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§ 160-12. Special land use requirements.

A. Specific requirements for each land use are as follows:

- (1) Accessory structures and uses. See § 160-15 and the following:
 - (a) Private garage, garden house, toolhouse, playhouse, incidental to the residential use of the lot.
 - (b) (Reserved)
 - (c) Private outdoor swimming pools in accordance with § 160-15D hereof.
 - (d) The storage of vehicles and boats in accordance with § 160-15E hereof.
 - (e) No signs shall be permitted except in accordance with the provisions of and subject to the procedural requirements of the Township Sign Ordinance (Chapter 114).
- (1.A) Accessory dwelling unit. One accessory dwelling unit (such as barn, stable, carriage house, spring house, guest cottage) shall be permitted on the same lot with and customarily incidental to any permitted residential use and shall not be conducted as an independent principal use.
 - (a) Accessory dwelling units used for purposes such as servant quarters, guest quarters, or family members shall not be rented.
 - (b) Issuance of permits for an Accessory dwelling unit shall be contingent upon the Township's Sewage Enforcement Officer approval for any on-site sewage disposal systems needed.
 - (c) The minimum lot area for a primary residential use to include an accessory dwelling unit is 175% of the minimum required lot area for a single-family dwelling.
 - (d) All parking areas shall be within the interior of the property.
- (2) Adult entertainment business.

Legislative Findings and Intent. Numerous studies indicate that sexually-oriented businesses present negative secondary impacts on neighboring properties and their owners/occupiers. Potential negative secondary impacts of certain sexually-oriented land uses include: prostitution, anonymous sexual contact, the emission

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and/or exchange of bodily fluids, drug sales or use, and the spread of communicable diseases. Studies from other jurisdictions have shown that there is a basic incompatibility between sexually-oriented land uses and any land use or activity that regularly includes youth. Further, studies in Indianapolis and Rochester show that sex businesses are likely to have negative effects on the property values of residences and similar uses within 500 to 1,000 feet. The Board of Supervisors adopts the legislative findings of the Pennsylvania General Assembly regarding the potential negative secondary impacts of certain sexually-oriented businesses, set forth at 68 Pa. C.S.A. Section 5501. The Board of Supervisors of Paradise Township seeks to impose reasonable content-neutral regulations on sexually-oriented land uses within the Township to minimize negative secondary impacts so as to protect the health, safety and welfare of all Township residents, including the employees, patrons, owners and customers of sexually oriented businesses operating within the Township. It is not the intent of the Board of Supervisors to deny any persons the rights of speech protected by the constitutions of Pennsylvania or the United States. Further, by enacting this ordinance, the Board of Supervisors does not intend to deny or restrict the rights of any adult to obtain or view, or both, any sexually-oriented materials protected by the constitution of Pennsylvania or the United States, or both, nor do they intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of sexually-oriented materials may have to sell, distribute or exhibit these materials.

- (a) Adult entertainment businesses are allowed as a conditional use in the business district (B-2) zones only.

- [1] Individual Consideration of Applications for Conditional Use – Pursuant to Chapter 160-8, conditional uses shall require individual consideration in each case because of their unique characteristics. Conditional Use applications shall be made in compliance with Chapter 160-29 of this Code of Ordinances. Any applicant who is dissatisfied with the Township's decision may appeal to the Court of Common Pleas, as per the Municipalities Planning Code, in addition to any other remedies at law or equity.

- (b) Standards. Conditional Use shall be granted, if recommended by the Planning Commission and the Board of Supervisors, unless any of the following standards are not met:

- [1] All applicants must meet the general standards for all conditional uses found in Chapter 160-10; and
 - [2] All applicants for adult entertainment business use must be at least eighteen years of age; and

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- [3] Applications must be made to the Zoning Officer on a form provided by the Township, intended for such use; and
- [4] Any application must be signed by at least one owner and one operator of the proposed adult entertainment business; and
- [5] If the applicant is a business entity, then each person having ten percent (10%) or greater interest in the entity must sign the application and provide their home address and phone number; and
- [6] If the applicant is a partnership, then the partnership shall state its complete name, and names of all partners, whether the partnership is general or limited and shall submit a copy of the partnership agreement, if any exists; and
- [7] If the applicant is a corporation, the corporation shall state the corporate name, the date of its incorporation, the type or classification of corporation, the names and capacities of all its officers, directors and principal stockholders and the name of the registered corporate agent and address of the agent for service of process and shall submit evidence that the corporation is in good standing under the laws of the state of its incorporation and qualified and authorized to conduct business in Pennsylvania; and
- [8] If the applicant intends to operate the adult entertainment business under a name other than that of the applicant, he or she must provide:
 - [a] the adult entertainment businesses' fictitious name; and
 - [b] the required registration documents;
- [9] Applications shall include the name, address and phone number of a responsible on-site manager with the authority to ensure compliance with this Chapter; and
- [10] Proposed location for Adult entertainment use must not be within 500 feet of any existing adult entertainment business; and
- [11] Proposed location for the adult entertainment business must not be within 1,000 feet of the following protected uses:
 - [a] Any day-care center;
 - [b] Any house of worship, meetinghouse or other actual place of regularly scheduled religious worship established prior to the proposed adult entertainment business;

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- [c] Any school or educational institution, public or private;
 - [d] Any public park, recreation area or playground;
 - [e] Any library, museum or other public buildings;
 - [f] Any enterprise, commercial or not-for-profit, that caters to persons under 18 year of age; and
- [12] The proposed location of the adult entertainment business must not be within 500 feet of any occupied residence, unless said occupants sign a waiver that they do not object to the proposed location of the adult entertainment business; and
- [13] Separation distances shall be measured from the edge of the building proposed to be used for adult entertainment to the lot line of the protected use; and
- [14] Any false information provided or failure to provide information requested on application shall be basis for denial; and
- [15] Premises proposed for location of adult entertainment business must meet all applicable local, state and federal codes and/or rules within 30 days of conditional use approval under this Chapter; and
- [16] All Applicants/owners must not be overdue in his or her payment to the Township of taxes, fees, fines or penalties assessed against him or her in relation to the adult entertainment business; and
- (c) License Required. No adult-entertainment business shall operate in Paradise Township without first obtaining a business license. All applicants for a conditional use to operate an adult business must at the time of application for conditional use, also apply for a business license to operate such business. Any adult entertainment business operating without a business license, or with an expired or revoked business license is guilty of violation of this Chapter. Any existing adult-entertainment businesses, operating at the time of adoption of this ordinance have 180 days after its effective date to apply for and obtain an adult-entertainment business license under this Chapter. All Adult entertainment businesses must comply with the provisions of Chapter 14 on Adult-Entertainment Business Licenses.
- (d) Prohibitions. The following shall be unlawful:
- [1] Touching: It is the responsibility of the Owner and/or Operator to make sure that no touching occurs between patrons or between patrons and

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performers/models/employees at any adult-entertainment business, except for hand-to-hand contact for the purpose of giving monetary gratuity to employees, or models or performers; and

- [2] Alcohol: It is the responsibility of the Owner and/or Operator to make sure that no alcohol is sold, served or consumed on the premise of any adult-entertainment business or massage parlors; and
- [3] Signage: It is the responsibility of the Owner and/or Operator to make sure that no sexually oriented material, signs, display or word is visible at any time from outside the building of any adult entertainment business or massage parlor. Exterior signs shall comply with Chapter 114 of this Code of Ordinances. Contents of signs shall include only the text of the name of the business and the hours of operation; and
- [4] Gambling: It is the responsibility of the Owner and/or Operator to make sure that no gambling occurs on the premises of any adult-entertainment business; and
- [5] Knowing Violations: Knowing violations of any of the above-stated provisions are prohibited and constitute a violation of this act; and
- [6] "Massage Parlors": It is the responsibility of the Owner and/or Operator to make sure that "Specified Sexual Activities" do not occur at massage parlors;
- [7] Minors: It is the responsibility of the Owner and/or Operator to make sure that no one under age 18 is on the premises of any adult-entertainment business during hours of operation;
- [8] Hours of Operation: It is the responsibility of the Owner and/or Operator to make sure that the business does not operate on Sundays or U.S. Government holidays;
- [9] Window Displays: It is the responsibility of the Owner and/or Operator to make sure that no sexually-oriented materials is displayed in windows or otherwise made visible to casual passersby;
- [10] Visibly Intoxicated Persons: It is the responsibility of the Owner and/or Operator to make sure that no visibly intoxicated persons are admitted into any adult-entertainment business;
- [11] Stage: It is the responsibility of the Owner and/or Operator to make sure that performers/models/employees are on a stage at least five feet away from the audience and performances occur in an area designated as a stage at least 500 square feet in size;

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- [12] No Closed Booths: It is the responsibility of the Owner and/or Operator to make sure that there are no closed booths in the adult entertainment business as per PA law and this Chapter;
- [13] No Material In Bathrooms: It is the responsibility of the Owner and/or Operator to make sure that no adult material is displayed or permitted in the bathrooms;
- [14] No Openings Between Booths: It is the responsibility of the Owner and/or Operator to make sure that there are no openings between any partitions or viewing booths; and
- [15] No Child Pornography: It is the responsibility of the Owner and/or Operator to make sure that child pornography is not sold, displayed or possessed in the adult entertainment business.

(3) Agricultural uses.

- (a) Agricultural uses - crops: Use of land for the cultivation of crop production, for commercial use shall be a permitted use in all zoning districts.

- [1] A retail sales structure is permitted on property used for commercial agriculture, providing it does not exceed 600 square feet of floor area and that it meets the minimum building setbacks for an accessory structure in the underlying zoning district;

- [2] Signage shall comply with Chapter 114 (Signs);

- [3] Retail sales on property used for commercial agriculture shall be permitted to sell only produce or comestibles grown/raised on the property.

- (b) Agricultural uses – livestock: The keeping, breeding and/or raising of livestock shall require a minimum lot size of three acres for the first two animals, and an additional acre per every additional Animal Unit, as defined in Chapter 1. The keeping, breeding and/or raising of fowl shall require a minimum lot size of two acres.

- [1] Barns, silos, sheds and related structures shall conform to the setback requirements for principal structures in the underlying zoning district;

- [2] Stables, pens, coops or similar housing for animals or fowl, or for the storage of manure or other odor- or dust-producing substances, or use of manure or other odor- or dust-producing substances shall not be permitted within 100 feet of any street or lot line. This shall not prohibit spraying, dusting or

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spreading of materials to fertilize or to protect vegetation in any area of the lot.

- (c) Agricultural uses - household pets: The keeping of outdoor household pets shall be permitted in all zoning districts provided it is conducted in a manner such that it does not generate noise, odor or safety issues that constitute a nuisance. At any time, by complaint of neighboring property owners or violation found by the Zoning Officer or certified state or federally appointed official, a landowner shall be notified and given 30 days to resolve such disorder(s). Such disorders not resolved within that period shall constitute a violation of this ordinance.

- [1] Outdoor housing, pens, runs shall meet the setback requirements for a residential accessory structure in the underlying zoning district;
- [2] Animal waste shall be stored and disposed of in a manner which creates no offensive odors beyond the property line;
- [3] Animal noises which produce complaints from neighboring properties shall require the property owner to take necessary steps to correct the noise.
- [4] Any commercial breeding (including the sale of more than one set of offspring per year) shall comply with standards for a kennel.
- [5] Household pets shall not be left outdoors unattended between the hours of 10 p.m. and 5 a.m.
- [6] Owners shall comply with Chapter 40 (Animals).

- (d) Agricultural uses - exotic animals:

- [1] No exotic animal may be kept, raised or possessed upon any lands within the Township without prior registry with the Township Zoning Officer.
- [2] All state or federal permits, licenses or import documents shall be submitted with the registry application.
- [3] No more than one specimen of any exotic animal may be kept upon any parcel of land within the Township by a private owner, with the exception of permitted zoological parks.
- [4] Cages, pens, and holding areas for exotic animals shall meet the setback requirements for a primary structure and shall be adequate to prevent the release of any exotic animal at all times. The escape of any exotic animal shall be adequate evidence that the cage, pen, or holding area for such animal is not secure and violates this chapter.

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- (e) Agricultural uses - private game preserves or hunting preserves: Fenced land dedicated to free-ranging animals for either display or hunting shall be located only in the OSC Zone, on parcels no less than two hundred (200) acres in size. Private game preserves or hunting preserves are prohibited from stocking any exotic animals, or any game species not native to the Commonwealth of Pennsylvania.
- (4) Airport or heliport:
- (a) Refer to Article XII, Airport Zoning Regulations; lot size 50 acres.
 - (b) Copies of all required federal and state permits shall be submitted to the township.
 - (c) The fly zone shall be situated to meet the performance standards within this chapter.
 - (d) A private airport or heliport is a principal use and all areas used for landings, takeoffs and ground circulation shall be at least 1,000 feet from any property line.
- (4.A) Automotive dealership:
- (a) Automotive dealerships shall be conditional uses in the B-1 and B-2 districts only.
 - (b) Minimum lot size is one (1) acre.
 - (c) Minimum street frontage shall be one hundred fifty (150) feet.
 - (d) No gasoline pump, oil pump, air, and/or water hose stand shall be permitted within thirty- five (35) feet of any property line or street right-of-way line.
 - (e) All lighting facilities shall comply with § 160-17.
 - (f) Screening is required in compliance with § 160-18.
 - (g) No vehicle shall occupy any part of any street right-of-way whether public or private, required customer parking area, or paved area setback.
 - (h) Applicants shall supply the Township a proof of a valid and current Pennsylvania State license to sell automobiles prior to the issuance of a conditional use permit and annually thereafter.

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- (i) One parking space shall be provided for each vehicle for sale with a twenty (20) foot setback from the road right-of-way, and must conform with all other standards outlined in § 160-16.
 - (j) Any area used for the parking and/or storage of vehicles shall be paved.
 - (k) For automotive dealerships which also contain a garage and/or fueling station on-site, the standards outlined in § 160-12(A)(5) and § 160-12(A)(30) shall apply, as appropriate.
 - (l) All automotive dealerships shall be kept free of paper and rubbish. No abandoned or nuisance vehicles shall be stored on-site.
- (5) Auto repair or body shop:
- (a) All disabled, inoperable or damaged vehicles shall be stored in an area which cannot be seen from public view.
 - (b) Screening and or stockade fencing is required. No vehicles shall be stored in the minimum building setback areas.
 - (c) Normal repairs must be done inside a building.
 - (d) (Reserved)
 - (e) No vehicle is allowed to be stored on grass or natural area.
 - (f) Automobile parts, junk, petroleum, paint products or other hazardous material shall be stored outside.
 - (g) Welding or painting shall be done within the premises.
- (6) Bed-and-breakfast.
- (a) The business must reflect a residential appearance.
 - (b) Only signage shall indicate a business use.
 - (c) A maximum of six units or rooms are allowed per parcel.
 - (d) The minimum lot size must be two times the required minimum lot size for the district in which it is located.
- (7) Bus station.

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- (a) The minimum lot size shall be two acres.
 - (b) Setbacks from all property lines shall be at least 50 feet.
 - (c) All activity shall occur on the property, not on any public right-of-way or private street.
 - (d) Access must be directly to a collector or arterial street.
 - (e) The storage of petroleum or other fuel must be in-ground, screened or within a building.
 - (f) Public rest rooms are required (but not taxi services).
- (7.A) Bus terminal. Refer to §160-12(A)(47) Motor freight terminals.
- (8) Campground.
- (a) A person or occupant shall not occupy any campsite within the campground longer than six months over a consecutive twelve-month period.
 - (b) The owner of the property must supply any relevant information sought by the Zoning Officer in his official capacity.
 - (c) Fifty (50) acres is the minimum lot size.
 - (d) A one-hundred (100) foot buffer with screening must surround the entire perimeter of the site. Screening is required to comply with §160-18.
 - (e) All structures, activity areas or buildings shall be set back at least one hundred fifty (150) feet from all contiguous residential property lines, except that activities involving music and/or public address systems shall be setback at least two hundred (200) feet from all contiguous residential property lines.
 - (f) All parking must be at least thirty five (35) feet from the property line.
 - (g) Thirty percent (30%) is the maximum lot coverage.
 - (h) Evidence of adequate potable water supply and sanitary sewage disposal for the use in question on the property shall be provided by the applicant.
 - (i) All outdoor lighting and any public address system on the property shall meet the requirements of §160-17 and §160-19, respectively.
- (9) Care facility, dependent, family, or group.

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- (a) At least 60% of the residents receive nursing or personal care.
- (b) A copy of any federal and state certificates shall be provided to the township.
- (c) Maximum lot coverage is 30%.
- (d) Minimum lot size is two acres.

Number of Beds

0 to 4

5 to 8

9 to 14

>14

Minimum Lot Size

2 acres

2.5 acres

3 acres

An additional 5,000 square feet for each
bed/person

- (e) All principal buildings must be set back at least 50 feet.
 - (f) An outdoor recreation area shall be provided for the residents of the facility and properly secured if necessary.
 - (g) A tested and suitable primary absorption area and a tested and suitable secondary absorption area shall be provided for any on lot sewage disposal system.
- (9.A) Care facility – Placement.

- (a) Facility must comply with all applicable state and/or federal laws and be licensed, where required, by an appropriate state and/or federal government agency.
- (b) A copy of any federal and state certificates shall be provided to the Township.
- (c) Facility must comply with all other zoning requirements for the underlying zoning district.
- (d) Adequate off-street parking must be provided for caregivers and visitors.
- (e) Maximum lot coverage is 30%.
- (f) An outdoor recreation area shall be provided for the residents of the facility and properly secured if necessary.

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(g) A tested and suitable primary absorption area and a tested and suitable secondary absorption area shall be provided for any on lot sewage disposal system.

(h) Minimum lot size shall be two acres.

Number of Beds	Minimum Lot Size
0 to 4	2 acres
5 to 8	2.5 acres
9 to 14	3 acres
>14	An additional 5,000 square feet for each bed/person

(i) All principal buildings must be set back at least 50 feet.

(10) Cellular tower; communication towers, antennas and communication equipment buildings.

(a) Antennas and communication equipment buildings.

- [1] Building-mounted antennas shall not be located on any single-family dwelling or two-family dwelling.
- [2] Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- [3] Antennas shall not cause radio frequency interference with other communications facilities located in Paradise Township.
- [4] A communications equipment building shall comply with the height and setback requirements of the applicable zoning district for a principal structure.
- [5] The owner or operator of antennas shall be licensed by the Federal Communications Commission to operate such antennas.

(b) Communication towers.

- [1] All applications for communication towers shall be submitted as a conditional use application under §§ 160-30 and 160-31 of this chapter and shall include the following information and documentation:

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- [a] A proposal for a new communication tower shall not be approved unless the Board of Supervisors finds that the communications equipment planned for the proposed communication tower cannot be accommodated on an existing or approved communication tower, public utility tower, building or other structure within Paradise Township or within a one-mile search radius of the proposed tower if such one-mile search radius would include other municipalities, due to one or more of the following reasons:
 - [i] The planned equipment would exceed the structural capacity of the existing or approved public utility tower, communication tower, building or other structure, as documented by a qualified and licensed professional engineer and the existing or approved public utility tower, communication tower, building or other structure cannot be reinforced, modified or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
 - [ii] The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the public utility tower, communication tower, building or other structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - [iii] Existing or approved public utility towers, communication towers, buildings and other structures with Paradise Township (or within the one-mile search radius of the proposed site for the communication tower if applicable) cannot accommodate the planned equipment at a height necessary to function reasonably.
 - [iv] Addition of the planned communications equipment would result in electromagnetic radiation from such existing or approved public utility towers, communication towers, buildings and other structures exceeding applicable standards established by the FCC governing exposure to electromagnetic radiation.
 - [v] After a bona fide, diligent attempt, a commercially reasonable agreement could not be reached with the owners of such public utility towers, communication towers, buildings or other structures.
- [b] The proposed communication tower in the specific location desired must be necessary for the efficient operation and provision of the wireless communications service to the neighborhood, area or region for which it is proposed.

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- [c] The design of the proposed communication tower and related facilities and equipment shall conform to the general character of the area and will not adversely affect the safe and comfortable enjoyment of the properties owned by other property owners in the zoning district in which it is located.
- [2] Design requirements.
- [a] Any proposed communication tower shall be designed, structurally, electrically and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the communication tower is over 100 feet in height or for at least one additional user if the communication tower is over 60 feet in height. Communication towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
 - [b] Communication towers and antennas shall be designed to blend in to the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
 - [c] Communication towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. Any other exterior lighting at the communication tower site shall be directed away from all adjacent properties and shall be in conformance with all performance standards associated with direct or indirect glare.
 - [d] All communication equipment buildings and structures accessory to a communication tower shall be architecturally designed to blend in with the surrounding environment and shall meet the principal building minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetation screening better reflects the architectural character of the neighborhood.
 - [e] The use of any portion of a communication tower for signs other than warning or equipment signs is prohibited.
 - [f] Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20

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feet in width and shall be improved to a width of at least 10 feet with a dust-free all-weather surface for its entire length.

- [g] Drainage facilities shall be provided in accordance with Chapter 123, Stormwater Management, regulations.
 - [h] All communication towers shall be surrounded by a twelve-foot nonclimbable fence with barbed wire extending in an outward direction around the top of the fence.
 - [i] Adequate off-street parking, but no less than one space, shall be provided to accommodate the needs of the communication tower and communication tower equipment building, which off-street parking shall be paved of stone or other suitable materials.
 - [j] Land development approval shall be required for all proposed communication towers.
 - [k] All guy wires associated with any communication tower shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- [3] Interference with public safety.
- [a] No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new antennas and/or communication towers shall be accompanied by an intermodulation study, which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems. Before the introduction of new service, changes in existing service or additions of new antennas, telecommunication providers shall notify Paradise Township at least 10 days in advance of such changes and allow Paradise Township to monitor interference levels during the testing process.
 - [b] Wireless communication facilities shall be maintained and kept in a state of repair so that the same shall not constitute a nuisance or hazard to the health or safety of the community or nearby residents or properties.
- [4] Abandoned or unused communication towers or portions of communication towers.
- [a] Abandoned or unused communication towers or portions of communication towers shall be removed as follows:

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- [i] All abandoned or unused communication towers and associated facilities shall be removed within 180 days of cessation of operations. A copy of the relevant portions of any signed lease, license or other agreements which requires the applicant to remove the communication tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a communication tower is not removed within 180 days of the cessation of operations at a site, the communication tower and associated facilities may be removed by Paradise Township and the cost of removal assessed against both the applicant and the owner of the property on which the communication tower and associated facilities exist.
 - [ii] Financial security in a form and amount acceptable to the township shall be provided to the township prior to erection of a communication tower, to address the removal of a tower(s).
 - [iii] Unused portions of communications towers above the manufactured connection shall be removed within 180 days of the time of antenna relocations. The replacement of portions of a communication tower previously removed requires the issuance of a new conditional use zoning permit.
- [5] Setbacks. The setback of the base of a communication tower from all adjacent properties and/or lot lines shall be a distance equal to 100% of the antenna height or the building setback requirements for the underlying zoning district, whichever is greater. For purposes of this section, the building setback for the principal structure shall be in accordance with Schedule III¹⁰ to determine setback requirements in B-1, B-2 and OSC Districts.
- [6] Lot size. The minimum lot area requirement for a communication tower shall be in accordance with Schedule III¹¹ for the applicable zoning district or the minimum area necessary to comply with the setback requirements of Subsection A(10)(b)[5] above, whichever is greater.
- [7] Antenna height. The maximum antenna height shall not exceed 150 feet in any zoning district.
- (c) Plan requirements.

¹⁰Editor's Note: Schedule III is included at the end of this chapter.

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- [1] All applications for communications towers, antennas and communications equipment buildings shall be submitted as a conditional use application in accordance with the provisions of this chapter.
- [2] All plans shall be prepared in accordance with the requirements for a major land development plan in accordance with the provisions of Chapter 131, Subdivision and Land Development.
- [3] Any applicant proposing an antenna to be mounted on a building or other structure shall submit evidence from a Pennsylvania professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location. A Pennsylvania registered engineer for the township will review and comment upon the engineering design and details supplied by the applicant.
- [4] Any applicant proposing an antenna to be mounted on a building or other structure shall submit detailed construction and elevation drawings indicating how the antenna will be mounted on the structure for review by the Township Engineer or the Township Consultant.
- [5] Any applicant proposing an antenna to be mounted on a building or other structure shall submit evidence of agreements and/or easements necessary to provide access to the building or structure on which the antenna is to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
- [6] Any application proposing a communications tower shall include the following information and documentation:
 - [a] A report from a qualified and licensed professional engineer which:
 - [i] Describes the communication tower height and design, including a cross-section and elevation.
 - [ii] Documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas.
 - [iii] Describes the communication tower's capacity, including the number and type of antennas that it can accommodate.
 - [iv] Documents what steps the applicant will take to avoid interference with established public safety telecommunications.
 - [v] Includes an engineer's license/registration number and seal.

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- [b] A letter of intent committing the communication tower owner and his, her or its successors to allow the shared use of the communication tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
- [c] As part of the conditional use application, the following supplemental information shall be submitted:
 - [i] A copy of the FAA's response to the submitted Notice of Proposed Construction or Alteration (FAA Form 7460-1) shall be submitted to the Paradise Township Board of Supervisors; and
 - [ii] Proof of compliance with applicable Federal Communications Commission, Federal Aviation Administration, Commonwealth Bureau of Aviation and any applicable airport zoning regulations.
- [d] One copy of typical specifications for the proposed structures and antenna, including description of design characteristics and material.
- [e] A site plan drawn to scale showing property boundaries, power location, communication tower height, guy wires and anchors, existing structures, elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan and existing and uses on adjacent property.
- [f] Name and address of the owners of all antenna and equipment to be located at the site as of the date of the application.
- [g] Written authorization from the site owner for the application, as well as a copy of any written agreement or other documentation pursuant to which the applicant has obtained the right to use the proposed site.
- [h] Copy of the valid FCC license for the proposed activity or proof that the applicant is the winning bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.
- [i] A written agreement to remove the communication tower within 180 days of cessation of use, which written agreement, including the necessary financial guaranties, shall be in form acceptable to the township, which agreement shall be signed by the applicant and the owner of the property where the communication tower is proposed.
- [j] Written certification by the applicant and the applicant's engineer that the proposed antenna and equipment could not be placed on an

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existing facility under the control of the applicant and function under applicable regulatory and design requirements without unreasonable modification.

- [k] A letter of intent committing the communication tower owner and the common carrier(s) utilizing the communication tower and their respective heirs, personal representatives, successors and assigns to allow Paradise Township and any other governmental agency to utilize the communication tower in the case of an emergency, upon reasonable terms and conditions.
- [l] Any and all permits and/or approvals required from any and all local, state and federal authorities shall be obtained by the applicant and copies of such permits and/or approvals forwarded to the township upon receipt. Failure to obtain all required local, state and federal permits and/or approvals within one year of the issuance of the zoning permit shall result in said zoning permit becoming null and void with no further action on the part of the township.
- [m] The applicant shall submit a certification from a Pennsylvania registered professional engineer that the proposed communications tower will be designed and constructed in accordance with the Current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association. The Township Engineer or a consultant for the township will review all documentation that is part of the application.

(11) Cemetery.

- (a) Lot size shall be at least five acres; total building coverage is 20%.
- (b) All graves, buildings or structures and/or driveways shall be at least 50 feet from all property lines.
- (c) Interior drives shall be at least 12 feet in width and shall provide adequate access of at least 100 feet to any grave site and are part of lot coverage calculations.

(12) Child care.

- (a) The care of up to three children not related to the caregiver and provided in the home of the caregiver shall not require a permit.
- (b) Care for four to six unrelated children requires a home occupation permit.

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- (c) Over six children unrelated to the caregiver is a day care or nursery school.
- (13) Colleges or schools.
 - (a) All buildings or activity areas shall be at least 50 feet from all property lines or right-of-way lines.
 - (b) Building lot coverage shall not exceed 30%.
 - (c) For each 100 persons or fraction thereof, one acre shall be added to the minimum lot size.
 - (d) Lot coverage, including all improvements, shall not exceed 50%, parking and drives included.
 - (e) The principal access must be on to a collector or greater street.
- (14) Commercial agricultural: animal husbandry, dairy, livestock production.
 - (a) A retail sales building is permitted on the property, provided that it does not exceed 1,000 square feet of floor area and must meet the minimum building setbacks for the district.
 - (b) (Reserved)
 - (c) All of the requirements stated in the agricultural barn or commercial horse barn use also apply.
- (15) Commercial fishery.
 - (a) Minimum lot size is five acres.
 - (b) All buildings and structures must be set back 50 feet from all property lines or right-of-way lines.
- (15.A) Commercial Water Extraction.
 - (a) All required permits from the Delaware River Basin Commission and/or the Pennsylvania Department of Environmental Protection, including all required supplementary permit application documentation, shall be provided to the Township.
 - (b) Access to the site shall be to a collector street or greater.

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- (c) If water is treated, processed or packaged for retail distribution on-site the applicant shall also comply with requirements for manufacturing. Treatment/processing shall include any filtering, disinfection or conditioning.
 - (d) Applicant shall provide a traffic study in compliance with §160-20.
 - (e) Site operations shall be screened in accordance with §160-18.
 - (f) Applicant shall comply with § 160-19(B) regarding noise
 - (g) Applicant shall comply with § 160-17 regarding Exterior Lighting.
 - (h) Applicant shall comply with § 160-21-A regarding Haul Roads.
 - (i) Applicant shall provide a Site Development Plan in compliance with § 160-30.
- (15.B) Community Sewage System.
- (a) All required state and federal permits shall be provided to the Township as a condition of approval.
 - (b) Any new Community Sewage System, or any parts thereof, must obtain an approved Act 537 Planning Module.
 - (c) The owner of a Community Sewage System must supply a copy of any draft and final National Pollution Discharge Elimination System (NPDES) permit, as well as any modifications to the permit, where applicable, to the Township sewage enforcement officer.
 - (d) Prior to the construction of any Community Sewage Systems, or any parts thereof, the Applicant shall prepare and receive Municipal approval of a Major Land Development Plan in accordance with the procedures in Chapter 131, and specifically in compliance with §131-28 of Chapter 131 and §160-12(A)(15.A) of Zoning.
 - (e) Any Community Sewage Systems, or parts thereof, that constitute a principal use of a lot shall require a Conditional Use Permit in compliance with §160-12(A)(15.A) of Zoning, reviewed and approved by the Paradise Township Board of Supervisors in accordance with the procedures in §160-29 of Zoning.
 - (f) Any Community Sewage System that serves uses outside the borders of Paradise Township shall be a Public Sewage Facility.

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- (g) Community Sewage Systems are prohibited from treating or disposing of any wastewater not generated within the community it is designed and approved to serve.
- (h) Screening is required in compliance with § 160-18.
- (i) All earth disturbance associated with land-based wastewater disposal systems shall be set back a minimum of one hundred (100) feet from all water supply wells, wetlands, streams, ponds or lakes and property lines, with the exception of access drive(s) and solid piping associated with collection of raw sewage or distribution of treated effluent. All drip or perforated piping associated with distribution of treated effluent of land-based disposal shall meet this one hundred (100) foot setback. The design spray trajectory limit of a spray irrigation system used for disposal of treated effluent shall also meet this one hundred (100) foot setback.
- (j) The Major Land Development Plan shall show the limits of land application of any wastewater or treated wastewater, and shall show location and size of all trees within that area whose trunk exceeds six (6) inches in diameter at four (4) feet above the ground. Any trench distribution system, drip system, and/or spray irrigation system used for effluent disposal shall be constructed in such a way as to minimize the need for removal of any of these identified trees, and at a minimum, should be designed to preserve and protect at least fifty percent (50%) of the trees so identified.

Removal of these trees, prior to Plan submission, for the purposes of avoiding this requirement shall constitute a violation of this Ordinance. Standing trees that are dead should be separately identified. The fifty percent (50%) requirement shall pertain solely to the protection of live trees.

Owners of Sewage Facilities requiring protection of fifty percent (50%) of trees shall be required to provide a biannual report prepared by a qualified forest management professional, identifying the positive or negative impacts that have resulted from the operation of the Sewage Facilities.

If this report indicates that the effluent from the Sewage Facilities is causing degradation of the protected trees, the report shall contain recommendations for tree protection or tree replacement, so that the degradation, if identified, is offset by vegetation improvements. In the twelve (12) months following the issuance of this report, the Owner of the Sewage Facilities shall comply with the recommendations of this forest management professional.

- (k) Any new Community Sewage System, or any parts thereof, must comply with wellhead protection standards in §160-21(C)(10) of Zoning. Alternatively, an Applicant for a new Community Sewage System, or any parts thereof, may provide a study, prepared by a hydrogeologist registered in

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the Commonwealth of Pennsylvania, demonstrating, to the satisfaction of the Township, that the proposed Community Sewage System, or any parts thereof, including any/all treatment, disposal, conveyance equipment and all associated appurtenances will pose no threat to any private or public water supply well.

- (l) Discernable odors beyond the property line associated with the handling and/or disposal of wastewater shall constitute a public nuisance and a violation of this chapter. Discernable odors beyond the property line associated with the handling and/or disposal of wastewater shall require immediate remediation by the owner and/or operator. All tanks used for equalization, wastewater treatment or sludge holding or treatment and all sludge handling facilities shall be housed or covered to provide odor control.
- (m) A minimum of two (2) monitoring wells, designed to Pennsylvania DEP standards for identification of water quality in the "first encountered" water table, shall be constructed down gradient from each effluent disposal area and a minimum of one (1) such monitoring well shall be provided for each ten (10) acres of effluent disposal area for each direction of groundwater flow identified.

Any/all predevelopment groundwater test results required by DEP shall be provided to the Township.

If the Pennsylvania DEP Regulations require additional monitoring wells, the more restrictive requirement shall apply.

The Owner of any Sewage Facility requiring monitoring wells shall provide an annual Operations and Maintenance Report to the Township, which report shall include the results of an annual groundwater monitoring water quality tests. The water quality parameters to be tested would be identical to the parameters required by DEP and/or as modified by the DEP in the future.

If the DEP does not establish parameters for testing of monitoring wells, the applicant shall provide to the Township predevelopment groundwater test results for the following parameters:

- E. coli bacteria
- Nitrates
- MTBEs

Two (2) samples shall be tested from each monitoring well.

The owner of any Sewage Facility requiring monitoring wells shall provide groundwater test results for these same parameters on an annual basis to the Township with two (2) samples tested at each monitoring well. The owner

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shall provide a report prepared by an Engineer registered in the Commonwealth of Pennsylvania providing an interpretation of the results and an opinion as to whether or not any changes in the results of the groundwater testing are attributable to the utilization of property for land application of treated or untreated wastewater. Further, the report shall provide the Engineer's recommendation for mitigation of impact that he or she would recommend for protection of any downgradient wetland, pond, lake, stream or private/public water supply.

Within one (1) year of the date of issuance of that report, the owner and operator shall implement the recommendations of their Engineer and provide a report from their Engineer that this mitigation work has been satisfactorily completed.

Owners of any Sewage Facility discharging less than five thousand (5,000) gallons per day are exempt from this subsection (M) of § 160-12(A)(15.A) of this Ordinance. Any future expansion of any Sewage Facilities resulting in a discharge in excess of five thousand (5,000) gallons per day will require compliance with this section.

- (n) The owner of a Community Sewage System, or any parts thereof, must supply the Township with a copy of the Discharge Monitoring Report as provided to DEP on the schedule required by DEP and any other report required by DEP or enforcement notice issued by DEP within 15 days.

(16) Concrete or asphalt plant.

- (a) Shall be located on the same site as a surface mining operation.
- (b) Shall be subject to and comply with all applicable requirements for a surface mining operation and any other requirements for the district where located.
- (c) No structure, equipment, activity, etc., shall exceed 35 feet in height measured from the original ground surface at the location of such structure, equipment, activity, etc.
- (d) Setbacks for asphalt and concrete plants and all activities related to their operation shall be the same as for the excavation location of the surface mining use as contained in this section.
- (e) Noise level for asphalt and concrete plants shall also be the same as for surface mining operations.

(17) Conversion to a two-family dwelling.

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- (a) Lot size minimum is 175% of the minimum lot size required for a single-family unit in that district.
- (18) Correctional facility.
- (a) The minimum lot size is 100 acres.
 - (b) All setbacks are at least 100 feet from any property lines for all buildings, fences, structures or outdoor activity areas.
 - (c) Screening and landscaping are required for any outdoor confinement area.
 - (d) Access must be on to a collector street or greater.
 - (e) Full compliance with all state/federal guidelines.
- (19) Crematory.
- (a) All activities related to the crematory process must be in an enclosed building.
- (20) Cultural activities: library, museum, art gallery, community center.
- (a) The minimum lot size is two acres.
 - (b) The minimum setback for the principal building is 75 feet front and 50 feet for the rear and side setbacks.
 - (c) Any outdoor recreational areas must be set back 50 feet from the property lines and screened from any residential use.
- (21) Day-care facility or nursery school.
- (a) All federal, state and other appropriate permits shall be provided to the township.
 - (b) Screening is required when adjacent to any residential use.
 - (c) The outdoor play area shall be limited to the hours between 9:00 a.m. and 6:00 p.m. It shall be surrounded with a fence at least six feet in height and well maintained.
 - (d) Vehicular traffic must be separated from pedestrian traffic.
- (22) Drive-in or drive-through facility.

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- (a) Examples of this use are a car wash, drive-through bank, drive-through restaurant or any type of drive-through window use or facility. Any use where a transaction occurs without leaving the vehicle applies.
 - (b) A traffic study must be approved by the Board of Supervisors and reviewed by the Planning Commission.
 - (c) The drive-through shall not cause any traffic congestion or interfere with the flow of vehicular traffic on or off the site.
- (23) Eating or drinking establishment.
 - (a) Points of vehicular ingress and egress shall be limited to a total of one on any street, unless a one-way traffic pattern is established, in which event two points of ingress or egress shall be allowed.
 - (b) Any outdoor eating or drinking area shall be screened from adjacent residential properties.
 - (c) Outdoor seating shall be included in the sewage analysis as permanent seats. Public toilets, one for men and one for women, must be provided. Outdoor waste containers shall be provided for all paper or other solid waste when takeout or outdoor seating is provided.
- (24) Financial, insurance, real estate, retail or personal business: Refer to Professional Offices (160-12(A)(57)).
- (24.5) Fireworks.

Manufacture, sale, and discharge of Consumer Fireworks and Display Fireworks shall be regulated as follows:

 - (a) The manufacture of fireworks is prohibited within Paradise Township.
 - (b) The sale, exposing for sale, and the offering for sale of consumer fireworks shall be authorized as a conditional use to a facility licensed by the Pennsylvania Department of Agriculture in accordance with the provisions of the Pennsylvania Fireworks Law found at 35 P.S. §1271 et. seq., as it currently exists or may be amended from time to time, in the B-2 zoning district.
- (25) Flea market: commercial (indoor or outdoor).
 - (a) Public toilets, one for men and one for women, must be provided.

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- (b) A land development plan and a traffic study must be submitted and approved by the Board of Supervisors.
 - (c) The property owner must grant written consent for a flea market.
 - (d) The minimum lot size is three acres.
 - (e) The setback for all buildings shall be 100 feet and all other improvements, structures or parking areas shall be at least 50 feet from all lot lines.
 - (f) A litter control plan and solid waste management program shall be included in the land development plan.
 - (g) Any flea market held by a commercial business shall be considered a commercial flea market even though a portion of the proceeds benefit a nonprofit organization.
- (26) Flea market, bazaar, fair, festival, outdoor fundraiser, craft show tent sale, etc., for a nonprofit group, organization, or resort.
- (a) This is a permitted accessory use in all districts.
 - (b) The total days of the events above shall not exceed seven for each occurrence and shall occur only twice in any one calendar year.
 - (c) Temporary buildings, structures or tents shall obtain a permit. Temporary parking in an open field is permitted.
 - (d) A temporary zoning permit is required and adequate chemical toilets shall be required.
- (27) Reserved.
- (28) Fraternal, civic or social club.
- (a) Minimum lot size is five acres.
 - (b) Setbacks for all buildings shall be at least 100 feet minimum.
 - (c) No more than one permanent single-family unit shall be developed as part of the facilities.
 - (d) The property shall be principally used for the purpose of a fraternal, civic or social club.
 - (e) Screening shall be provided adjacent to all residential uses.

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- (29) Funeral home or mortuary.
 - (a) A traffic study is required.
 - (b) Pedestrian and vehicular traffic shall be separated.
 - (c) All activities shall be conducted within a closed building.
- (30) Gasoline station or convenience store with fuel sales to motor vehicles.
 - (a) A traffic study is required.
 - (b) All activities shall be performed indoors, except those activities related to pumping petroleum.
 - (c) No vehicles may be stored outdoors for more than two weeks.
 - (d) Access points shall be limited to two per street.
 - (e) All driveways and parking areas shall be paved.
- (31) Governmental facilities and uses.
 - (a) Total lot coverage shall not exceed 50%.
 - (b) Pedestrian traffic shall be separated from vehicular traffic.
 - (c) Landscaping, buffers and screening may be required, with a minimum width of 25 feet from all property lines.
- (32) Greenhouse or plant nursery.
 - (a) Outdoor storage and equipment shall be within the building setback areas.
 - (b) No inventory for resale may be placed or grown within 20 feet of setback lines.
- (32.A) Greenway Land. The following uses are permitted in greenway land areas provided earth disturbance in primary conservation areas is limited to passive recreation and stormwater conveyances in compliance with Chapter 123:
 - (a) Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow);

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- (b) Agricultural and horticultural uses, including raising crops and wholesale nurseries, associated buildings (excluding residences), that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations, and/or concentrated animal feeding operations.
 - (c) Forestry, in keeping with established best management practices for selective harvesting and sustained yield forestry and Section 160-12(A)(27).
 - (d) Neighborhood uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized vehicle use, rifle ranges, and other uses similar in character and potential impact as determined by the Board of Supervisors.
 - (e) Active recreation areas, such as play fields, playgrounds, courts, pastureland for horses, equestrian facilities, hunting, fishing, golf courses and bikeways, provided such areas do not consume more than half of the minimum required greenway land. Play fields, playgrounds, and courts shall not be located within 100 feet of abutting properties. Parking spaces for the facilities shall also be permitted in compliance with Section 160-16.
 - (f) Water supply and sewage disposal systems, and stormwater best management practices designed, landscaped, and available for use as an integral part of the Greenway.
 - (g) Easements for drainage, access, sewer or water lines, or other public purposes.
 - (h) Underground utility rights-of-way. Aboveground utility and street rights-of-way may traverse conservation areas, but shall not count toward the minimum required greenway land.
- (32.B) Group home.
- (a) Care must be provided to individuals subject to protection under the Fair Housing Act of 1988, as amended and/or the Americans with Disabilities Act, as amended.
 - (b) Facility must comply with all applicable state and/or federal laws and be licensed, where required, by an appropriate state/and or federal government agency.
 - (c) Approval is deemed withdrawn in the event of a change of use, or if care is provided to any individuals not subject to protection under the Fair Housing Act of 1988, as amended and/or the Americans with Disabilities Act, as amended.

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- (d) Facility must comply with all other zoning requirements for residential use contained in this chapter.
 - (e) Adequate off-street parking must be provided for caregivers and visitors.
- (33) Heavy equipment storage and office.
- (a) No equipment may be stored in any of the setback areas.
 - (b) The site shall have direct access to a collector street or greater.
 - (c) Parking and storage of equipment or vehicles shall be on a durable dustless surface whenever a permanent area is used.
 - (d) No junk or nonoperable, dismantled equipment shall be stored outside.
 - (e) Screening may be required.
- (34) Home occupation.
- (a) Home occupation shall be conducted by one or more permanent residents of the dwelling and by not more than one nonresident.
 - (b) The applicant shall set forth the maximum number of customers, visitors or clientele expected to be served by the home occupation during any one hour and one-day period and the hours of operation.
 - (c) No more than two vehicles per hour, on the average, are permitted for the home occupation, including visitors, clients, deliveries or customers.
 - (d) There shall be no change to the outside appearance of the home or lot. Outdoor storage related to the home occupation is prohibited.
 - (e) Additional off-street parking shall be required per this chapter.
 - (f) The home occupation shall not exceed 30% of the total habitable floor area of the residential dwelling unit.
 - (g) The home occupation may be within the principal residential building or an accessory building.
 - (h) The following uses shall not be deemed home occupations: auto repair, auto body repair or paint shop, a motorcycle shop, welding, heavy machinery repairs or any use that will detract from the residential character of the neighborhood.

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- (i) A home occupation may include the following: trades, i.e., a painter, plumber, electrician, carpenter, art or musician's studio with a maximum of four students or educating or tutoring of up to a maximum of four persons in a small class, custom dressmaking, tailoring, beautician, barber, home cooking.
 - (j) Lawyer, doctor, architect, minister, accountant and other home offices (computer, real estate, etc.) are home occupations.
 - (k) Adequate sewage facilities must be provided and approved for all home occupations. Any temporary structure as part of the home occupation is prohibited.
- (35) Hospital or medical clinic.
- (a) Minimum lot size for a hospital is five acres with setbacks of 150 feet.
 - (b) Screening shall be provided if the facility abuts a residential district or a residential use.
- (36) House of worship.
- (a) The minimum lot area is two acres.
 - (b) Any additional use (parsonage, cemetery, nursery school, etc.) shall require the additional lot area for each use as per this chapter.
 - (c) All activities of the house of worship shall not adversely impact adjacent property owners.
- (37) Hunting or fishing club, camp or association/private only.
- (a) Minimum lot size is 20 acres.
 - (b) No building, activity area or recreation area shall be located within 50 feet of a right-of-way line or 100 feet of a lot line.
 - (c) All parking lots shall be at least 50 feet from all lot lines.
 - (d) All facilities and services shall be for the exclusive use of members or their guests. No identification sign shall exceed six square feet.
 - (e) Any shooting range must meet the requirements for outdoor ranges.¹²

¹²Editor's Note: See § 160-12A(52).

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- (38) Indoor shooting range.
 - (a) The owner and/or operator must comply with all national and state indoor firearms safety guidelines and regulations, if any.
 - (b) All ammunition storage must be in a secured area and general access by the public is prohibited.
 - (c) Only one person may utilize each shooting station at a time.
- (39) Indoor theater or indoor recreational use.
 - (a) A traffic study is required for any public theater.
 - (b) The minimum lot size is two acres.
 - (c) All structures shall be set back a minimum distance of 50 feet from the property lines and the road right-of-way.
 - (d) All activity shall occur indoors.
- (40) Institutional residence: convent, monastery, dormitory, fraternity, etc.
 - (a) Minimum lot area is five acres, with one-hundred-foot setbacks.
 - (b) There shall be no more than one bedroom for every 5,000 square feet of lot area.
- (41) Junkyard or salvage yard.
 - (a) All materials stored outdoors shall not be visible from a public or private street or any adjacent properties. Screening at least six feet in height shall surround the perimeter of the facility. (Refer to § 160-18.)
 - (b) Adequate proof shall be provided that no contaminants shall leach into the surface water, groundwater or ground at the site.
 - (c) The minimum lot size is seven acres.
 - (d) Storage of organic material is prohibited.
 - (e) Burning or incineration of materials is prohibited.
 - (f) The minimum front setback shall be 100 feet sides and rear 50 feet. No material shall be stored in a setback area.

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- (g) The maximum height of stored junk shall be 12 feet.
 - (h) A land development plan and screening plan shall be required.
- (42) Kennel or animal hospital/private or commercial.
- (a) The minimum lot size shall be three acres, plus the minimum lot size required in the zoning district for any additional use on the lot.
 - (b) All animals shall be housed within an enclosed building.
 - (c) The kennel or animal hospital shall be at least 100 feet from all property lines, right-of way lines, streams, ponds, wetlands or drainage channels and at least 200 feet from any residential use on adjacent properties.
 - (d) All liquid and solid waste must be properly disposed of and shall not detract or impact surrounding property owners or residents. The property shall be properly screened. (Refer to § 160-18.)
 - (e) Continuous barking heard beyond the property lines is prohibited.
 - (f) All access drives shall be at least 20 feet in width, and if the property is a corner parcel, the driveway must be at least 60 feet from any street intersection.
- (43) Laundromat.
- (a) The facility must have a sewage reserve area if on-lot sewage is proposed.
 - (b) A traffic study is required based upon the size and location of the facility.
 - (c) All activity must be within an enclosed building.
- (43.A) Lot Clearing—Any portion of any lot being cleared of vegetation for either a principal or accessory use, or for the creation of driveways, utilities, stormwater structures or lawns and gardens shall be limited by the following conditions:
- (a) OSC/RR Zoning Districts
 - [1] Existing trees and vegetation shall be preserved within the first seventy five feet of the front yard setback for residential uses.
 - [2] Existing trees and vegetation shall be preserved within side and rear yard setback areas.

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(b) B1/B2/R1/R2 Zoning District

[1] Existing trees and vegetation shall be preserved within the first thirty five feet of the front yard setback for residential uses.

[2] Existing trees and vegetation shall be preserved within side and rear yard setback areas.

(c) Non-residential uses in all districts shall preserve existing trees and vegetation within all building setback areas with the exception of utility easements and areas required to be cleared for construction of ingress/egress drives.

(d) Lot clearing standards for residential uses do not apply to areas required to be cleared for construction of driveways, septic facilities, stormwater facilities and other, permitted accessory uses, or for removal of invasive, diseased, dangerous, or dead material.

(e) Compliance with 160-21(C)(7) pertaining to conservation of riparian buffers and 160-21(C)(8) pertaining to conservation of sloping lands is required.

(43.B) Master development.

(a) Master developments are permitted as conditional uses within the Resort Development Area Overlay District described in Article XIII of this chapter.

(b) Master developments require a minimum of 60 contiguous acres for development. All owners of record must join in the application for development.

(c) Master developments shall be evaluated in the same manner as Option 1 conservation subdivisions to establish adjusted tract acreage and minimum greenway lands as described in Sections 160-21-C(B) and (C).

(d) Greenway land design, ownership and maintenance shall comply with Section 160-21-C(D), (E) and (F).

(e) Master development tracts shall have frontage along and direct access to a road or highway controlled by the Pennsylvania Department of Transportation.

(f) The master development tract may be composed of a combination of residential and non-residential uses. Not less than one half of the development area of the tract shall be dedicated to resort use(s).

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- (g) Within the development area, lot coverage may not exceed eighty percent (80%).
- (h) The following uses are permitted within an area proposed for a master development plan:
 - [1] Uses permitted within the underlying Zoning District.
 - [2] Resorts, hotels and resort amenities described in Section 160-12(A)(60) and subject to the standards therein.
 - [3] Timeshares in compliance with Article IX of this chapter.
 - [4] Planned community office parks and shopping centers in compliance with Section 160-12(A)(54-A) and subject to the standards therein.
- (i) Area/Bulk Standards. Residential uses within a Master Development Plan shall comply with standards for an Option One Conservation Subdivision contained in Schedule IV. Non-residential uses within a Master Development Plan shall comply with the following standards:

[1] Minimum lot area	2 acres
[2] Minimum lot width	150 feet
[3] Minimum side and rear building setback when abutting a non-residential use	15 feet
[4] Minimum side and rear building setback when abutting a residential use	150 feet
[5] Minimum building setback from local street right of way	10 feet
[6] Minimum building setback from collector street or greater right-of-way	30 feet
[7] Minimum building setback when across any street from a residential use	30 feet
[8] Minimum parking/service setback	30 feet*
[9] Maximum impervious coverage	75%

*This requirement may be waived when shared parking between separately owned, multiple uses are contemplated so long as the shared

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parking and circulation is located adjacent to a shared common property line. In addition, appropriate declarations of cross easement for the benefit of each use and lot for the purposes of parking, access, surface and sub-surface utilities and storm water management shall be required.

- (j) Parking and loading requirements shall comply with §160-16.
- (k) All building groups shall be arranged so that adequate access is provided to all structures by emergency vehicles. Resorts and hotels are exempt from height restrictions contained in Schedule III and Schedule IV of this chapter, not to exceed 6 stories or 80 feet, provided that fire protection facilities and fire fighting capabilities are considered adequate by the Board of Supervisors. The Board shall consult with state, county and local fire and emergency management officials to make this determination.
- (l) The master development tract may be subdivided for separate ownership or lease (or as otherwise required by the Municipal Planning code or Chapter 131 of the Paradise Township Code of Ordinances), but only if the subdivision does not interfere with the development or use of the master development tract in accordance with the approved master development conditional use permit.
- (m) Once the master development conditional use is approved, permits may be issued only pursuant to approved Land Development or Subdivision Plans consistent with Chapter 131 of the Paradise Township Code of Ordinances.
- (n) A master development conditional use permit application shall include an Existing Resources Site Analysis Plan consistent with §131-38 of the Paradise Township Subdivision and Land Development Regulations.
- (o) A master development conditional use permit application shall include a community impact analysis which includes an evaluation of the potential impacts of the proposed master development upon the following community facilities:
 - [1] Emergency services and fire protection;
 - [2] Solid waste disposal
 - [3] Recreation;
 - [4] Transportation and surrounding roadway systems;
 - [5] School facilities and school district budget;

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- [6] Water supply;
 - [7] Sewage disposal;
 - [8] Public utilities;
 - [9] Township revenues and expenses.
- (44) Manufacturing: food, metal, plastic, chemical, petroleum, etc.
- (a) The use of a trailer for temporary or permanent storage requires a zoning permit.
 - (b) A one-hundred-foot-wide natural buffer is required along the rear and sides of the property. As an alternative, a protective screening strip of at least 30 feet in width may be used. No outdoor storage shall be visible from the adjacent properties.
 - (c) All manufacturing must be within an enclosed building.
 - (d) All access must be to an arterial or collector road.
- (45) Mobile home park. Refer to Chapter 80, Paradise Township Mobile Home Ordinance.
- (46) Model airplane facility.
- (a) The fly zone must be within the property limits.
 - (b) The minimum lot size is 10 acres.
 - (c) A setback of 50 feet for all uses, structures and buildings is required.
- (47) Motor freight terminal.
- (a) The minimum lot size is 10 acres.
 - (b) All setbacks, parking areas, storage or loading areas must be at least 50 feet from all property lines.
 - (c) The site shall have direct access to a collector street or greater.
 - (d) Screening is required along all property lines.
 - (e) Parking on a public right-of-way or private right-of-way is prohibited.

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- (f) No fuel or petroleum shall contaminate the environment. Adequate safeguards are required.
- (48) Multiple dwelling/apartments. Multiple dwellings, townhouses, condominiums, and apartments, proposed as part of a conservation subdivision, shall comply with lot, yard and height restrictions in Schedule IV of this chapter. Multiple dwellings, townhouses, condominiums, and apartments not proposed as part of a conservation subdivision shall comply with the requirements below:
 - (a) The minimum lot area for the first dwelling unit shall not be less than 175% of the minimum required lot area for a single-family dwelling.
 - (b) For additional dwelling unit(s), the minimum lot area per dwelling unit shall be equivalent to not less than 75% of the minimum lot area for a single-family dwelling in the appropriate zoning district. Not more than six units may be within one building.
 - (c) An additional recreation area of 1/2 acre per six units is required.
 - (d) Screening is required if adjacent to a residential use.
 - (e) All parking areas shall be within the interior of the property.
 - (f) All vehicular access shall be to a collector street or greater.
- (48.A) Non-conforming, non-residential use expansion.
 - (a) Expansion of non-conforming use must be based on business necessity;
 - (b) Expansion must be reasonable;
 - (c) Expansion must not create any non-conforming structure, or increase the extent of non-conformity if structure is already non-conforming.
 - (d) Expansion must not create a threat to the public health, safety or welfare;
 - (e) Expansion must not create a nuisance.
- (49) Off-track betting establishment.
 - (a) Legal gambling or off-track betting establishments includes any and all legal gambling uses, including but not limited to off-track betting establishments, but excluding small games of chance (see 10 P.S. § 311 et seq.), whether or not including a restaurant, nightclub, bar or similar use, which shall comply with the following (in regard to which the applicant shall have both the

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burden of proof and the duty to move forward with the evidence to demonstrate that his particular proposed establishment does so comply):

- [1] Such establishment shall not be located within 200 feet of any residential district and shall not be located within 200 feet of any structure whose use is principally residential.
- [2] Such establishment shall not be located within 300 feet of any structure or use of land which contains one or more of the following specified land uses:
 - [a] Amusement park.
 - [b] Camp (for minors' activity).
 - [c] Child-care facility.
 - [d] Church, synagogue or mosque or other similar religious facility.
 - [e] Community center.
 - [f] Public library.
 - [g] Nonprofit museum.
 - [h] Park.
 - [i] Playground.
 - [j] School or educational facility.
- [3] The distance between any such legal gambling or off-track betting establishment and any of the protected land use specified at Subsection A(49)(a)[1] and [2][i] through [x] above shall be measured in a straight line, without regard to intervening structures, from the closest point of the structure in which such establishment is located to the closest point on the property line or structure (depending on the applicable section) of such protected land use.
- [4] Off-street parking shall be provided at the rate of three spaces for each 100 square feet of all public areas, including but not limited to related dining, restaurant, bar and snack bar areas, and an additional one space per each employee of the largest shift.

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- [5] The proposed establishment will not be detrimental to the use of adjoining properties and must meet the following performance standards:
 - [a] Hours of operation: 9:00 a.m. to 2:00 a.m.
 - [b] Lighting in accordance with current zoning requirements.
 - [c] All litter on the grounds shall be prohibited except in solid waste containers.
 - [d] All parking areas shall be screened and include at least a ten-foot buffer from all private properties adjacent to the site.
- [6] The proposed establishment will not constitute a nuisance due to noise or to loitering outside of the building.
- [7] The applicant is required to obtain approval of a major land development plan under the Subdivision and Land Development Ordinance¹³ and all other local land use regulations that are appropriate within the Code of Ordinances.
- [8] All other federal, state and other permits must be obtained prior to the issuance of the certificate of occupancy and use permit.
- [9] All legal gambling and off-track betting establishments shall comply with all laws, rules and regulations of the United States of America, the Commonwealth of Pennsylvania and their respective agencies and instrumentalities and of this township pertaining thereto.

(49.A) Oil or Gas Development. The following standards apply to all Oil or Gas Development, as defined in Chapter 1:

- (a) The applicant shall present a copy of all Federal, State and County permits associated with Oil or Gas Development, including permits from the Pennsylvania Department of Environmental Protection and any docket from the Delaware River Basin Commission, as part of the application.
- (b) The applicant shall comply with all applicable Federal, State, and local laws.
- (c) Minimum lot size. Minimum lot size for the Oil and Gas Development site shall be 20 acres. Multiple property owners may combine adjoining parcels to achieve the minimum 20 acres required. Nothing herein shall preclude adjoining property owner(s) from utilizing a written license agreement to achieve the minimum lot

¹³Editor's Note: See Ch. 131, Subdivision and Land Development .

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size or required setbacks. The license shall be recorded at the Monroe County Office of the Recorder of Deeds, indexed to all properties subject to the license agreement, and shall be effective for the duration of the natural gas drilling, compression or processing activity. Leases and easements must comply with Chapter 131 (Subdivision and Land Development).

- (d) This ordinance applies to all oil or gas development that will be permitted or constructed after the effective date of this ordinance. Any modification to an existing and permitted oil or gas development site that materially alters the size, location, number of wells or accessory equipment or structures shall require a modification of the permit under this ordinance. Like-kind replacements shall not require a permit modification.
- (e) Lighting shall comply with §160-17.
- (f) All oil or gas development sites shall comply with all other zoning requirements, including other required approvals in § 160-21.
- (g) All oil or gas development sites shall include a buffer seventy-five (75) feet in width around the entire exterior perimeter of the site and screening in compliance with 160-18.
- (h) Applicant shall comply with Nuisance control § 160-19.
- (i) A Transportation Plan is required to identify compliance with Federal, State and Township rules and regulations, including parking standards in § 160-16, haul road design and construction standards in §160-21-A, traffic study standards in § 160-20, and weight restriction standards in Chapter 142. The plan shall show proposed truck routes to be utilized for all oil and gas operations. The Township reserves the right to designate reasonable required truck hauling routes consistent with the Pennsylvania Motor Vehicle Code and Pennsylvania Department of Transportation throughout the Township.
- (j) All vehicles involved in hauling materials into and out of the development site shall be registered, licensed and insured at levels compliant with State law.
- (k) All employees, contractors and subcontractors involved in any site activities shall be covered by at least the State minimum in Workers Compensation insurance.
- (l) A site plan is required in compliance with §160-30.
- (m) Prior to initiation of construction activities applicant shall provide the Township and all Emergency Responders with a copy of an approved Preparedness, Prevention and Contingency Plan. The Township and all Emergency Responders shall be provided with any modifications to the Plan within 24 hours of such modifications being made.

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- (n) At least 30 days prior to commencement of oil or gas development, the applicant shall provide an appropriate site orientation and training course of the Preparedness, Prevention and Contingency Plan for all Emergency Responders. The cost and expense of the orientation and training program and related materials shall be the sole responsibility of the applicant. The applicant shall be required to hold, at a minimum, one site orientation and training course annually. During all construction and drilling operations the Township Engineer, Township Zoning Officer, Township Building Code Official, Pocono Mountain Regional Volunteer Fire Company and Pennsylvania State Police shall have access to the site to determine continuing compliance with the Conditional Use approval.
- (o) Access to any oil or gas development site shall be to a collector street or greater. Access to a PennDOT road shall require a PennDOT Highway Occupancy Permit. Access to a Township street shall require a Township Driveway Permit.
- (p) No oil or gas development, or addition to an existing oil or gas development site, shall be constructed or located within Paradise Township unless a Stormwater Management Plan has been approved by the Township.
- (q) No dwelling units, including, but not limited to, houses, mobile homes, or trailers used for temporary living quarters shall be permitted on lots used for oil and gas development.
- (r) A chain link security fence at least eight (8) feet in height shall be installed at the oil or gas development site to secure well heads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the site. Fencing shall be equipped with lockable gates at every access point and having openings no less than 12 feet wide. The means to access the oil or gas development site shall be provided to Emergency Providers in the event of an emergency. Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in the event of an emergency.
- (s) No oil and gas drilling structures or equipment shall be placed in any 100 year floodplain.
- (t) Structures associated with an oil and gas development site, both principal and accessory, shall comply with the height regulations for the zoning district in which the oil and gas development site is located. There shall be an exemption to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an oil or gas well, and in no event longer than one year.
- (u) Abandoned or unused oil and gas drilling rigs, compressor stations, natural gas processing plants, buildings, drilling pads, storage tanks and associated equipment shall be removed as follows:

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[1] All abandoned or unused oil and gas drilling rigs, compressor stations, natural gas processing plants, buildings, drilling pads, storage tanks and associated equipment shall be removed within 180 days of cessation of operations. A copy of the relevant portions of any signed lease, license or other agreements which requires the applicant to remove the oil and gas drilling rigs, compressor stations, natural gas processing plants, buildings, drilling pads, storage tanks and associated equipment upon cessation of operations at the site shall be submitted at the time of application. In the event that oil and gas drilling rigs, compressor stations, natural gas processing plants, buildings, drilling pads, storage tanks and associated equipment are not removed within 180 days of the cessation of operations at a site, the oil and gas drilling rigs, compressor stations, natural gas processing plants, buildings, drilling pads, storage tanks and associated equipment may be removed by Paradise Township and the cost of removal assessed against both the applicant and the owner of the property on which the facilities exist.

[2] Financial security in a form and amount acceptable to the township shall be provided to the township prior to the initiation of construction activities, to address the removal of abandoned or unused oil and gas drilling rigs, compressor stations, natural gas processing plants, buildings, drilling pads, storage tanks and associated equipment.

(v) Oil or gas wells, including buildings, drilling rigs, drilling pads, storage tanks and associated equipment are permitted as Conditional Uses in the OSC and B-2 Zoning Districts.

1. All oil or gas development buildings shall meet the setback requirements of the zoning district in which the operations are located. All drilling rigs, drilling pads, storage tanks, impoundments and associated limits of disturbance shall be set back 300 feet from any lot line.

(w) Natural gas compressor stations and natural gas processing plants are permitted as Conditional Uses in the B-2 Zoning District.

1. Natural gas compressor stations and natural gas processing plants shall be located three hundred (300) feet from any lot line, and at least seven hundred fifty (750) feet from any existing building.

(50) Outdoor Arenas.

(a) All parking must comply with § 160-16.

(b) All outdoor lighting on the property shall meet the requirements of §160-17.

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- (c) Complete visual separation is required in compliance with Chapter 131 (SALDO), Section 131-34(I).
 - (d) Noise levels shall comply with the requirements of §160-19.
 - (e) A traffic study is required in compliance with §160-20.
 - (e) Evidence of adequate potable water supply and sanitary sewage disposal for the use in question on the property shall be provided by the applicant.
 - (f) The Applicant must obtain Conditional Use approval pursuant to the provisions of this chapter.
 - (g) Any additional uses on the lot and all accessory uses shall comply with all additional applicable requirements of this chapter.
 - (h) Access shall be to a Collector Street or greater.
 - (i) Minimum lot size shall be forty (40) acres.
 - (j) Tracks, seating and other related activity areas except parking shall be setback a minimum of two hundred (200) feet of any property line.
- (51) Outdoor Recreation:
- (a) All parking must comply with § 160-16.
 - (b) All outdoor lighting on the property shall meet the requirements of §160-17.
 - (c) Screening is required in compliance with § 160-18.
 - (d) Noise levels shall comply with the requirements of §160-19.
 - (e) A traffic study is required in compliance with §160-20 if the use will generate traffic that meets the criteria established by PennDOT for a low volume driveway or greater.
 - (e) Evidence of adequate potable water supply and sanitary sewage disposal for the use in question on the property shall be provided by the applicant.
 - (f) The Applicant must obtain Conditional Use approval pursuant to the provisions of this chapter.
 - (g) Any additional uses on the lot and all accessory uses shall comply with all additional applicable requirements of this chapter.

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(h) Access shall be to a Collector Street or greater.

(52) Outdoor shooting range.

- (a) Outdoor shooting ranges shall comply with all standards associated with Outdoor Arena in §160-12(A)(50) above.
- (b) Any projectile must remain on the property of the shooting range and shall not create a hazard for anyone. The range must meet current NRA guidelines.
- (c) Each shooter must have a designated station, and only one shooter per station is permitted.
- (d) The shooting range must be at least one hundred fifty (150) yards from all property lines and public use right of-way lines.
- (e) A perimeter of 300 feet around the shooting range must be posted with signs that state, "DANGER, SHOOTING RANGE, KEEP OUT" in a manner and at intervals reasonably likely to come to the attention of any persons approaching that perimeter.
- (f) The single projectile shooting station shall have an overhang so as to prevent the shooter from shooting over the horizon.

(53) Park and ride facility.

- (a) The minimum lot area shall be two acres.
- (b) A traffic study and land development plan is required.
- (c) A buffer of 50 feet shall be maintained adjacent to any residential use or district.
- (d) All access must be to a collector or greater street.
- (e) Lighting is required and must be approved by the Supervisors.
- (f) All dropoff or pickup areas must be approved by the Supervisors.

(53.A) Parking garages.

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- (a) Parking garages shall be permitted uses in the B-1 and B-2 Zoning Districts and Master Developments and prohibited in all other districts.
 - (b) Parking garages are prohibited as principal uses, and shall only serve the uses to which they are accessory and on the same lot as the principal use.
 - (c) Parking garages shall be setback a minimum of the height of the structure, or the minimum setback for a principal structure in the underlying zoning district, whichever is greater.
 - (d) Parking garage facades facing any public street shall not have open decks, external lighting or signage. External facades facing any public street shall not be constructed of a single color or texture. Such facades shall consist of a green wall containing vegetation, which vegetation shall also extend a minimum of twenty-five (25) feet on the adjoining side facades, or a wall constructed in a pattern of colors, textures and/or offsets to interrupt the visual appearance at intervals of at least one hundred (100) feet, similarly extending a minimum of twenty-five (25) feet on the adjoining side facades.
- (54) Parsonage.
- (a) If there are two or more uses on the property, each use must meet the minimum lot size.
 - (b) Setbacks for detached buildings must also meet the requirements for each use per the appropriate schedule.
- (54.A) Planned community office parks and shopping centers.
- (a) Planned community office parks and shopping centers are permitted as part of a master development plan within the Resort Development Area Overlay District provided they have direct access to, and a valid highway occupancy permit for, a road or highway controlled by the Pennsylvania Department of Transportation.
 - (b) Uses not part of a master plan in the resort development area overlay district must comply with Schedule 1 and the underlying zoning district.
 - (c) Parking for community office parks and shopping centers shall comply with Section 160-16.
 - (d) The following uses are permitted within a planned community office park and shopping center proposed as part of a master development plan: uses permitted in the underlying Zoning District, fraternal, civic or social clubs, cultural facilities, libraries, museums, art galleries, community centers, theaters, indoor recreational facilities, cellular towers, day care facilities,

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drive-in/drive-through facilities, financial, insurance, real estate, business or personal services, medical clinics, Laundromats, professional offices, repair services (excluding automobile and machinery repair), bus stations, taxi services, retail sales, eating or drinking establishments, and commercial special events.

- (e) When abutting a residential use, planned community office park and shopping centers shall comply with screening and buffer requirements described in Section 160-18.
- (55) Planned Residential Development (PRD). Refer to Article VIII of this chapter.
- (56) Playground, park or picnic area (excluding public and/or nonprofit parks).
- (a) Minimum setbacks are 50 feet for structures and/or activity areas.
 - (b) Maximum lot coverage is 35% and includes parking and driveways.
 - (c) Screening may be required in all districts.
- (57) Professional offices.
- (a) Minimum lot size is two acres.
 - (b) Total lot coverage shall not exceed 50%.
 - (c) Pedestrian traffic shall be separated from vehicular traffic.
 - (d) Parking facilities shall comply with §160-16.
 - (e) Exterior lighting shall comply with §160-17.
 - (f) Landscaping, buffers and screening may be required, with a minimum width of 25 feet from all property lines. Screening shall comply with §160-18.
- (58) Public utilities.
- (a) Screening is required in all districts.
 - (b) An eight-foot fence shall be provided for security.
 - (c) The external design of the building shall be in conformity with the buildings in the district.
- (59) Repair services, jewelry, televisions, clocks, furniture, shoe.

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- (a) All business or repair must be within a closed building.
- (b) Any outdoor storage must be screened from public view or within a building.
- (60) Resort, hotel or motel.
 - (a) Minimum lot area for a resort is twenty-five (25) acres in the OSC and RR Districts; ten (10) acres in all other districts.
 - (b) Minimum lot area for a hotel or motel is ten (10) acres in OSC and RR Districts; five (5) acres in all other districts.
 - (c) No building, activity area or recreational facility shall be erected within 50 feet of a road line or any lot line.
 - (d) All off-street parking shall be at least 50 feet from all side or rear lot lines.
 - (e) There shall be no more than one guest room for every 5,000 square feet of lot area.
 - (f) The use of exterior light facilities and the lighting plan and/or public address system, if any, shall be subject to the expressed criteria set forth in this chapter.
 - (g) Resort and hotel amenities may include conference centers, eating and drinking establishments, off-track betting and legal gambling establishments, retail sales, spas, beauty salons, barber shops, indoor and outdoor recreation facilities, health centers, day care centers, commercial special events, and employee living quarters.
- (61) Retail sales.
 - (a) No merchandise or outdoor display shall be placed in a right-of-way, easement or parking area.
 - (b) All business transactions must be within a closed building.
- (62) Retirement facility. Refer to § 160-12A(40), institutional residence requirements.
- (63) Riding or boarding stable.
 - (a) Refer to § 160-12A(3), Agricultural uses.
 - (b) A natural buffer of at least 25 feet shall surround the property.
- (64) Rooming or boarding home.

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(a) Refer to § 160-12A(6), Bed-and-breakfast, for additional requirements.

(65) Single-family dwelling.

(a) Single family dwellings not proposed as part of a conservation subdivision shall comply with lot, yard and height restrictions in accordance with Schedule III of this chapter.

(b) Single family dwellings proposed as part of a conservation subdivision shall comply with lot, yard and height restrictions in accordance with Schedule IV of this chapter.

(65.A) Solar energy systems.

(a) New solar energy systems, or any upgrade, modification, or structural change that alters the size or placement of an existing solar energy system, shall comply with the provisions of this section.

(b) A solar energy system shall be a permitted use in any zoning district as an accessory to a principal use herein and subject to specific criteria as set forth below.

(c) A solar energy system shall be a conditional use in any zoning district as a principal use herein and subject to specific criteria as set forth below.

(d) A solar energy system may be roof mounted or ground mounted.

(e) In no instance shall any part of a roof mounted solar energy system extend beyond the edge of the roof.

(f) The surface of a ground mounted solar energy panel(s), regardless of the mounted angle, shall be calculated as part of the overall lot coverage.

(g) Ground mounted solar energy systems and associated mechanical equipment shall meet the setback requirements for an accessory structure.

(h) All ground mounted solar energy mechanical equipment shall be screened from any adjacent property that is used for residential purposes in accordance with § 160-18.

(i) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways. Panels shall be covered by an anti-reflective coating or glass, and a glare study shall be conducted by a qualified professional to demonstrate compliance with this

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section. Glare from any solar panels directed onto nearby properties in violation of this section shall constitute a public nuisance.

- (j) Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. The applicant shall provide acknowledgement from the Federal Aviation Administration that no such interference will occur.
 - (k) No solar energy system shall be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers' and equipment information, warning, or indication of ownership shall be allowed on any equipment of a solar energy system so long as the information is not visible from off the property.
 - (l) Solar energy systems require a Certificate of Habitability in accordance with 160-26(d) of this Chapter.
 - (m) If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal shall be graded and reseeded.
 - (n) If a ground mounted solar energy system is defective or is deemed to be unsafe by the Building Code Official, the solar energy system shall be repaired by the owner to meet the then current federal, state and local safety standards., Alternatively, the solar energy system shall be removed by the property owner within the time period allowed by the Building Code Official. If the owner fails to remove or repair the defective or abandoned solar energy system, the Township may pursue a legal action to have the system removed at the owner's expense.
- (66) Special event, temporary: commercial or nonprofit.
- (a) A zoning and certificate of use and occupancy permits are required.
 - (b) Refer to § 160-12A(25) or (26).
 - (c) No such use or activity shall be considered grandfathered.
- (67) Surface mining.
- (a) Submissions to Pennsylvania Department of Environmental Protection. The applicant shall present a duplicate set of the plans, specifications, applications and any other supporting data that has been or was presented to PADEP for its review in issuing mining permits.

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- (b) Compliance with State and Federal Law. The applicant shall comply with all applicable state and federal laws, including but not limited to the following:
- [1] The Act of June 22, 1937, P.L. 1987, as amended, known and referred to as the "Clean Streams Law."
 - [2] The Act of January 8, 1960, P.L. 2119, as amended, known and referred to as the "Air Pollution Control Act."
 - [3] The Act of November 26, 1978, P.L. 1375, as amended, known and referred to as the "Dam Safety and Encroachments Act."
 - [4] The Act of July 7, 1980, P.L. 380, known and referred to as the "Solid Waste Management Act."
 - [5] The Act of December 19, 1984, P.L. 1093, known and referred to as the "Noncoal Surface Mining Conservation and Reclamation Act."
 - [6] National Pollution Discharge Elimination System permits or requirements as outlined under 40 CFR Protection of Environment.
 - [7] Mine Safety and Health Administration requirements as outlined under 30 CFR - Mineral Resources.
- (c) Minimum lot size. The minimum lot size for a surface mining operation shall be 50 acres.
- (d) Minimum setback requirements. The following minimum setbacks shall be maintained between the regulated activity or use and all property lines and public rights-of-way:
- [1] Excavations for surface mining operations shall be set back a minimum of 200 feet from all property lines and public road rights-of-way and 300 feet from all zoning district boundaries, existing residences, wetlands and stream banks.
 - [2] All structures shall be set back a minimum distance equal to the height of such structures unless a greater distance is required by other municipal, state or federal regulations.
 - [3] Surface mining operations, including stockpiles, shall not be conducted within 200 feet of any property line, existing public right-of-way, park, cemetery, wetland or bank of any stream.
 - [4] Structures used for the processing of quarried material and all parking, loading and unloading areas shall be set back a minimum of 200 feet

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from all property lines, road right-of-way lines, wetlands and stream banks.

(e) Setback areas and setback standards.

[1] Within the minimum setback areas, a perimeter landscaping shall be established and maintained for a minimum width of 150 feet. Such landscaping shall consist of hybrid poplars (or their equivalent) on eight-foot spacing's with an inner planting of evergreens also spaced at eight-foot intervals but with each evergreen planting being centered between each planting of hybrid poplar. Any dead trees shall be replaced within one growing season.

[2] Fencing. Chain link fencing and gates shall be erected around all surface mining excavation areas. Such fencing and gates shall have a minimum height of eight feet and shall be located not less than 50 feet from the property line or street right-of-way. Such fence shall be of such construction so as to prevent the unauthorized entry of any persons onto the tract. Such fence shall be screened from view by a vegetative screen which shall provide year-round screening of the operation from view by any person on neighboring property or traveling on any public streets or roadways adjacent to the proposed operation. Signs shall be placed appropriately on the perimeter of the fence so as to provide a warning of mining activity. The Board of Supervisors may require that opaque-type fencing be installed where residential or other uses abut the mining property.

(f) Monumenting. The owner/operator shall construct monuments conforming to the requirements of the Paradise Township Subdivision and Land Development Ordinance (Chapter 131) along all setback areas in such a manner as to be

clearly visible upon inspection. Said monuments shall be permanently installed and surveyed by a registered surveyor. A legal description and plot plan shall be submitted to the Township, sealed by a registered surveyor.

(g) Maximum height. The maximum height for buildings, structures or equipment shall not exceed 35 feet. Said height shall be measured from the original surface level, prior to any excavation and shall not prevent taller structures, buildings or equipment from being located within mined or excavated areas, so long as the permitted height above the original surface is not exceeded. Stockpiles shall not exceed 50 feet in height above the original grade prior to any site grading, surfacing mining or development.

(h) Erosion and sedimentation pollution control plan. The applicant shall prepare an erosion and sediment pollution control plan, which has been approved by

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the Monroe County Conservation District and any other agency with jurisdiction and which is acceptable to the Board of Supervisors.

- (i) Stormwater drainage plan. The applicant shall present an approved stormwater drainage site plan consistent with the Paradise Township Stormwater Management and Earth Disturbance Ordinance (Chapter 123, Stormwater Management).
- (j) Traffic. A traffic impact study shall be completed in accordance with the requirements of 160-20.
- (k) Accessory uses. The following uses shall be permitted as conditional accessories to a lawful surface mining operation:
 - [1] Retail and wholesale sales of stone excavated on site.
 - [2] Manufacture of stone-related products from material excavated on site, not including products made from or with asphalt, cement or concrete.
 - [3] The storage and minor maintenance of vehicles and equipment necessary to the internal extraction operation.
 - [4] Offices for the surface mining operation.
 - [5] The storage of explosive material provided all of the requirements of Section 160-21.H, Storage and Use of Explosives, are met.
- (68) Tavern, nightclub or dance hall.
 - (a) All requirements for an eating or drinking establishment apply.
- (69) Taxi service. Refer to §160-12(A)(7), Bus station.
- (69.A) Timber Harvesting.

This section shall apply to all timber harvesting, tree harvesting or logging operations performed in the Township.

- (a) A logging plan shall be prepared by a Professional Forester for each regulated timber harvesting operation within the Township. No timber harvesting shall occur until the logging plan is reviewed and approved by the Zoning Officer. The logging plan shall be provided a minimum of 20 business days prior to commencement of operations. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map set forth in subparagraphs (c) and (d)

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below, provided all the information required by those subparagraphs is included or attached.

- (b) The owner/operator shall provide written notification to the Zoning Officer that activities are ending a minimum of 10 business days before the operation is complete.
- (c) At a minimum the logging plan submission 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 stormwater 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 Township Streets.
 - [5] A description of the project location, including total area of earth disturbance..
 - [6] A copy of the written Erosion and Sediment Control Plan applicable to the proposed timber harvesting operation.
 - [7] A timber harvesting permit fee as set by resolution of the Board of Supervisors.
 - [8] A map showing the 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. The map shall also show the location of any/all riparian buffers (including the watercourses, wetlands and/or floodplains contained therein), steep slopes, and moderate slopes within the logging operation area. The map shall also show the location of all earth disturbance activities such as roads, water/wetland crossings, landings and water control measures and structures.
- (d) The logging plan shall address and comply with the requirements of all applicable federal, state and outside agency requirements/regulations, including but not limited to the following

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[1] Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. §691.1 et seq.); and

[2] Stream crossing and wetlands protection regulation contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1 et seq).

Any permits or approvals required by any/all outside agencies shall be attached to and become part of the logging plan.

(e) General operation requirements applicable to all timber harvesting operations in the Township:

[1] If clear cutting of any tract is proposed, the logging plan shall describe the best forestry practice(s) that supports this activity, including the species to be clear cut and the area of clear cut.

[2] Felling or skidding on or across any street owned or controlled by the Township or PennDOT is prohibited without the express consent of the Township or PennDOT, whichever is responsible for the maintenance of the street.

[3] No tops or slash shall be left within twenty-five (25) feet of any public street, private street, or adjoining property. All tops and slash between twenty-five (25) and fifty (50) feet from a public roadway or private roadway providing access to adjoining residential property, or within fifty (50) feet of adjoining residential property shall be lopped to a minimum height of four (4) feet above the surface of the ground.

[4] Unless waived in writing by owners of adjacent properties, a twenty-five (25) foot buffer zone shall be maintained between the cutting site and the property boundaries, and between the cutting site and the legal right-of-way of all public and private roads. No tracked or wheeled machinery shall be operated within this buffer zone.

[5] Timber harvesting and related activity covered by an approved logging plan shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m. Operation during other hours is prohibited.

[6] No timber shall be transported upon any Township street from March 15 through May 15 of any year.

[7] No temporary or permanent living quarters for workmen shall be placed upon the worksite, or upon neighboring properties.

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- [8] After a road opening has been established, no loading or unloading of vehicles, equipment, or timber may take place upon any Township or PennDOT controlled street.
 - [9] All soil washed or carried on to public streets during the tree harvesting operations shall be cleaned up each day.
 - [10] Trash and litter resulting from any logging operation shall be cleaned up and removed from the site before it is vacated by the operator. All reseeded shall be done with approved native species.
- (f) Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and operator shall be jointly and severally liable for repairing any damage to Township streets caused by traffic associated with the timber harvesting operation to the extent that it causes damage in excess of that caused by normal traffic, regardless of the amount of any bond. The landowner and operator (permit holder) may be required to furnish a bond to guarantee the repair of such damages.
- (70) Two-family dwelling.
- (a) Minimum lot size for a two-family dwelling not proposed as part of a conservation subdivision shall be 175% of the area required in the underlying Zoning District and shall comply with the yard and height restrictions of Schedule III.
 - (b) Two-family dwellings proposed as part of a conservation subdivision shall comply with lot, yard and height restrictions in accordance with Schedule IV of this chapter.
- (71) Veterinary or animal hospital. Refer to § 160-12A(42) for kennel/animal hospital requirements.
- (72) Warehouse/self-storage facility.
- (a) All material must be stored within a building.
 - (b) A screening plan is required.
 - (c) Each unit shall have separate ingress and egress and be secured by a locking device.
 - (d) Outdoor storage shall be limited to recreational vehicles, campers and boats on trailers parked on a dustless, durable surface.

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- (e) All such items must be licensed and inspected (if applicable) and in operable condition.
 - (f) Trash, garbage, refuse, explosive or flammable materials, hazardous substances, animal carcasses or skins or similar items shall not be stored.
 - (g) Nothing shall be stored in interior traffic aisles, off-street parking areas, loading areas or driveway areas.
 - (h) Servicing or repairing of boats, vehicles, trailers, lawn mowers or any similar equipment shall not be permitted.
 - (i) Aisle widths shall conform with the requirements of the Off-Street Parking Schedule.¹⁴
- (73) Reserved.
- (74) Wild game/hunting preserve. Refer to § 160-12(A)(3) Agricultural uses.
- (75) Zoological parks:
- (a) Property owner shall provide evidence of a current permit issued by the Pennsylvania Game Commission – State Wildlife Management Agency.
 - (b) Owner and operators shall provide plans for adequate housing, care, treatment, feeding and sanitation of all wild animals.
 - (c) Owners and operators are prohibited from releasing any wild animal not native to the Commonwealth of Pennsylvania back into the wild.
 - (d) Minimum lot size for a zoological park is 100 acres.
 - (e) Minimum setback for all pens, cages, housing and treatment facilities shall be a minimum of 200 feet.

ARTICLE IV

Supplementary Regulations

Revised 5/20/02, Ordinance No. 131; Revised 8/3/04, Ordinance No. 146; Revised 5/20/05, Ordinance No. 152; Revised 10/21/08, Ordinance No. 167; Revised 3/1/11, Ordinance No. 189; Revised 8/16/11, Ordinance No. 195; Revised 11/19/12, Ordinance No. 204; Revised 4/3/17, Ordinance No. 244; Revised 5/17/17, Ordinance No. 245; Revised 3/18/19, Ordinance No. 259.

¹⁴ Editor's Note: Said schedule is included at the end of this chapter.

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[15] Type of delay electric blasting caps used and delay periods used.

- H. Portable toilets required. New residential home construction, and any commercial construction sites where a functional lavatory is not already available, shall be served by a functional and permitted portable toilet.

§ 160-20. Traffic impact study.

Where otherwise required by this chapter, a traffic impact study shall be performed in accordance with the following requirements:

A. Purpose.

- (1) To identify traffic and transportation problems associated with the adequacy of the existing transportation network and facilities with regard to safety, volume and capacity and the provision of access to and from and through the site in light of the character and volume of traffic expected to be generated by the proposed use or uses.
- (2) To delineate solutions to such problems or facilities, including the prescription of improvements to be provided by or at the expense of applicant.

- B. Preparation of study. The study shall be prepared by a Professional Traffic Engineer or Transportation Planner registered in the Commonwealth of Pennsylvania with sufficient prior traffic study experience to qualify him or her to perform the study and render any opinions and recommendations set forth therein.

- C. The individual responsible for preparing the traffic impact study shall certify to the following:

- (1) That in the preparation of the study the Township Comprehensive Plan and any pertinent Township or other traffic or transportation plan or study, as identified by the Township, has been considered in the traffic study;
- (2) That the preparer has consulted with and received information pertaining to the streets and traffic data and projections from PennDOT and from the Monroe County Planning Commission;
- (3) That in the professional opinion of the preparer the completed Traffic Impact Study is a true and accurate study which has given adequate consideration to available information and includes reasonable projections and represents the best opinion of the preparer on the traffic impact of the proposed development;

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- (4) That, if it has not been possible to fully analyze all relevant factors, then those factors not analyzed shall be identified, together with the reasons for the exclusion from the study.
- D. The Traffic Impact Study shall be reviewed by the Planning Commission, Board of Supervisors, Township Engineer or other professional reviewer designated by the Board of Supervisors. The Planning Commission and/or the Board of Supervisors may request additional data or information to clarify the findings set forth in the study.
- E. Study area characteristics. The limits for the study area should be based upon engineering judgment and a knowledge of the existing traffic conditions in the vicinity of the proposed site. The area must be of sufficient size to include the key roadway corridors and critical intersections which may be impacted by the proposed site traffic. Designation of the study area boundaries shall be a cooperative effort between the applicant, township officials and PennDOT, when applicable. In those instances where agreement cannot be reached on the boundaries, the township will establish the boundaries to be used for this study. Designation of the future design year(s) as the basis for the study will be made by the township dependent on the timing and/or phasing of the proposed development.
- F. Contents. The study shall be prepared in accordance with the Institute of Transportation Engineers' recommended practice entitled "Traffic Access and Impact Studies for Site Development - Final Report," dated 1991 and as amended; and PennDOT Publication 201, Engineering and Traffic Studies, current edition, and with the requirements contained herein.
- (1) General site description. The site description shall include the size, location, proposed land uses, current and proposed zoning, construction staging and completion date of the proposed land use and/or development. A brief description of other major existing and proposed land development within the study area shall be provided.
- (2) Transportation facilities description.
- (a) Proposed internal transportation system. This description shall show proposed vehicular and pedestrian circulation, all proposed ingress and egress locations, all existing or proposed internal roadways, including the widths of all cartways and rights-of-way, parking conditions, traffic channelization and any other traffic control devices within or near the site proposed for use.
- (b) External transportation system. This report shall describe the entire external roadway system within the study area of the proposed use. Key intersections in the study area shall be identified and described. All future highway improvements, including proposed construction and traffic signalization, shall be noted. This information shall be obtained from PennDOT and the

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township. Any proposed roadway improvements resulting from proposed surrounding developments shall also be recorded.

- (c) Existing traffic conditions. Existing traffic conditions shall be determined for all roadways and intersections in the study area. Existing traffic volumes for average daily traffic by vehicle class, peak highway hour(s) traffic and peak development generated hour(s) traffic shall be collected. Manual traffic counts at key intersections in the study area shall be conducted, encompassing the peak highway and development generated hour(s).
- (d) Background traffic. Background traffic growth and projected adjacent land development shall be included in the projection of future traffic volumes.
- (e) Transportation impact. Estimation of vehicular trips to result from the proposed development shall be completed for the average daily, peak highway hour(s) and peak development generated hour(s). Vehicular trip generation rates to be used for this calculation shall be based on the Institute of Transportation Engineers' publication entitled "Trip Generation," current edition, and/or actual trip data collected at sites with similar trip generation characteristics. Also, provide an estimate of anticipated truck traffic by vehicle class. These development generated traffic volumes shall be provided for the inbound and outbound traffic movements, and the reference source(s) and methodology followed shall be documented. All turning movement shall be calculated. These generated volumes shall be distributed to the study area and assigned to the existing roadways and key intersections throughout the study area. Document all assumptions used in the distribution and assignment phase in a manner which permits the duplication of these calculations. Any characteristics of the site that will cause particular trip generation problems shall be noted.
- (f) Traffic analysis. The study area roadway network is to be analyzed for safety and capacity sufficiency for three separate conditions: existing network conditions, future network conditions without the proposed development and the future network conditions with the proposed development. For each of the three conditions, the following analyses shall be completed:
 - [1] The effectiveness of the traffic control devices at all key intersections shall be evaluated by approach in terms of vehicle stops and/or delays.
 - [2] Gap studies shall be conducted at the proposed site access points and key intersections to evaluate the need for signal control, turn prohibitions or additional site access points.
 - [3] Queue length studies shall be completed to evaluate the potential for a backup of traffic from controlled intersections which could impact other intersections.

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- [4] An analysis of the volume and capacity of the network and all key intersections shall be conducted using the methodologies presented in the Transportation Research Board's Highway Capacity Manual, current edition. Levels of service will be determined for all roadways and key intersections.
- [5] Available and required sight distances shall be field measured and calculated at all key intersections.
- [6] Turn lane warrant and length analysis shall be conducted.
- [7] The analysis of the existing roadway and intersection conditions in the study area will be based upon the current geometric conditions. The analysis of the future conditions without the proposed development must include a full consideration of all committed roadway improvements to the study area network when determining the expected levels of service.

G. Traffic impact analysis for haul roads.

- (1) A pavement structural analysis shall be completed which shall evaluate the following elements for all haul roads:
 - (a) The requirements of Chapter 201 of Title 67 of the Pennsylvania Code, Subchapter G, Weight, Size and Load Restrictions and Alternate Routes.
 - (b) Recording of existing pavement conditions through the use of a videocassette recorder or similar device to assist in future evaluation of the impact of the facility on existing roads. A copy of the videotape shall be provided to the Township.
 - (c) The results of the evaluation shall be presented in a report with a list of recommendations, a preliminary cost estimate a funding methods and an implementation schedule, all for the purpose of preventing and/or reducing the extraordinary adverse impact of vehicular hauling traffic on public roads.
 - (d) Areas likely to be disturbed by the haul road.
- (2) All aspects of the haul road traffic study which indicates that the proposed operation will decrease the capacity of existing roadways or could create hazards to public health or safety shall be alleviated by installation of appropriate devices as set forth in the traffic study and as determined by the Township. Such devices include, but are not limited to, traffic signals, acceleration and deceleration lanes, additional turning lanes and such other off-site improvements necessary to maintain public health, safety, access and use at the current level of service.

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- H. Conclusions and recommended improvements. Levels of service for all key intersections shall be presented in tabular and graphic form. All roadways and/or key intersections showing a level of service below D for signalized intersections and below E for unsignalized intersections shall be considered deficient and specific recommendations for the elimination of these deficiencies shall be listed. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design and improvements and traffic signal installation and operations. All physical roadway improvements shall be shown on the site plan. For each recommended improvement, provide a schematic drawing of existing and proposed conditions and a narrative description of the improvement, including the cost and funding method of the improvement and an implementation schedule for the improvement.
- I. The applicant, to the extent legally permissible or as may be otherwise agreed, will be responsible for the guarantee of payment for the proportionate share of all traffic control devices or for the construction of public facilities applicable to the proposed development, which are required as a result of the traffic impact generated by the proposed development project.

§ 160-21. Other required approvals.

- A. Access. All proposed uses shall provide adequate and safe access to the proposed facilities. Driveway connections to state and township roads will require a highway occupancy permit from either PennDOT or the township, as appropriate.
- B. Water supply and sewage disposal. All proposed uses shall provide adequate and safe water supply and sewage disposal facilities for the proposed facilities. Such facilities shall be in accordance with PADEP and township requirements.
- C. Natural and cultural features preservation. All uses and activities established after the effective date of this chapter shall comply with the following standards. Site alterations, regrading, filling or clearing of vegetation prior to the submission of applications for buildings permits or the submission of plans for subdivision or land development shall be a violation of this chapter. In the event that two or more resources overlap, the resource with the greatest protection standard (the least amount of alteration, regrading, clearing or building) shall apply to the area of overlap. In assessing compliance with these standards, the Township may take into account the extent to which the property owner is taking other remedial or compensatory actions which would fulfill the same basic intent as the conservation standards.
 - (1) Floodplains. Areas identified as within a flood-prone area shall not be altered, regraded, filled or built upon except in conformance with the Paradise Township Floodplain Management Ordinance.

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- (2) Streams, watercourses, wetlands, lakes and ponds. Such areas shall not be altered, regraded, developed, filled, piped, diverted or built upon except in accordance with the regulations of the Pennsylvania Department of Environmental Protection, the United States Corps of Engineers and Paradise Township. Any activity requiring a federal or state permit shall obtain such permit before final approval by the Township.
 - (a) Creeks, streams, rivers, ponds and lakes are included in and regulated by the Riparian Buffer Overlay District found at Article XIV.
 - (b) Construction, earth disturbance, filling, or removal of natural vegetation within fifty (50) feet of any intermittent or perennial water course or natural drainage swale not shown on the Official Zoning Map of Paradise Township is prohibited, except for horticultural practices used to maintain the health of native vegetation, passive recreation, stormwater conveyances in compliance with Chapter 123, removal of invasive species and/or trees that are dead, diseased or dangerous, and the exempt/permitted activities listed in subparagraphs B, C and D of § 160-90.
 - (c) With the exception of Temporary Structures, if any proposed area of construction, earth disturbance, filling, or removal of natural vegetation, including driveways, parking areas and utilities, is within one hundred twenty (120) feet of an area that includes hydric soils listed in Schedule VII the Zoning Officer shall require the applicant to provide a report from a Qualified Wetland Professional delineating any/all water resources protected by this chapter.
- (3) Stormwater management/Erosion and sedimentation control. All site modifications shall conform with the requirements of the Paradise Township Stormwater Management Ordinance. Where applicable, accompanying erosion and sedimentation control plans shall be submitted to the Monroe County Conservation District for review and comment.
- (4) Site Disturbance.
 - (a) Protection of vegetation for excavations.
 - [1] When digging trenches for utility lines or similar uses, disturbance to the root zone of all woody vegetation shall be minimized.
 - [2] If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible, avoiding soil compaction.
 - (b) Protection of topsoil.

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- [1] No topsoil shall be removed from a site unless a sufficient amount is retained to provide at least four inches of topsoil cover over all of the site's exposed earth surfaces.
 - [2] Topsoil removed by grading operations shall be redistributed and permanently stabilized as quickly as possible following the completion of a project or project phase in accordance with an approved Erosion and Sedimentation Pollution Control Plan.
- (5) Wetlands and vernal pools. Construction, earth disturbance, filling or removal of natural vegetation within any wetland or vernal pool, or within fifty (50) feet of the edge of any wetland or within one hundred twenty (120) feet of the edge of any vernal pool as determined using the method as set for in Section (c), below, is prohibited, except for horticultural practices used to maintain the health of native vegetation, removal of invasive species and/or trees that are dead, diseased or dangerous and the exempt/permittted activities listed in sub-paragraphs B, C and D of § 160-90.
- (a) Wetlands and vernal pools, including the setbacks described above, are hereby included within and protected by the Riparian Buffer Overlay District described in Article XIV.
 - (b) Determination and Delineation of Wetlands.
 - [1] When the National Wetlands Inventory (NWI), United States Geological Survey (USGS), and/or the United States Natural Resource Conservation Service (NRCS) Maps indicate wetlands on a site or when a site/development area contains hydric soils (refer to Schedule VII - Hydric Soils of Monroe County, PA) or an area with a predominance of wetlands vegetation (refer to Schedule VIII - Wetland Plant List and current plant indicator lists by the United States Fish and Wildlife Service and/or the United States Army Corps of Engineers), an on-site investigation shall be conducted by a Qualified Wetland Professional to determine if wetlands are present on the site and to delineate wetland boundaries. The Qualified Wetland Professional shall certify that the methods used to investigate the site correctly reflect currently accepted technical concepts, including the presence of wetland vegetation, hydric soils, and/or hydrologic indicators in accordance with currently accepted and applicable State and Federal regulations and guidance. The landowner or applicant shall be responsible for obtaining the wetland determination and delineation. The study must be approved by the Township Engineer. If the Township Engineer disagrees with the study the landowner or applicant shall be required to provide a Jurisdictional Determination by the United States Army Corps of Engineers. In the event that a wetland delineation validated by the United States Army Corps of Engineers is shown to vary from the wetlands

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boundary provided by the landowner's or applicant's Qualified Wetland Professional, the Corps delineation shall govern.

- (c) The Zoning Officer shall review all proposed development and determine soil type boundaries within and around the subject property based on NRCS soils data. If, for any proposed development, the underlying soils within 120 feet of any associated earth disturbance are shown to be hydric, as defined in Schedule VII, the applicant shall provide the results of an on-site investigation by a Qualified Wetland Professional.
 - (d) Where the Zoning Officer or the Township Engineer determines that there is evidence that there may be indicators of a wetland on a proposed development site or based upon the Township Official Wetlands Map, the Zoning Officer may deny Township Zoning Permits as incomplete until the applicant provides evidence from a Qualified Wetland Professional that such site is not a wetland or that such action will comply with applicable Federal and State permit requirements.
 - (e) Construction, earth disturbance, filling, or removal of natural vegetation on slopes exceeding 10% within 500 feet of any wetland or vernal pool shall be designed to control the flow of surface water in a manner which protects the wetland or vernal pool from adverse impacts commonly associated with nutrient and sediment pollution.
- (6) Conservation of agriculturally suited soils. In subdivisions where greenway lands are created, the applicant shall, whenever possible and in conjunction with other applicable ordinances, include in such greenway lands those agriculturally suited soils whose acreage, configuration and location offer future opportunity for agricultural use.
- (7) Conservation of sloping lands.
- (a) Any site disturbance on slopes exceeding 15% shall be minimized.
 - (b) No site disturbance shall be allowed on slopes exceeding 25%, except under the following circumstances:
 - [1] Logging shall be by specific approval of the Board of Supervisors. A submission plan shall include an approved soil erosion and sedimentation plan; a listing of the amounts and species of timber to be harvested, which in no case can be conducted on more than 15% of the acreage located on these slopes; and a reclamation plan for restoring the site. Precautions shall be taken to avoid destruction or injury of brush and trees.

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- [2] Grading for a portion of a driveway accessing a single-family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25% is possible.
- [3] Any driveway or other access road must be designed to have a slope length no greater than 75 feet.
- (c) All primary and accessory buildings, septic systems, detention basins or other structures that may create a severe impact upon the slope shall be set back 50 feet from all ridge lines or slope tops.
- (d) Property owners of tillage and nursery operations, on slopes exceeding 8%, shall enter into a cooperative agreement with the Monroe County Conservation District for the development of a conservation plan for the site.
- (e) Grading or earthmoving on all sloping lands exceeding 15% shall not result in earth cuts or fills whose highest vertical dimensions exceed 10 feet, except where no alternative exists for construction of public roads, drainage structures and other public improvements, in which case such vertical dimensions shall not exceed 20 feet. Finished slopes of all cuts and fills shall not exceed three to one, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately.
- (8) Groundwater protection. In cases where the proposed use may impact or affect groundwater use, groundwater quantity or groundwater quality through effects on flow, recharge or disposition of pollutants, the applicant shall provide the Township with a hydrogeological study that evaluates the impact of the use on the groundwater and public and private groundwater supplies. This evaluation shall demonstrate compliance with the following:
 - (a) The use shall not cause the contamination, diminution or interruption of a public or private water supply.
 - (b) The applicant shall identify and map all measures which shall be required to avoid the contamination, diminution or interruption of public or private water supplies identified in the study. Such mapping shall include hypothetical cones of depression and the measures proposed to alleviate or eliminate disturbance or interference with groundwater quantity or quality.
 - (c) The applicant shall notify all property owners with existing wells within the potentially affected area of the potential effects on the wells as well as measures which will be taken to avoid such effects.
 - (d) The operator/owner of any property that affects a public or private water supply by contamination, diminution or interruption shall restore or replace the affected water supply with an alternate source of water, adequate in

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quantity and quality for the purpose served by the supply. For the purpose of this section, the term "water supply" shall include any existing source of water or facility or system for the supply of water from human consumption or for agricultural, industrial, recreational or other uses.

- (9) Wellhead Protection. For the purpose of this Ordinance, discreet zones are hereby delineated. Wellhead Protection Zone 1 shall include all land within 400 feet of any public supply wells regulated under the Safe Drinking Water Act, as amended. Wellhead Protection Zone 2 shall include all land within ½ mile of public supply wells regulated under the Safe Drinking Water Act, as amended, and within 50 feet of any 100-year floodplain, wetland or natural water body. Zone 3 shall include all land within the borders of Paradise Township. Locations of public supply wells are on a map available for inspection at the office of the Paradise Township Zoning Officer.

- (a) The following land uses, physical facilities and activities have the potential to contaminate surface soils and surface water bodies, and therefore represent a threat of contamination of groundwater:

- [1] Agricultural operations
- [2] Commercial facilities
- [3] Industrial facilities
- [4] Sewage disposal
- [5] Bulk storage tanks
- [6] Solid waste disposal facilities
- [7] Injection wells
- [8] Sewage sludge land application
- [9] Hazardous material storage, treatment and recycling
- [10] Limited residential activities
- [11] Subdivisions
- [12] Land developments

This section restricts land uses, physical facilities and activities listed above in all three Wellhead Protection Zones.

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- (b) Permits and approvals issued pursuant to this chapter do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance. If more stringent requirements concerning regulation of water supply wells are contained in any other code, rule, act or ordinance, the more stringent regulation shall apply.
- (c) The degree of protection of groundwater quality sought by the provisions of this chapter is considered reasonable for regulatory purposes. Groundwater contamination and pollution are still possible. This Chapter does not imply groundwater will remain free of contamination for all Township residents.
- (d) Land uses within Wellhead Protection Zones 1, 2 and 3 shall be regulated according to the Schedule of Regulated Land Uses below. Land uses shall be prohibited (X), permitted (P) or permitted only by Special Exception (SE), as applicable, in accordance with this Schedule.

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SCHEDULE OF REGULATED LAND USES

USE	Zone 1	Zone 2	Zone 3
Generation, treatment or disposal of regulated substances.	X	X	SE
Bulk storage of regulated substances	X	X	SE
Herbicide, pesticide and fertilizer dealer/distributor	X	X	SE
Agricultural operations	X	X	SE
Animal husbandry facilities	X	X	P
Large Volume subsurface sewage disposal systems	X	X	SE
Large volume spray irrigation sewage disposal systems	X	SE	SE
Underground injection wells	X	X	SE
Aboveground storage tanks*	X	SE	SE
Underground storage tanks	X	X	SE
Waste disposal facilities	X	X	SE
Land application of sewage sludge	X	X	SE
Storm water retention facilities	X	P	P
Unlined storm water detention facilities	X	P	P
Mining and quarrying	X	SE	P
Road deicing material storage	X	SE	P
Textile and apparel product manufacturing	X	SE	P
Lumber and wood preserving	X	SE	P
Printing and publishing	X	SE	P
Chemical manufacturing	X	SE	P
Dry cleaning establishments	X	SE	P
Leather product manufacturing	X	SE	P
Mineral product manufacturing	X	SE	P
Metal product manufacturing	X	SE	P
Machine shops	X	SE	P
Electronic/electronic equipment manufacturing	X	SE	P
Transportation maintenance facilities	X	SE	P
Scrap and metal container recyclers	X	SE	P
Chemical and petroleum storage and sales	X	SE	P
Automotive repair, services and related parking	X	SE	P
Personal services:	X	SE	P
laundry, pest control, photofinishing			
Repair services:	X	SE	P
furniture, welding, septage services			
Educational, medical and engineering labs	X	SE	P
Sewage disposal facilities	X	SE	SE
Ground Source Heat Pumps	SE	SE	SE

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*Above ground fuel tanks with capacity of 200 gallons or less required for the operation of equipment associated with safe wellhead operation are permitted, provided adequate secondary containment measures are installed.

(e) Special exception permits shall be issued in accordance with the Schedule of Regulated Land Uses, above, provided the conditions below are met:

- [1] Facilities which generate, store, treat or dispose of hazardous material are required to file current Pollution Incident Prevention (PIP), Spill Prevention Control and Countermeasure (SPCC), Preparedness, Prevention and Contingency (PPC), Spill Prevention Response (SPR) plan, as required by either the Pennsylvania Department of Environmental Protection or the United States Environmental Protection Agency, and a current Hazardous Substance Survey Form, Environmental Hazard Survey Form and SARA Title III Tier I and Tier II Report with the Township.
- [2] Herbicide, pesticide and fertilizer products dealers and distributors are required to file a Pollution Incident Prevention (PIP) plan, or equivalent, and a current Hazardous Substance Survey Form, Environmental Hazard Survey Form and SARA Title III Tier I and Tier II report with the Township.
- [3] Large volume subsurface sewage disposal systems and large volume spray irrigation sewage disposal systems are required to file current permit from the Pennsylvania Department of Environmental Protection and copies of all required water quality monitoring reports with the Township.
- [4] Underground injection well operators must submit a copy of current registration with the Environmental Protection Agency with the Township.
- [5] Aboveground and underground storage tank owners must submit a copy of current registration from the Pennsylvania Department of Environmental Protection with the Township, and demonstrate compliance with all regulations enacted to enforce the Storage Tank and Spill Prevention Act of 1989.
- [6] Waste disposal facilities must file a copy of a current permit from the Pennsylvania Department of Environmental Protection, a copy of any required Preparedness, Prevention and Contingency (PPC) plan and copies of any required water quality monitoring reports and water pollution abatement plans with the Township.

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- [7] Sewage sludge land application operators must file a copy of a current permit from the Pennsylvania Department of Environmental Protection, copies of any sewage sludge test results and any required water quality monitoring reports with the Township.
- [8] Agricultural operations must submit a copy of the Conservation Plan prepared in accordance with Chapter 102 of Pennsylvania Department of Environmental Protection regulations, and must include a Pesticide Management Plan and a Nutrient Management Plan.
- [9] Sewage disposal facilities must be operated and maintained to prevent discharge of untreated or partially treated sewage to surface or ground waters.
 - [a] On-lot sewage disposal systems shall be inspected by a technician certified by the Pennsylvania Sewage Management Association and any necessary repairs or maintenance must be performed prior to the expansion or conversion of the land use served by the system. A copy of that inspection report must be submitted to the Sewage Enforcement Officer.
 - [b] No sewage disposal system may be installed within 100 feet of any existing or permitted drinking water well.
- [10] Ground source heat pumps are considered private wells regulated under this Chapter, and shall also comply with the following:
 - [a] Ground source heat pumps may not have any formal connections to any septic system.
 - [b] Horizontal closed loop ground source heat pumps must be a minimum of 25 feet from any existing or permitted septic system.
 - [c] Vertical closed loop ground source heat pumps must be a minimum of 100 feet from any existing or permitted septic system, unless the entire borehole around the annulus of the loop is grouted with bentonite slurry.
 - [d] Closed loop ground source heat pumps that treat extracted water in any way, or involve circulation of toxic refrigerants below the surface, are prohibited.
 - [e] Water treatment associated with open loop ground source heat pumps is prohibited.

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- [f] Applicants for open loop ground source heat pumps that discharge to the surface must either obtain a National Pollutant Discharge Elimination System (NPDES) permit from the Pennsylvania Department of Environmental Protection, or demonstrate that such permit is not required.
 - [g] Applicants for ground source heat pumps with separate return wells must provide documentation that the return well is capable of handling the volume of water that passes through the heat pump.
- (f) The following activities are specifically excluded from regulation under this section:
- [1] The transportation of any regulated material through Wellhead Protection Zones 1 or 2, provided that the transporting vehicle is in transit through the Wellhead Protection Zones and further provided that such transportation is conducted in compliance with all applicable federal and state laws and regulations.
 - [2] Utilization and/or storage of fuels, hazardous chemicals, pesticides, fertilizers, flammable liquids and gases, and toxic and regulated substances by owners and/or occupiers of lots and tracts of land which are primarily utilized for the purpose of single or multi-family residential dwellings in such quantities and in such a manner as is associated with normal consumer, household use.
- (g) Subdivisions and land developments regulated under Chapter 131 of the Paradise Township Code of Ordinances shall be designed consistent with the following:
- [1] Storm water retention and/or unlined detention basins shall be prohibited within Wellhead Protection Zone 1.
 - [2] Subdivision and land developments proposed with subsurface sewage disposal shall provide a tested and suitable primary absorption area and a tested and suitable secondary absorption area on each lot.
- (h) As to each lot or tract of land located within Paradise Township upon which there is conducted a Regulated Land Use, the record owner thereof shall submit, or cause to be submitted, to the Zoning Officer of the Township the following reports and information in the manner prescribed:
- [1] Copies of all federal, state and county operational approvals, certificates, permits and applications, on-going environmental reports and monitoring results, relating to environmental, pollution control, hazardous substance and drinking water laws and regulations pertaining

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to such lot or tract of land, as and when required to be submitted to federal, state and county governmental authorities;

- [2] In the event that any contaminants and/or substances regulated under federal, state or state environmental, pollution control, hazardous substance and drinking water laws and regulations are released on or from any lot or tract of land within the Township, copies of any and all notices, reports and documents which such owner filed, or caused to be filed, with any federal, state and/or county governmental authorities which provide notice of or relate to such release, as and when such notices, reports and documents are required to be filed with such governmental authorities; and
 - [3] Copies of all notices, orders, rules, decisions, recommendations, enforcement actions and similar documentation, as and when received by or on behalf of such record owner or the occupant of any such lot or tract of land from any federal, state or county governmental authority in connection with the enforcement of environmental, pollution control, hazardous substance and drinking water laws and regulations.
- (i) Alternatively, an Applicant for a Regulated Land Use may provide a study, prepared by a hydrogeologist registered in the Commonwealth of Pennsylvania, demonstrating, to the satisfaction of the Township, that the proposed Regulated Land Use, or any parts thereof, including any/all treatment, disposal, conveyance equipment and all associated appurtenances will pose no threat to any private or public water supply well.
- (10) Rare, threatened and endangered species. Where the habitat or potential habitat of a rare, threatened or endangered species exists on the property, and where the habitat or potential habitat may be adversely affected by the proposed use, the Township shall be supplied with an evaluation, prepared by a certified expert, concerning the impact of the proposed use on rare, threatened and endangered species identified by the Pennsylvania Natural Diversity Index (PNDI). A thorough on-site investigation of the property shall be conducted by the expert as part of the evaluation. Correspondence from PADEP indicating a review of the PNDI shall be provided to the Township. The Township shall have the right to verify said evaluation.
- (11) Historical and archaeological resources. The impact of the proposed use on historical and archaeological resources shall be evaluated and a written response from the Pennsylvania Historic and Museum Commission shall be obtained and provided as part of the application. The applicant for the proposed use shall comply with the requirements of the National Historic Preservation Act of 1966.

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- (12) Existing Resources Site Analysis Plan; applicability. Prior to commencing any site disturbance for any purpose other than construction of a single-family dwelling or related accessory uses, an existing resources site analysis plan as described in Chapter 131, Section 131-36 shall be submitted to and approved by the Board of Supervisors according to the provisions of the Subdivision and Land Development Regulations (SALDO).
 - (13) Existing resources site analysis plan as part of application. An existing resources site analysis plan submitted as a part of a subdivision or land development application shall be reviewed according to the provisions of the Subdivision and Land Development Ordinance (Chapter 131 of this Code). Site inspections, performance and maintenance guaranties, applicant fees, violations and penalties shall govern such an application.
 - (14) Existing resources site analysis plan unrelated to application.
 - (a) Plan review.
 - [1] Applicants for activities defined in §160-21(C)(13) but not related to a subdivision or land development shall submit an existing resources site analysis plan in accordance with §131-38.
 - (15) Fees. The applicant shall pay an application fee for Township review of the existing resources site analysis plan in accordance with a schedule of fees established by resolution adopted by the Board of Supervisors.
 - (16) Existing resources site analysis plan amendments.
 - (a) Major modifications of any approved existing resources site analysis plan, as determined by the Township, shall be submitted to the Township Engineer and reprocessed in the same manner as the original plan. All development and land disturbance activities shall be suspended pending the approval of modified plans.
 - (b) Field modifications of a minor nature may be approved by the Township Engineer in the form of written authorization.
- D. Performance standards for private wells. All privately owned domestic wells drilled, constructed, used and maintained in Paradise Township shall comply with the rules herein. Wells already in existence at the time of the adoption of this section may remain in operation for the life of the existing well, but must conform with the rules herein at the time they are upgraded, re-drilled, relocated or closed.
- (1) No private well may be constructed within 100 feet of any existing or permitted sewage disposal system.

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- (2) No private well may be constructed within 150 feet of any dead animal burial pit, within 100 feet of any animal or fowl enclosure, or within 100 feet of any fertilizer or pesticide storage, mixing or loading facilities.
- (3) No private well may be constructed within 100 feet of any infiltration trench or dry well.
- (4) No private well may be installed within the 100-year flood plain. Well casing shall extend at least two feet above the level of the highest known flood of record. Surface water must be directed away from the wellhead.
- (5) The "Municipality" copy of the Water Well Completion Report required of the licensed well driller by the Pennsylvania Department of Conservation and Natural Resources shall be submitted to the Zoning Officer upon well completion.
- (6) Drilling fluid materials, drilling fluid additives, casing materials, screening materials, gravel pack materials and grouting and sealing materials shall be in accordance with standards established by the American Water Works Association in the AWWA Standard for Water Wells, approved by the American Water Works Association on June 15, 1997 and approved by the National Standards Institute on December 1, 1997.
- (7) Well construction, well development, well disinfection and well abandonment/decommissioning shall be in accordance with standards established by the American Water Works Association in the AWWA Standard for Water Wells, approved by the American Water Works Association on June 15, 1997 and approved by the National Standards Institute on December 1, 1997.
- (8) Permanent well casings shall be continuous and watertight from top to bottom of the installed casing except for any well screens.
- (9) All wells shall be drilled a minimum of 10 feet into competent bedrock and sealed from bedrock to surface, or to a minimum depth of 50 feet if bedrock is not encountered, to prevent the entrance of water from any source other than from the aquifers selected.
- (10) All wells shall have suitable threaded, flanged or welded caps or compression seals to prevent foreign material from entering the well.
- (11) Water quality testing for bacterial contamination shall be conducted by a laboratory certified for drinking water analysis by the Pennsylvania Department of Environmental Protection. Analysis shall include, at a minimum, tests for microbiological contamination and nitrate/nitrite.
- (12) Water sample test results shall be reported to the property owner. Positive test results for fecal coliform, E. coli, Nitrate above 10 mg/L or nitrite above 1 mg/L

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shall be reported to both the property owner and the Zoning Officer. Nothing in this rule shall limit the right of the property owner to conduct additional water quality sampling and analysis.

(13) Permit requirements for private wells.

(a) No private well shall be constructed within Paradise Township without first obtaining a permit from the Zoning Officer.

(b) Permit applications shall be submitted in the name of and executed by the owner(s) of the property.

(c) Permit applications:

[1] Shall be submitted in person or mailed on a properly completed Township form;

[2] Shall be signed by the applicant or authorized representative.

[3] Shall include a plan showing the location of the proposed well in relation to the property boundaries and the nearest subsurface septic system.

[4] Shall include a fee in accordance with the comprehensive fee schedule adopted by resolution of the Board of Supervisors.

(d) Permit Issuance.

[1] A permit for well construction shall be issued by the Zoning Officer, subject to this chapter and the conditions contained on the permit and its attachments and supplements. The permit will authorize the applicant to proceed with the work and will also serve as a receipt for the fees accompanying the application.

[2] Permits will be issued only to the owner(s) of the property. Permits will not be issued to the contractor(s) or to any person(s) other than the owner(s) of the property.

[3] Approval by the Township of any well permit shall not constitute acknowledgment that the work was performed in accordance with the permit, nor shall such approval of the Township act as a release of the permittee(s) or waiver by the Township of its right to seek performance or restitution by the permittee(s).

E. Litter control plan. All proposed uses that will include outdoor activities shall prepare and submit a Litter Control Plan for review and approval as part of the zoning

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application. All solid waste collection points must be screened from adjacent properties and roads.

- F. Required permits. Whenever other federal, state or local permits are required for a proposed activity, applications for these permits shall be submitted to the applicable governmental agency concurrent with the submission of any zoning application. Copies of all applications and correspondence shall be provided to the township. Prior to the issuance of a certificate of occupancy for any approved use, a copy of all required permits from all applicable governmental bodies shall be provided to the Zoning Officer.
- G. Operational Plan. All proposed non-residential uses shall submit an Operational Plan for review and approval as part of any zoning application.
 - (1) The applicant shall provide an operational plan which shall address all matters necessary to determine compliance with this chapter. In addition, the operational plan shall set forth the procedures that will be utilized for operation, including times and days of operation of various components of the operational activities. Such plan shall:
 - (a) Require that access to a site posing a hazard or potential hazard to visitors will be limited to such times when an attendant is on duty and access drives shall be secured by fences, locks, gates and other means to deny access at unauthorized times.
 - (b) The operator shall maintain and make available to the public at its offices all permits and approved plans required by any governmental regulatory agency having jurisdiction over the permitting, operating, maintenance, reclamation, closure and/or remediation of the proposed facility.
 - (c) The operator shall provide the Township with copies of any notices of violation received from any state or federal agency within five days of the date of receipt of such notice by the operator of the facility.
 - (d) Hours of operation must be both in accordance with the express requirements of this Chapter and such that they do not cause undue interference with the surrounding area. The operator shall be responsible for ensuring against such interference.
- H. Explosives Storage and Use. All proposed uses that use explosive materials at any time shall submit the following:
 - (1) Approved current licenses required by 25 Pa. Code Chapters 210 and 211;
 - (2) An Agreement by the applicant/permittee to indemnify and hold harmless Paradise Township, its officers, agents, and/or employees from any and all liability arising from the explosives storage and use. By accepting an issued explosives storage and

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use permit, the permittee acknowledges that this obligation to indemnify and hold harmless is incorporated by reference into any explosives storage and use permit issued. The Agreement shall include:

- (a) Commercial General Liability (CGL) insurance ISO Coverage Form CG 00 01 covering on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal and advertising injury with minimum limits of one million dollars (\$1,000,000) per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to the project/location or the general aggregate shall be twice the occurrence limit. The insurance shall cover or be endorsed to cover liability arising from the proposed event, and the liability assumed by the permit applicant pursuant to this agreement utilizing ISO endorsements CG 20 10 and CG 20 37 or their equivalents. The policy shall include Paradise Township, its officers, its employees, and its volunteers, as additional insureds, with primary coverage as respects the same, and shall contain a severability of interests provision. The coverage shall be primary and non-contributory.
 - (b) Auto Liability covering any auto with a combined single limit of not less than one million dollars (\$1,000,000).
 - (c) Statutory Workers Compensation as required by the Commonwealth of Pennsylvania. A certificate of insurance with endorsement WC 00 0313 shall be completed by the applicant's insurance agent(s) as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect shall be furnished to the Township at least thirty (30) days prior to the event described in the permit application, and shall be subject to review and approval by the Township prior to the commencement by the Township of any obligations under the Agreement. The certificate shall identify this Agreement and shall provide that the coverages afforded under the policies shall not be cancelled, terminated, or materially changed until at least fifteen (15) days prior written notice has been given to the Township.
- I. Conservation, Closure or Reclamation Plan. All proposed uses that require earth disturbance in excess of five (5) acres shall submit a Conservation, Closure or Reclamation Plan for review and approval as part of the zoning application. Such uses include, but are not limited to, construction, excavation, mining or other resource extraction, solid waste disposal, hazardous substance remediation, farming, timbering, and grubbing. The requirements of this section may be satisfied by conditioning approval upon the submission of a Conservation, Closure or Reclamation Plan approved by the county, state or federal agency charged with the approval of such plans.
- (1) When the operation has concluded, the area shall be reclaimed to approximate original contour. A plan showing the reclamation, including proposed soil cover

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type and depth and the planting schedule, shall be submitted at the time of and as part of the land development application.

(2) Revegetation.

- (a) Revegetation where required shall provide for diverse, effective and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except that introduced species may be used in the revegetation process where desirable and necessary to achieve the approved post-mining land use plan. Vegetation cover shall be considered of the same seasonal variety when it consists of a mixture of species of equal or superior utility for the approved post-mining land use, when compared with the utility of naturally occurring vegetation during each season of the year. The applicant shall inventory the existing vegetation and submit a plan showing the type and extent of the vegetation by species, size and number as part of the application. The inventory shall be made by a forester or other qualified individual.
 - (b) Revegetation shall provide a quick-germinating, fast-growing vegetative cover capable of stabilizing the soil surface from erosion and may include, but not be limited to, crown vetch.
 - (c) All revegetation shall be carried out in a manner that encourages a prompt vegetative cover and recovery of productive levels compatible with the approved post-mining land use.
 - (d) Disturbed areas shall be seeded and planted during the first normal period for favorable planting after reclamation has commenced.
 - (e) When necessary to effectively control erosion, the disturbed area shall be seeded and planted as contemporaneously as practicable with a temporary cover of small grain, grasses or legumes or otherwise protected from erosion until a permanent cover is established.
- (3) Immediately after haul roads are no longer needed for the associated surface mining activities or post-mining land use:
- (a) The road shall be physically closed to vehicular traffic.
 - (b) The road and adjacent slopes shall be regraded to blend with the natural contours and drainage patterns.
 - (c) All bridges and culverts shall be removed.

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- (d) Cross drains, dikes and water bars shall be constructed and maintained to minimize erosion.
- (e) All disturbed areas shall be revegetated in accordance with this chapter.
- (4) A reclamation plan shall be submitted which shall show all details of the reclamation plan, including final proposed elevations at contours not greater than two-foot intervals, final groundcover and any other information required by the Township to determine whether the reclamation plan will restore the site in a satisfactory manner.
- (5) The reclamation plan shall contain a schedule which identifies the specific phase of the mining operation and the geographic location of operations which will cause various portions of the reclamation plan to be initiated. Such schedule shall indicate the time needed to complete the various portions of the reclamation plan. Such schedule and plan shall be subject to approval by the Township and may be amended only upon written request of applicant and favorable action by the Township.

§ 160-21-A. Haul Roads.

- A. Haul roads shall be accessible from a major rural collector or arterial road which is either a Commonwealth of Pennsylvania roadway or which meets the applicable requirements of the Pennsylvania Department of Transportation (PennDOT) for major collector or arterial roads. Haul roads shall be designed to minimize danger and congestion along existing roads and to avoid the creation of a nuisance to nearby properties.
- B. All haul roads shall be paved for a distance of at least 300 feet from the street right-of-way and shall incorporate a gravel section of at least 50 feet in length, prior to the preceding required paved section, to assist with the removal of mud and debris from the wheels of vehicles exiting the site. A wheel wash or other similar device shall be installed to remove all foreign matter from the trucks' wheels and frame. The operator of a site serviced by a haul road will be responsible to see that no truck leaves the site loaded in such a manner that stones or other material can fall over its sideboards or tailgate.
- C. Haul roads shall be designed, constructed and maintained to prevent, to the maximum extent possible, erosion and to prevent contributions of sediment to streams or runoff outside the affected area, air and water pollution and off-site damage. Stormwater detention facilities shall be provided for and maintained to control runoff for such roads for two-year, ten-year, twenty-five-year, fifty-year and one-hundred-year storms.
- D. Haul roads shall be constructed on stable areas that avoid wet or unstable soils. Prior to the construction of a road, all topsoil shall be removed, stored on a stable site and

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protected against erosion and compaction until restoration of the whole road. Any disturbed area adjacent to the road shall be vegetated or otherwise stabilized to prevent erosion.

- E. Haul roads shall be lined on both sides with evergreen trees at least seven feet in height at the time of planting. The trees shall be placed in two staggered rows and spaced at eight-foot centers.
- F. The screening requirements for haul roads shall also apply to roads which leave the tract on which the operation is located and enter any other property, zone, tract, etc.

§ 160-21-B. Inspections.

- A. The Township shall have the right to inspect the quarrying operations at any time during normal business hours upon notice to owner/operator.
- B. The operator shall pay an inspection fee to the Township in the amount set forth by resolution of the Township to defray Township administrative, engineering and/or legal costs of overseeing quarrying operations. Said fee shall be due at the time of the first removal of stone hereunder and annually on the first day of each calendar year thereafter.

§ 160-21-C Conservation subdivisions and master developments.

- A. In order to achieve the greatest conservation of natural resources as described in §160-2, this Article provides for flexibility in designing new residential subdivisions by allowing four forms of development referred to as “options”, as summarized below:
 - (1) Option One: Neutral Density and Basic Conservation, providing for residential uses at the density permitted by the underlying zoning. Greenway lands comprise 50% of adjusted tract acreage plus 100% of primary conservation areas. The flexibility-designed layouts work well with either individual wells and septic systems located in the open space, or with central wells and sewage treatment facilities.
 - (2) Option Two: Enhanced Density with Greater Conservation, providing for higher density residential uses and a larger percentage (60% of adjusted tract acreage plus 100% of primary conservation areas) of greenway land in more flexibly designed layouts with other improvements serving the community such as central wells and sewage treatment facilities.
 - (3) Option Three: Estate Lots, providing for rural-suburban residential uses at lower densities in conventional layouts of standard houselots, where homes and streets are located carefully to minimize impacts on resource lands.

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- (4) Option Four: Country Properties, providing for very low densities appropriate to rural situations, with flexible and reduced design standards in instances where a permanent conservation easement is offered to maintain such uses.

B. Permitted Density Calculation.

- (1) Adjusted tract acreage calculations for the purpose of determining maximum density and minimum greenway land requirements for conservation subdivisions, and minimum greenway land requirements for master development plans shall be conducted as follows:
 - (a) Constrained land shall be calculated as 100 percent of land consisting of ponds, lakes, and wetlands, 80 percent of lands consisting of steep slopes, 15 percent of lands consisting of moderate slopes, and 50% of flood plains.
 - (b) Adjusted tract acreage shall consist of total tract acreage minus constrained land and all land contained in existing road rights-of-ways, and existing overhead and underground utility easements and rights-of-ways with established widths.
- (2) Determination of density (or maximum number of permitted dwelling units) shall be based on adjusted tract acreage in accordance with Schedule IV.
- (3) Where a tract exists in more than one Zoning District, density shall be calculated in a manner proportionate to the total tract area contained in each individual district.
- (4) Multiple options may be used on a single tract or for a single project. When multiple options are combined on the same tract, density shall be calculated based on total tract area designated for each respective option.
- (5) Residential and commercial uses may be used on a single tract within a master development. When residential and commercial uses are combined within a master development, residential density shall be proportionate to the percentage of the developable area used for residential purposes.

C. Minimum greenway land calculations for conservation subdivisions and master development plans shall be conducted as follows:

- (1) Option 1 (neutral density) subdivisions minimum greenway land shall be 50 percent of the adjusted tract acreage plus 100 percent of primary conservation areas.
- (2) Option 2 (enhanced density) subdivisions minimum greenway land shall be 60 percent of the adjusted tract acreage plus 100 percent of primary conservation areas.

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- (3) Option 3 (estate lots) subdivision minimum greenway land shall consist of primary conservation areas and may be contained within privately owned lots.
 - (4) Option 4 (country properties) subdivision minimum greenway land shall consist of 80 percent of the total tract acreage and may be contained within privately owned lots.
 - (5) Minimum greenway land for master development plans shall be 50 percent of the adjusted tract acreage plus 100 percent of primary conservation areas.
- D. Greenway land design standards and other requirements.
- (1) Greenway design standards
 - (a) Greenway lands shall be laid out in general accordance with the Township's Map of Potential Conservation Areas to ensure that an interconnected network of open space will be provided. The required greenway land consists of a mixture of Primary Conservation Areas, all of which must be included, and Secondary Conservation Areas. Primary Conservation Areas comprise ponds, lakes, riparian buffers, and steep slopes. Secondary conservation areas should include other features on the Township Map of Potential Conservation Areas.
 - (b) In Option 1 and 2 subdivisions, the greenway land comprises a minimum of 50 percent and 60 percent of the Adjusted Tract Acreage, plus all Primary Conservation Areas, respectively. This land shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the Township, or by a private individual or entity in compliance with Sections 160-21-C (E) and (F), below. However, in no case shall less than 30 percent of the land comprising the greenway land be available for the common use and passive enjoyment of the subdivision residents. These ownership options may be combined so that different parts of the greenway land may be owned by different entities.
 - (c) In Option 3 and 4 subdivisions, the required greenway land comprises all of the Primary Conservation Areas within the total tract, and may lie within the privately owned lots, or up to 80 percent may be set aside as undivided land with common rights of usage among the subdivision residents.
 - (d) Where the proposed development adjoins public parkland, a natural greenway buffer at least one hundred fifty (150) feet in width, and where the proposed development adjoins State Gamelands, a natural greenway buffer of at least one-hundred-fifty (150) feet in width shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction or for the removal of invasive plant species). Where this buffer

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is not wooded, the Board of Supervisors may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through no-mow policies and the periodic removal of invasive plant and tree species. Where any non-residential structures within a proposed Master Development Plan adjoin residential uses, a natural greenway buffer at least fifty (50) feet in width shall be provided within the development along its side and rear property lines.

(2) Other Requirements.

- (a) No portion of any building lot may be used for meeting the minimum required greenway land, except as permitted within Options 3 or 4 or within a Conservancy Lot of at least 10 acres. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required greenway land.
- (b) Pedestrian and maintenance access shall be provided to greenway land, excluding those lands used for agricultural or horticultural purposes, in accordance with the following requirements:
 - [1] Each neighborhood shall provide one centrally located access point with minimum width of thirty-five (35) feet per 15 lots.
 - [2] Access to greenway land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.

E. Permanent Greenway Protection

- (1) In Option 1, Option 2, and Option 3 subdivisions and Master Development Plans, the required greenway land shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, stormwater management facilities, and to install subsurface septic disposal systems or spray irrigation facilities. The determination of necessity shall lie with the Board of Supervisors.) A list of permitted and conditional uses of greenway lands is contained in this Article in Sections 160-12(A)(32-A).
- (2) In Option 4 subdivisions applicants shall place a restrictive conservation easement, in form and substance acceptable to the Board of Supervisors, preventing future subdivision of the newly created parcels.

F. Ownership and Maintenance of Greenway Land.

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- (1) Development Restrictions. All greenway land shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the greenway land at any time, except for those uses listed in Section 160-12(A)(32-A).
- (2) Ownership Options. The following methods may be used, either individually or in combination, to own greenway land. Greenway land shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the greenway land or in the open space ratio of the overall development and the Township is notified in writing. Ownership methods shall conform to the following:
 - (a) Fee Simple Dedication to the Township. The Township may, but shall not be required to, accept any portion of the greenway land, provided that:
 - [1] There is no cost of acquisition to the Township; and,
 - [2] The Township agrees to and has access to maintain greenway land.
 - (b) Condominium Association. Greenway land may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All greenway land shall be held as a "common element."
 - (c) Homeowners' Association. Greenway land may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes. In addition, the following regulations shall be met:
 - [1] The applicant shall provide the Township a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for greenway land for review and approval;
 - [2] The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any lots in the development;
 - [3] Membership in the association shall be automatic and mandatory for all purchasers of dwelling units therein and their successors in title;
 - [4] The association shall be responsible for maintenance and insurance of greenway land;
 - [5] The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in payment of

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dues. Such dues shall be paid with the accrued interest before the lien may be lifted;

- [6] Written notice of any proposed transfer of greenway land by the association or the assumption of maintenance for greenway land must be given to all members of the association and to the Township no less than thirty days prior to such event; and
 - [7] The association shall have adequate staff to administer, maintain, and operate such greenway land.
- (d) Private Conservation Organization or the County. With permission of the Board of Supervisors, an owner may transfer either fee simple title of the greenway land or easements on the greenway land to a private conservation organization or to the County provided that:
- [1] The conservation organization is acceptable to the Township and is a bona fide conservation organization intended to exist indefinitely;
 - [2] The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or the County becomes unwilling or unable to continue carrying out its functions;
 - [3] The greenway land is permanently restricted from future development through a conservation easement and the Township is given the ability to enforce these restrictions; and
 - [4] A maintenance agreement acceptable to the Township is established between the owner and the organization or the County.
- (e) Dedication of Easements to the Township. The Township may, but shall not be required to, accept easements for public use of any portion of the greenway land. In such cases, the greenway land remains in the ownership of the condominium association, homeowners' association, or private conservation organization while the Township holds the easements. In addition, the following regulations shall apply:
- [1] There shall be no cost of acquisition to the Township;
 - [2] Any such easements for public use shall be accessible to the residents of the Township; and
 - [3] A satisfactory maintenance agreement shall be reached between the owner and the Township.

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- (f) Non-Common Private Ownership. Up to 80 percent of the required greenway land may be included within one or more lots of at least 10 acres within Option 4 developments provided the greenway land is permanently restricted from future development through a conservation easement, except for those uses listed in Section 160-12(A)(32-A), and that the Township is given the ability to enforce these restrictions.
- (g) Master development ownership. Greenway lands associated with a master development plan can remain in private ownership for either the enjoyment of resort/hotel/timeshare guests, or the public, or both.

(3) Maintenance.

- (a) Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities and greenway land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.
- (b) The applicant shall, at the time of preliminary plan submission, define land ownership.
- (c) The applicant shall, at the time of final plan submission, provide a Plan for Maintenance of Greenway Lands and Operation of Common Facilities in accordance with the following requirements:
 - [1] The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of greenway land, i.e., lawns, playing fields, meadow, pasture, cropland, woodlands, trails, etc.;
 - [2] The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the greenway land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;
 - [3] The applicant shall be required to escrow sufficient funds for the maintenance and operation costs of greenway land for one year; and,
 - [4] Any changes to the maintenance plan shall be approved by the Board of Supervisors.
- (d) In the event that the organization established to maintain the greenway lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Township may assume responsibility for maintenance, in which case any

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escrow funds may be forfeited and any permits may be revoked or suspended. The Township may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners association, conservation organization, or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien may be filed by the Township in the office of the Prothonotary of the County.

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ARTICLE V

Nonconforming Lots, Uses and Buildings

Revised 8/21/01, Ordinance No. 128; Revised 12/16/03, Ordinance No. 143.

§ 160-22. Nonconforming uses.

A. Existing nonconforming lots.

- (1) Nonconforming lots in all districts. A nonconforming lot on the effective date of this chapter may be used for any allowable use in any district in which such use is permitted, provided that such lot shall be developed in conformity with all applicable district regulations other than minimum lot area, lot width, side yard and rear yard. Existing small lots meeting the above stipulations shall comply with the following:

Single-Family Residences

Total