this Ordinance.

Section 1813 Effective Date

This Ordinance shall take effect immediately upon adoption and publication according to law.

Adopted by the Board of Supervisors of Paradise Township, York County, Pennsylvania into an ordinance the 28th day of January, 2009.

Attest:

Board of Supervisors
Paradise Township
York County, Pennsylvania

Judy M. Katz

Chairman

Vice-Chairman

Supervisor