



GRATZ BOROUGH
Dauphin County
Commonwealth of Pennsylvania
United States Of America

ZONING ORDINANCE

Officially Adopted

This **16** Day, Of **May**, In The Year Of Our Lord **2019**.

Authored and/or Compiled By:

Donald G. Karpowich, Attorney-At-Law, P.C.
85 Drasher Road • Drums, Pennsylvania 18222
Main Office - 570.788.6647 • Facsimile - 570.788.0654
Direct Dial - 570.708.3128 • www.karpowichlaw.com

TABLE OF CONTENTS

PART 1 GENERAL PROVISIONS

101 Short Title.....	1
102 Purpose	1
103 Community Development Objectives	1
104 Interpretation.....	4
105 Uses Not Addressed in this Ordinance.....	5
106 Applicability.....	6
107 Jurisdiction.....	7
108 Procedural Defects.....	7
109 Liability.....	7
110 Repealer.....	8
111 Severability.....	8
112 Effective Date.....	8

PART 2 DEFINITIONS

201 Rules of Construction.....	9
202 Definition of Terms.....	10

PART 3 ZONING DISTRICTS

301 Classification of Zoning Districts	54
302 Official Zoning Map.....	54
303 Purposes of Zoning Districts.....	55
304 Interpretation of Zoning District Boundary Lines.....	56
305 Lots Divided by Zoning District Boundaries.....	57
306 Appeals from Determinations Under Section 304 or 305 of this Ordinance.....	57

PART 4 GENERAL REGULATIONS

401 Attached Accessory Structures.....	58
402 Unattached Accessory Buildings.....	58
403 Residential Accessory Uses in Non-Residential Zoning Districts.....	58
404 Swimming Pools, Ornamental Ponds, and Wading Pools.....	58
405 Fences and Walls.....	60
406 Domestic Composting.....	61
407 Satellite Dishes.....	61
408 Tree Houses.....	61
409 Structures Allowed in Yard Areas.....	62
410 Front Yard Exceptions.....	62
411 Exceptions to Height Limitations.....	62
412 Minimum Habitable Floor Area for Residential Dwellings.....	63

413 Single-Family or Two-Family Residential Driveways.....	63
414 Manufactured Homes.....	64
415 Exemptions from Zoning Ordinance.....	65
416 Exemptions from Sideyard Requirements.....	65
417 Number of Principal Structures on One Lot.....	65
418 Corner Lot Restrictions.....	65
419 Screens and Buffers; Landscaping.....	66
420 Outdoor Lighting.....	67
421 Outdoor Noise.....	67
422 Garbage, Refuse, Junk Vehicles and Litter.....	69
423 Grading, Excavation, and Stormwater Management.....	69
424 Special Event Sales; Farmer's Markets.....	70
425 Compliance with other Regulations Required; Nuisances	
Prohibited for All Uses.....	70
426 Storage Containers.....	71
427 Outdoor Storage and Display Requirements.....	75
428 Keeping of Pets.....	77
429 Keeping of Bees.....	77
430 Alternate Energy Sources.....	77
431 Outdoor Wood Fired Burners.....	79
432 Separate Dwelling Unit for Care of a Family Member or Relative.....	81
433 Lot Access.....	81
434 Public Water and Public Sewer Required.....	82

PART 5 DISTRICT REGULATIONS

501 Zoning District Dimensional Regulations.....	83
502 Types of Uses.....	83
503 Zoning District Use Regulations.....	84
504 Zoning District Dimensional Regulations.....	88

PART 6 SUPPLEMENTAL REGULATIONS

601 Applicability.....	89
602 Specific Uses.....	89
1. Adult Use.....	89
2. Agricultural Operations.....	90
3. Agri-business.....	90
4. Airport or Heliport.....	91
5. Animal Kennels and Stables.....	91
6. Assisted Living Facilities.....	92
7. Auction House.....	92
8. Automobile Repair Garage.....	93
9. Automobile, Boat, Equipment, Home and Recreational Vehicle Sales, including Agricultural Equipment Rentals	

and Sales	93
10. Bed and Breakfast.....	93
11. Boarding or Rooming Houses.....	93
12. Bulk Fuel Storage.....	93
13. Car Wash.....	94
14. Cemeteries, Human or Animal.....	94
15. Communication Tower on a Building or Structure.....	95
16. Communications Towers, Standing Alone.....	95
17. Convenience Store.....	98
18. Day Cares, Adults or Children.....	98
19. Drive-In or Thru Facilities.....	98
20. Dwellings Above Business.....	99
21. Flea Markets.....	99
22. Forestry or Timber Harvesting.....	99
23. Funeral Home.....	101
24. Group Home.....	101
25. Health Care Campus.....	101
26. Home Occupations.....	102
27. Hotels and Motels.....	103
28. Industrial, Heavy or Light.....	103
29. Junk or Salvage Yards.....	104
30. Machine Shops.....	105
31. Manufactured Home Communities.....	105
32. Medical, Therapy, or Treatment Facilities.....	106
33. Medical Marijuana Dispensary.....	106
34. Medical Marijuana Growing and Processing.....	107
35. Mineral Extraction.....	108
36. Multi-Family Dwelling Units.....	109
37. Natural Gas Processing Plant or Electricity Generating Plant.....	110
38. Night Club, BYOB Club.....	111
39. No-Impact Home Based Business.....	111
40. Oil and Gas Compressor.....	112
41. Oil or Gas Operations.....	113
42. Outdoor Storage.....	117
43. Place of Worship.....	117
44. Prison or Correctional Facility (Including Juvenile Detention).....	118
45. Public Utility Facilities.....	118
46. Recreational Facility (Outdoor).....	118
47. Recycling Collection Center.....	119
48. Sawmill.....	119
49. School.....	120
50. Self-Storage Facilities.....	120
51. Solid Waste Facilities (Including Solid Waste Landfill, Transfer, and Solid Waste-to-Energy Facility).....	120
52. Trucking Terminal.....	122

53. Vacation Home Rental.....	122
54. Veterinarian Clinic or Animal Hospital.....	124
55. Warehouse and Distribution Facilities.....	124
56. Wind Farms and Major Solar Energy Systems.....	124

PART 7 NONCONFORMITIES

701 Continuation.....	129
702 Abandonment.....	129
703 Enlargement.....	129
704 Change of Nonconforming Use.....	130
705 Restoration.....	130
706 Unsafe or Unlawful Structures.....	131
707 Use of Nonconforming Lots of Record.....	131
708 Uses Not Considered Nonconforming Uses.....	131
709 Reversion.....	131
710 Registration.....	131
711 Nonconforming Signs.....	131
712 Reduction.....	132

PART 8 PARKING AND LOADING

801 Off-Street Parking.....	133
802 Off-Street Loading Spaces.....	136
803 Access Drives.....	137

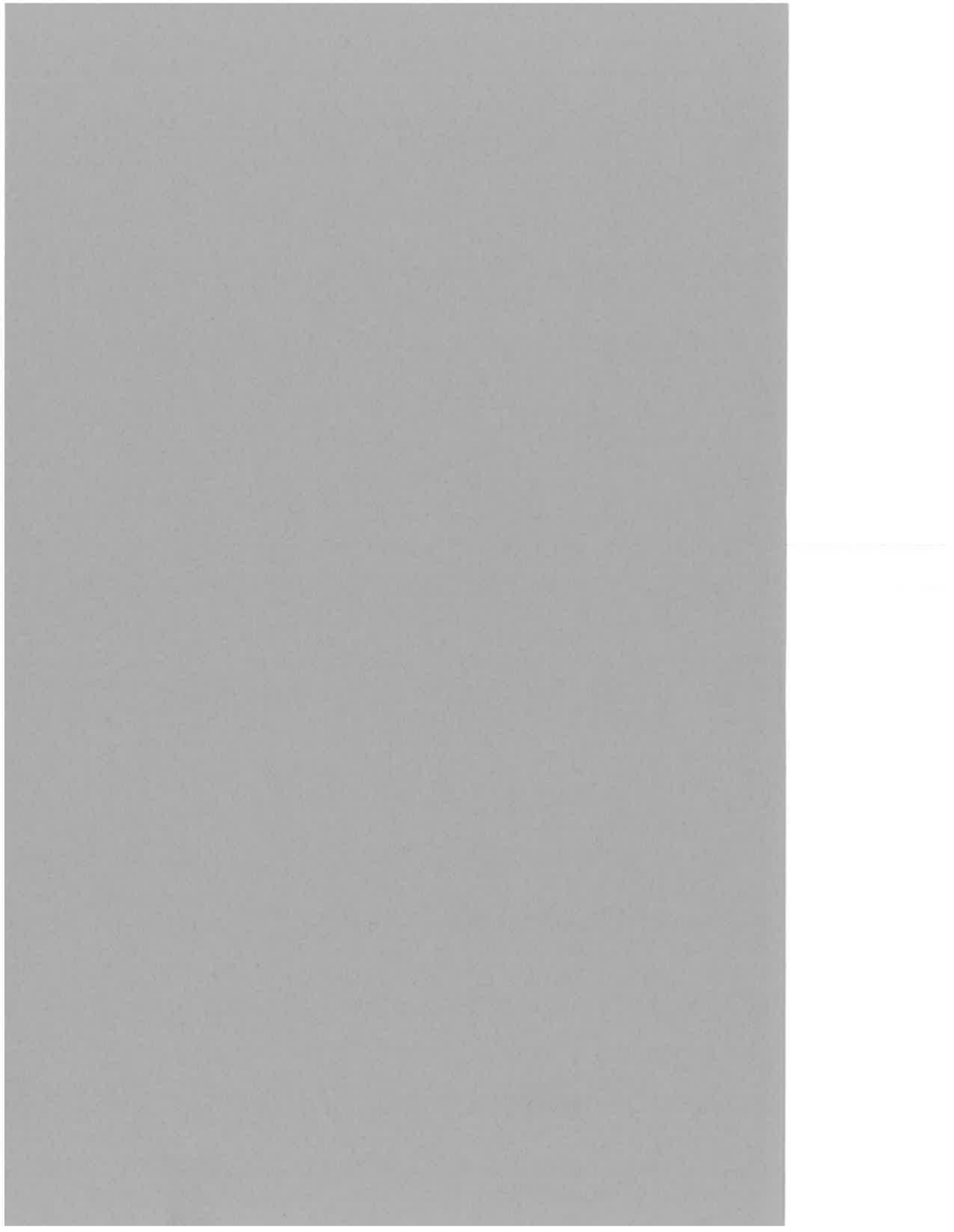
PART 9 SIGNS

901 Definitions.....	139
902 Prohibited Signs.....	143
903 Sign Regulations.....	145

PART 10 ENFORCEMENT AND ADMINISTRATION

1001 Zoning Officer.....	149
1002 Zoning Permits.....	150
1003 Certificate of Zoning Compliance.....	153
1004 Temporary Permits.....	153
1005 Information Submission Requirements.....	154
1006 Violations.....	155
1007 Enforcement Procedures.....	155
1008 Fees.....	157
1009 Amendments to Zoning Ordinance or Map.....	158
1010 Zoning Hearing Board.....	158
1011 Mediation Option.....	162
1012 Jurisdiction of the Zoning Hearing Board.....	163

1013 Variances.....	164
1014 Special Exceptions.....	165
1015 Conditional Uses.....	167
1016 Initial Determinations by Zoning Officer.....	168
1017 Appeals to the Board.....	169
1018 Appeals to Court.....	169
Attachment A.....	Zoning Map



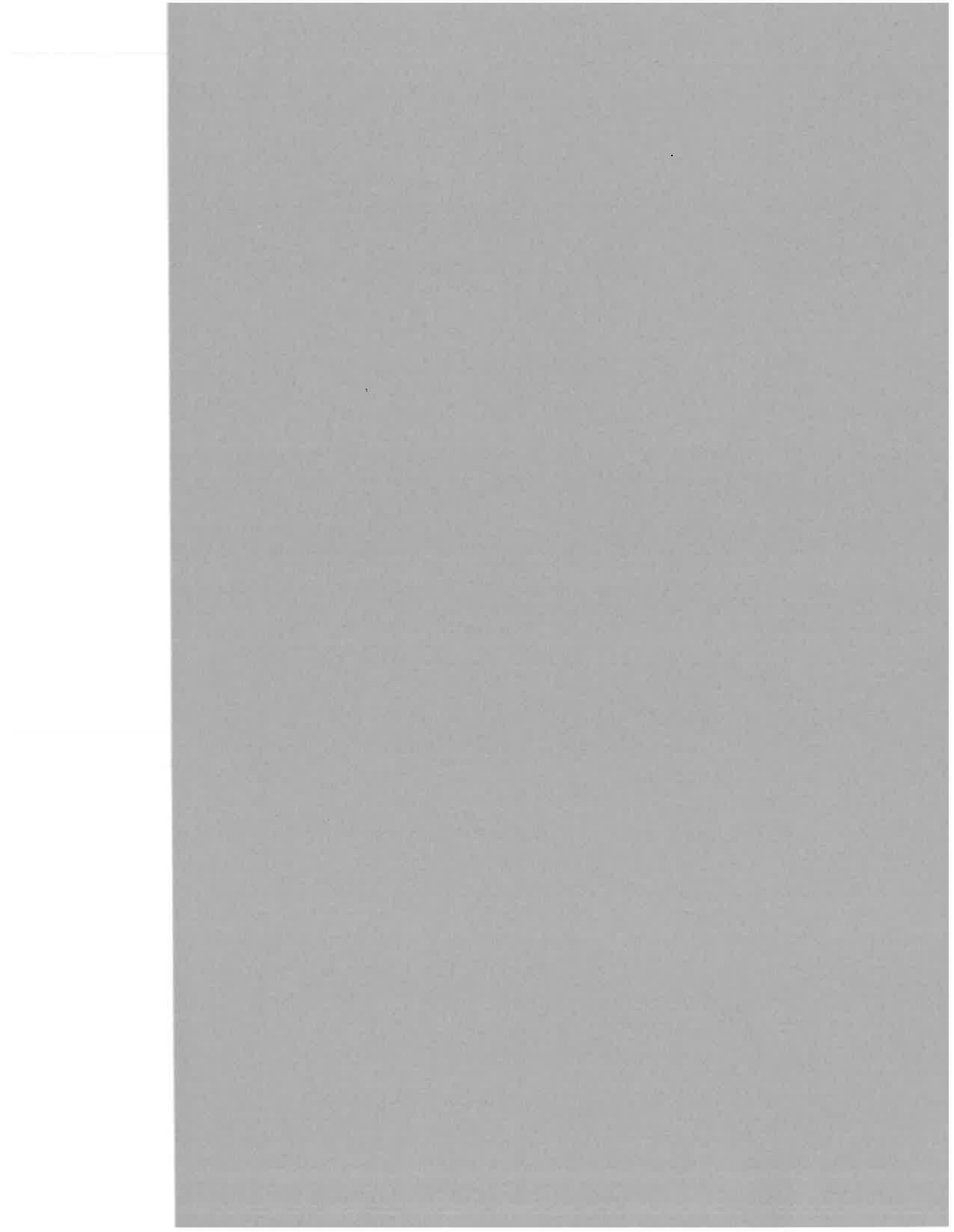


TABLE OF CONTENTS

PART 1 GENERAL PROVISIONS

101 Short Title.....	1
102 Purpose	1
103 Community Development Objectives	1
104 Interpretation.....	4
105 Uses Not Addressed in this Ordinance.....	5
106 Applicability.....	6
107 Jurisdiction.....	7
108 Procedural Defects.....	7
109 Liability.....	7
110 Repealer.....	8
111 Severability.....	8
112 Effective Date.....	8

PART 2 DEFINITIONS

201 Rules of Construction.....	9
202 Definition of Terms.....	10

PART 3 ZONING DISTRICTS

301 Classification of Zoning Districts	54
302 Official Zoning Map.....	54
303 Purposes of Zoning Districts.....	55
304 Interpretation of Zoning District Boundary Lines.....	56
305 Lots Divided by Zoning District Boundaries.....	57
306 Appeals from Determinations Under Section 304 or 305 of this Ordinance.....	57

PART 4 GENERAL REGULATIONS

401 Attached Accessory Structures.....	58
402 Unattached Accessory Buildings.....	58
403 Residential Accessory Uses in Non-Residential Zoning Districts.....	58
404 Swimming Pools, Ornamental Ponds, and Wading Pools.....	58
405 Fences and Walls.....	60
406 Domestic Composting.....	61
407 Satellite Dishes.....	61
408 Tree Houses.....	61
409 Structures Allowed in Yard Areas.....	62
410 Front Yard Exceptions.....	62
411 Exceptions to Height Limitations.....	62
412 Minimum Habitable Floor Area for Residential Dwellings.....	63

- 413 Single-Family or Two-Family Residential Driveways.....63
- 414 Manufactured Homes.....64
- 415 Exemptions from Zoning Ordinance.....65
- 416 Exemptions from Sideyard Requirements.....65
- 417 Number of Principal Structures on One Lot.....65
- 418 Corner Lot Restrictions.....65
- 419 Screens and Buffers; Landscaping.....66
- 420 Outdoor Lighting.....67
- 421 Outdoor Noise.....67
- 422 Garbage, Refuse, Junk Vehicles and Litter.....69
- 423 Grading, Excavation, and Stormwater Management.....69
- 424 Special Event Sales; Farmer’s Markets.....70
- 425 Compliance with other Regulations Required; Nuisances
 - Prohibited for All Uses.....70
- 426 Storage Containers.....71
- 427 Outdoor Storage and Display Requirements.....75
- 428 Keeping of Pets.....77
- 429 Keeping of Bees.....77
- 430 Alternate Energy Sources.....77
- 431 Outdoor Wood Fired Burners.....79
- 432 Separate Dwelling Unit for Care of a Family Member or Relative.....81
- 433 Lot Access.....81
- 434 Public Water and Public Sewer Required.....82

PART 5 DISTRICT REGULATIONS

- 501 Zoning District Dimensional Regulations.....83
- 502 Types of Uses.....83
- 503 Zoning District Use Regulations.....84
- 504 Zoning District Dimensional Regulations.....88

PART 6 SUPPLEMENTAL REGULATIONS

- 601 Applicability.....89
- 602 Specific Uses.....89
 - 1. Adult Use.....89
 - 2. Agricultural Operations.....90
 - 3. Agri-business.....90
 - 4. Airport or Heliport.....91
 - 5. Animal Kennels and Stables.....91
 - 6. Assisted Living Facilities.....92
 - 7. Auction House.....92
 - 8. Automobile Repair Garage.....93
 - 9. Automobile, Boat, Equipment, Home and Recreational
Vehicle Sales, including Agricultural Equipment Rentals

and Sales	93
10. Bed and Breakfast.....	93
11. Boarding or Rooming Houses.....	93
12. Bulk Fuel Storage.....	93
13. Car Wash.....	94
14. Cemeteries, Human or Animal.....	94
15. Communication Tower on a Building or Structure.....	95
16. Communications Towers, Standing Alone.....	95
17. Convenience Store.....	98
18. Day Cares, Adults or Children.....	98
19. Drive-In or Thru Facilities.....	98
20. Dwellings Above Business.....	99
21. Flea Markets.....	99
22. Forestry or Timber Harvesting.....	99
23. Funeral Home.....	101
24. Group Home.....	101
25. Health Care Campus.....	101
26. Home Occupations.....	102
27. Hotels and Motels.....	103
28. Industrial, Heavy or Light.....	103
29. Junk or Salvage Yards.....	104
30. Machine Shops.....	105
31. Manufactured Home Communities.....	105
32. Medical, Therapy, or Treatment Facilities.....	106
33. Medical Marijuana Dispensary.....	106
34. Medical Marijuana Growing and Processing.....	107
35. Mineral Extraction.....	108
36. Multi-Family Dwelling Units.....	109
37. Natural Gas Processing Plant or Electricity Generating Plant.....	110
38. Night Club, BYOB Club.....	111
39. No-Impact Home Based Business.....	111
40. Oil and Gas Compressor.....	112
41. Oil or Gas Operations.....	113
42. Outdoor Storage.....	117
43. Place of Worship.....	117
44. Prison or Correctional Facility (Including Juvenile Detention).....	118
45. Public Utility Facilities.....	118
46. Recreational Facility (Outdoor).....	118
47. Recycling Collection Center.....	119
48. Sawmill.....	119
49. School.....	120
50. Self-Storage Facilities.....	120
51. Solid Waste Facilities (Including Solid Waste Landfill, Transfer, and Solid Waste-to-Energy Facility).....	120
52. Trucking Terminal.....	122

53. Vacation Home Rental.....	122
54. Veterinarian Clinic or Animal Hospital.....	124
55. Warehouse and Distribution Facilities.....	124
56. Wind Farms and Major Solar Energy Systems.....	124

PART 7 NONCONFORMITIES

701 Continuation.....	129
702 Abandonment.....	129
703 Enlargement.....	129
704 Change of Nonconforming Use.....	130
705 Restoration.....	130
706 Unsafe or Unlawful Structures.....	131
707 Use of Nonconforming Lots of Record.....	131
708 Uses Not Considered Nonconforming Uses.....	131
709 Reversion.....	131
710 Registration.....	131
711 Nonconforming Signs.....	131
712 Reduction.....	132

PART 8 PARKING AND LOADING

801 Off-Street Parking.....	133
802 Off-Street Loading Spaces.....	136
803 Access Drives.....	137

PART 9 SIGNS

901 Definitions.....	139
902 Prohibited Signs.....	143
903 Sign Regulations.....	145

PART 10 ENFORCEMENT AND ADMINISTRATION

1001 Zoning Officer.....	149
1002 Zoning Permits.....	150
1003 Certificate of Zoning Compliance.....	153
1004 Temporary Permits.....	153
1005 Information Submission Requirements.....	154
1006 Violations.....	155
1007 Enforcement Procedures.....	155
1008 Fees.....	157
1009 Amendments to Zoning Ordinance or Map.....	158
1010 Zoning Hearing Board.....	158
1011 Mediation Option.....	162
1012 Jurisdiction of the Zoning Hearing Board.....	163

1013 Variances.....	164
1014 Special Exceptions.....	165
1015 Conditional Uses.....	167
1016 Initial Determinations by Zoning Officer.....	168
1017 Appeals to the Board.....	169
1018 Appeals to Court.....	169
Attachment A.....	Zoning Map



GRATZ BOROUGH • DAUPHIN COUNTY • PENNSYLVANIA
ZONING ORDINANCE

PART 1

General Provisions

**PART 1
GENERAL PROVISIONS**

SECTION 101. SHORT TITLE. This Ordinance shall be known as the "Gratz Borough Zoning Ordinance of 2018".

SECTION 102. PURPOSE. This Ordinance is enacted to:

1. Promote, protect, and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities; the provision of adequate light and air; access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, and public grounds; the provision of a safe, reliable, and adequate water supply for domestic, commercial, agricultural, and industrial use; as well as the preservation of the natural, scenic, and historic values in the environment and the preservation of forests, wetlands, aquifers, and floodplains.

2. Prevent any or all of the following: overcrowding of land; blight, danger, and congestion in travel and transportation; and loss of health, life, and property from fire, panic or other dangers.

3. Preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

4. Provide for the use of land within the Borough for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, as well as manufactured homes and manufactured home communities.

5. Accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and non-residential uses.

SECTION 103. COMMUNITY DEVELOPMENT OBJECTIVES. This Ordinance is intended to promote the public health, safety, morals, and welfare of the present and future residents of the Borough by:

1. Providing standards to control the amount of open space and impervious

surfaces in connection with the improvement or use of lots within the Borough while controlling the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts.

2. Controlling and regulating the growth of the Borough by providing for all types of residential, agricultural, commercial, and industrial uses in areas that have adequate community facilities, utilities and infrastructure taking into consideration existing circumstances and anticipated future development.

3. Promoting new business development in appropriate areas that will provide additional tax revenue and job opportunities.

4. Directing industrial and commercial developments to locations that will minimize conflicts with residential uses, while avoiding traffic congestion and safety problems.

5. Preserving and maintaining environmental areas of exceptional quality and scenic beauty and environmentally sensitive areas from inappropriate development.

6. Lessening the danger and congestion of traffic on the roads, streets and highways within the Borough, while at the same time discouraging development of a nature which utilizes heavy traffic either in number or size of vehicles on roadways, streets, or highways inadequate for such traffic.

7. Securing safety from fire, flood, panic and other dangers.

8. Identifying areas and the locating of facilities within the Borough suitable for public and quasi-public uses, public and private recreation, and indoor and outdoor recreation.

9. Controlling development within the Borough by implementing regulations which allow for the review of such things as soil types, topography, physical characteristics, the environment, access and utilities.

10. Reviewing and regulating the potential environmental impacts development will have upon the natural resources within the Borough.

11. Regulating off-street parking, loading and unloading facilities in such a manner as to lessen traffic congestion in the streets; prohibit traffic hazards; and promote traffic safety.

12. Acknowledging that technical developments in the telecommunication field have provided new options for the expansion and delivery of communication services, the Borough desires to encourage efficient and adequate wireless communication services while at the same time, protecting the health, safety and welfare of its residents by regulating the construction and placement of communication towers, antennas, and accessory equipment buildings and structures.

13. Providing citizens with an environment free from nuisances such as excess or objectionable noise, glare, odors, and vibration that would otherwise jeopardize their health, welfare and safety; degrade their quality of life; and impede their quiet use and enjoyment of their property.

14. Implementing and restoring vegetative and wooded buffers to promote the public health, welfare and safety; filter pollutants such as nutrients and toxins; preserve the resilience of water resources; reduce soil erosion and sedimentation; provide food and habitat for wildlife; improve air and water quality; provide scenic and recreational opportunity; preserve energy; prevent loss of life or property from flooding; and work to alleviate excessive noise wherever possible.

15. Providing housing to comply with the Federal Fair Housing Act.

16. Promoting alternative energy sources in an effort to conserve energy by allowing development in such a manner as not to negatively impact the environment.

17. Establishing locations within the Borough wherever reasonable for timber harvesting activities, wind and solar farms, and extraction of minerals in such a manner as to not conflict with any state law while regulating the operations of those uses and protecting the public health, safety and welfare of the community.

18. Regulating aesthetics so as not to negatively impact property values while promoting harmonious neighborhoods.

19. Promoting compatibility among land uses by classifying land uses and then separating those uses into different zoning districts within the Borough including residential (single-family, two-family and multi-family), commercial, industrial, conservation and agricultural.

20. Encouraging redevelopment and rehabilitation of buildings.

21. Providing quality energy in an economically friendly way through the use of wind and solar by allowing for the construction, operation and location of wind farms

and stand-alone wind turbines and solar energy systems while protecting the public health, safety and welfare of the community.

22. Regulating signs in such a manner as to promote the safety of persons and property by providing signs do not create a safety or traffic hazard by confusing or distracting motorists, or impairing one's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs; and obstruct emergency service personnel such as fire and police.

23. Promoting the efficient transfer of information in sign messages by permitting one to identify or locate a person or business; and prohibiting signs that distract motorists and obstruct pedestrians based upon the number and messages presented, while still permitting one to exercise freedom of speech and choice.

24. Protecting the public welfare and enhance the aesthetics, appearance and economic value of the Borough by regulating signs that do not interfere with scenic beauty and views of the Borough; create a nuisance to persons using the public property and rights-of-way; constitute a nuisance to use and enjoyment of other's property such things as light, height, size and movement; and detract from property value, or the special character of particular zoning districts within the Borough.

25. Prohibiting signs that constitute a nuisance by creating a condition harmful to the public health, safety and welfare or obstructing the free use of property, so as to interfere with the use and enjoyment of life and property, or the free passage or use, in the customary manner, of any public property, public road or the property of another.

26. Adopting an ordinance consistent with the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

SECTION 104. INTERPRETATION.

1. In interpreting and applying the provisions of this Ordinance, such shall be considered to be the minimum requirements for the promotion of the health, safety, and general welfare of the residents of the Borough.

2. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by Gratz Borough Council, in favor of the property owner and against any implied extension of the restriction.

3. This Ordinance does not repeal, annul, modify, or in any way impair, interfere with, or supersede any private restriction placed upon property by covenant, deed, or other private agreement. The provisions of this Ordinance shall be separate from the private restriction or covenant.

4. Except as limited under Section 104(2) above, in the event that any of the provisions of this Ordinance conflict with another provision of this Ordinance or any other local, state or federal ordinance, law, statute or regulation, the most restrictive shall apply.

5. If an application under this Ordinance would also be regulated by the Borough Subdivision and Land Development Ordinance ("SALDO"), then any permit issued or approval granted under this Ordinance shall be interpreted as conditional approval until compliance with the SALDO.

SECTION 105. USES NOT ADDRESSED IN THIS ORDINANCE. A use not listed in any of the zoning districts shall be classified as a conditional use permitted in the General Commercial (B-2) Zoning District or Industrial (I-1) Zoning District depending on whether the use is more compatible or similar to a commercial use or industrial use. Borough Council, in addition to the conditional use criteria, shall require that the applicant also prove:

1. The proposed use is less intensive than other principal permitted uses within the zoning district.

2. The proposed use is similar and compatible to other principal permitted uses within the zoning district.

3. The proposed use is not listed in any zoning district and is not similar to a use listed in any zoning district.

4. The proposed use does not interfere or conflict with the purposes and community development objectives of this Ordinance.

5. The proposed use complies with all applicable requirements imposed upon other uses that most closely reflect the likely impacts that will be generated by the proposed use.

6. The proposed use complies with all other applicable sections of this Ordinance and other ordinances of the Borough.

7. The proposed use would not be detrimental to the public health, safety and welfare of the neighborhood.

SECTION 106. APPLICABILITY.

1. This Ordinance shall apply to the use of land, buildings, and structures, and the erection, construction, alteration, addition, placement, or relocation of a building or structure within the Borough. Any legal existing use, structure, or land which does not comply with the provisions of this Ordinance but predates this Ordinance shall be regarded as a pre-existing legal nonconformity that may be continued provided that it is not abandoned. However, a pre-existing legal nonconforming use may not be changed, enlarged, restored, or replaced except when it complies with the regulations under Part 7 of this Ordinance.

2. This Ordinance shall not apply to ordinary repairs and maintenance to an existing building or structure that do not involve an expansion or change of a use of a building or structure such as replacement of interior fixtures, doors, windows, siding or roofs.

3. This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility commission shall, after a public hearing, decide that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public. This exemption shall not apply to telecommunications antennas, communications equipment buildings, and communications towers for wireless telecommunications services regulated under the 1996 Telecommunications Act.

4. This Ordinance shall not apply to any existing or proposed use, building, or structure, or extension thereof, occupied, owned, or operated by the Borough.

5. This Ordinance shall be limited only to the extent that regulations of mineral, coal and fuel extraction have been superseded and preempted by the act of:

A. May 31, 1945 (P.L. 1198, No. 418), known as the "Surface Mining Conservation and Reclamation Act";

B. December 19, 1984 (P.L. 1093, No. 219), known as the "Noncoal Surface Mining Conservation and Reclamation Act";

C. December 19, 1984 (P.L. 1140, No. 223), known as the "Oil and Gas Act"; and,

D. April 27, 1966 (1st Sp. Sess., P.L. 31, No.1), known as "The Bituminous Mine Subsidence and Land Conservation Act".

6. This Ordinance shall be limited only to the extent that activities related to commercial agricultural production would exceed the requirements imposed under the act of:

A. May 20, 1993 (P.L. 12, No.6), known as the "Nutrient Management Act", regardless of whether any agricultural operation within the area to be affected by the Ordinance would be a concentrated animal operation as defined by the "Nutrient Management Act";

B. June 30, 1981 (P.L. 128 No. 43), known as the "Agricultural Area Security Law"; or

C. June 10, 1982 (P.L. 454, No. 133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances", or that regulation of other activities are preempted, but only to the extent preempted, by other Federal or State laws.

SECTION 107. JURISDICTION. Except as otherwise provided in Section 106 above, this Ordinance shall apply to all land, buildings, and structures within the Borough of Gratz, County of Dauphin, Commonwealth of Pennsylvania.

SECTION. 108. PROCEDURAL DEFECTS. Any allegation that this Ordinance or any amendment to this Ordinance has been enacted in a procedurally defective manner shall be appealed as provided by state law no more than 30 days after the intended effective date of this Ordinance or any amendment thereto.

SECTION 109. LIABILITY. Any determination, decision, opinion, review, approval, or permit issued or provided under this Ordinance by any appointed or elected official, Zoning Officer, employee, Zoning Board, Planning Commission, Solicitor, or professional consultant of the Borough shall not constitute a representation, guarantee or warranty of any kind by the Borough, or its appointed or elected officials, employees, zoning board members, solicitors, planning commission members, or professional consultants of the practicality or safety of any structure, building, or use, and shall not create any liability or cause of action against such entity or person for any damage that may result as a result of that determination, decision, opinion, review, approval or permit. Furthermore, If the Zoning Officer mistakenly issues a permit or withdraws a permit previously issued under this Ordinance, neither the Borough nor the Zoning Officer shall be liable for such action.



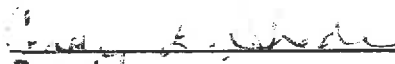
SECTION 110. REPEALER. The Gratz Borough Zoning Ordinance approved March 25, 1992, as amended, is hereby repealed. All other ordinances, or parts thereof, which are inconsistent or in conflict with this Ordinance are also hereby repealed to the extent of any inconsistency or conflict.

SECTION 111. SEVERABILITY. The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, unlawful, ineffective, or invalid, the validity of any of the remaining provisions of this Ordinance shall not be affected. It is hereby declared to be the intention of Borough Council that this Ordinance would have been adopted had such unconstitutional, unlawful, ineffective or invalid provision not been included therein.

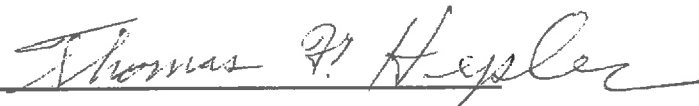
SECTION 112. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its date of adoption, being this 16th day of MAY, 2019.

ATTEST:

GRATZ BOROUGH COUNCIL:


Secretary

By: 
President

APPROVED BY THE MAYOR: 

PREPARED BY: Donald G. Karpowich, Esquire
Donald G. Karpowich Attorney-at-Law, P.C.
85 Drasher Road
Drums, PA 18222
Office: (570) 788-6647
Fax: (570) 788-0654
E-mail: donald@karpowichlaw.com

For and with the participation of the Gratz Borough Planning Commission with the consent and approval of Gratz Borough Council.



GRATZ BOROUGH • DAUPHIN COUNTY • PENNSYLVANIA
ZONING ORDINANCE

PART 2
Definitions

PART 2 DEFINITIONS

SECTION 201. RULES OF CONSTRUCTION. Unless the context clearly provides otherwise, the following words and terms shall be interpreted as follows:

1. Words used in the present tense shall include the future tense.
2. The word "person" includes a corporation, firm, company, partnership, trust, estate, organization, association, sole proprietorship, or individual.
3. The words "used" or "occupied" as applied to any land, structure or building include the words intended, arranged, or designed to be used or occupied.
4. The word "building" includes "part thereof", and the word "structure" includes "part thereof" and "building".
5. The word "lot" includes "plot", "parcel", "land" and "property".
6. The word "shall" is always mandatory, the word "must" is always a mandatory condition, the word "will" is always a mandatory condition, and the word "may" or "does" or "should" or "can" means something is recommended or encouraged unless the word "not" is used with it then it means a strict prohibition.
7. The singular includes the plural and the plural the singular. The masculine gender includes the feminine and the feminine the masculine and vice-versa.
8. The word "sale" shall include "rental".
9. The word "street" includes "right-of-way", "avenue", "court", "alley", "road", "highway", and "lane".
10. The words "such as", "includes", "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
11. If a word or term is not defined in Part 2, Section 202 below, but is defined in the Pennsylvania Municipalities Planning Code ("Pa MPC"), the definition of the word or term shall be as defined in the Pa MPC. If a word or term is not defined in either this Ordinance or the Pa MPC, but is defined in the Borough Subdivision and Land Development Ordinance ("SALDO"), then the definition in the SALDO shall also apply to this Ordinance. If a word or term is not defined in either this Ordinance, the Pa MPC, or

the SALDO, then the word or term shall have its plain and ordinary meaning as defined by a standard reference dictionary.

SECTION 202. DEFINITION OF TERMS. When used in this Ordinance, the following words or terms shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

“Abandon” means the voluntary termination of a use or activity without the intent to resume the use or activity.

“Abut or Abutting” means areas of contiguous lots that share a common lot line, and including lots entirely separated by a street or waterway.

“Access” means a way of providing ingress, egress, and regress to a lot.

“Access Drive” means an improved cartway designed and constructed to provide for vehicular movement between a public or private road and off-street parking or loading areas for any use other than one single-family dwelling unit.

“Accessory Business Uses” includes: (1) storage of fuels for on-site use or to fuel company vehicles; (2) automatic transaction or teller machines (ATM); (3) storage buildings; (4) parking and loading facilities; and (5) permitted signs.

“Accessory Industrial Uses” includes: (1) storage of fuels for on-site use or to fuel company vehicles; (2) cafeterias, day care facilities and recreational facilities for use of employees, patients, residents and families of employees and their occasional invited guests; (3) bus shelters; (4) storage buildings; (5) parking and loading facilities; and (6) permitted signs.

“Accessory Residential Use” includes storage sheds, garages, carports, swimming pools, fences, walls, patios, and non-commercial satellite antenna dishes.

“Accessory Structure or Accessory Building” means a structure not attached to, but located on the same lot as the principal structure, which is used to serve a purpose customarily incidental to and subordinate to the use of the principal structure. A portion of an attached principal building used for an accessory use shall not be considered an accessory building. An accessory structure shall not be permitted on a lot without a principal structure.

“Accessory Use” means a use customarily incidental and subordinate to the principal use or principal structure and located on the same lot as the principal use or structure.

“Acre” means an area of land with 43,560 square feet, exclusive of public rights-of-way, public streets and private streets and access easements serving other properties. In the case where a proposed development with more than one principal use is to rely upon one or more private access drives rather than streets, the area devoted to the access drives that serve more than one principal use and any adjoining curbs and sidewalks shall also be deducted from the calculation of acreage.

“Addition” means a new structure joined to the original structure at some time after the completion of the original structure that increases the size of the original structure.

“Adjoining” means a lot having a common or shared lot line with a contiguous lot, or being separated by a street, waterway, right-of-way, or easement. This term includes the words “adjacent” or “abutting”.

“Adult Bookstore” means an establishment where 10% or more of the total retail floor area is occupied by books, magazines, periodicals, photographs, films, motion pictures, video cassettes, slides, instruments, devices, paraphernalia or things that have a clear emphasis on depicting or describing explicit sexual activities or specified anatomical areas.

“Adult Entertainment” means live entertainment where persons performing expose specified anatomical areas or display, simulate or carryout explicit sexual activities, including entertainers performing in a state of nudity (either partially or completely) or performing or dancing with “pasties” or “G-strings” or other means to cover portions of the anatomical areas of one’s body leaving other areas exposed.

“Adult Massage Parlor” means an establishment where a massage is performed for some form of consideration on a person with the use of one’s hand or a mechanical device. This term does not include any type of massage therapy or treatment performed by a licensed medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional licensed by the state, or any accessory use to a permitted athletic or health club, educational facility, or similar establishment.

“Adult Movie Theater” means a use where persons expose specified anatomical areas or display, simulate or carryout explicit sexual activities on film, motion pictures, videos, slides, or other forms of reproducing images that have an emphasis on depicting explicit sexual activities or specified anatomical areas.

“Adult Use” includes adult bookstores, adult entertainment, adult movie theaters, and adult massage parlors.

“After Hours Club” means a use that permits the consumption of alcoholic beverages by any number of unrelated persons between the hours of 2:00 AM and 6:00 AM and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises where the alcohol is consumed.

“Agri-Business” means an agricultural operation that involves, but are not necessarily limited to, one (1) or more of the following conditions:

(1) Concentrated Animal Feeding Operation (CAFO): An agricultural operation that meets the criteria established by the Department of Environmental Protection under authority of the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law where the operation has greater than 300 AEUs, any agricultural operation with greater than 1,000 AEUs, or any agricultural operation defined as a large CAFO under 40 CFR Section 122.23.

(2) Concentrated Animal Operation (CAO): An agricultural operation that meets the criteria established by the State Conservation Commission in regulations under the authority of Title 3 (Agricultural) Pa.C.S. Chapter 5 (relating to nutrient management and odor management) in Chapter 83, SubChapter D (relating to nutrient management) where the operation has eight or more animal equivalent units [AEUs] where the animal density exceeds two AEUs per acre on an annualized basis.

(3) Other Agri-Business: Any agricultural operation other than a CAFO or CAO, whether involving animal, animal product, or vegetable production, which occurs within an enclosed building.

“Agricultural Equipment Sales/Rental” means an establishment primarily engaged in the retail sale and/or rental of specialized machinery, equipment, and related parts generally used in agricultural, farm, and lawn and garden activities.

“Agricultural Operation” means an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aqua cultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. The term does not include an Agri-business,

Concentrated Animal Operation (CAO), and Concentrated Animal Feeding Operation (CAFO).

“Agricultural Product Marketing/Sales” means an enterprise conducted upon, and accessory to, an active principal agricultural operation for the purpose of directly marketing agricultural products, in their natural or manufactured state, produced by the agricultural operation. The term includes any on-site processing, packaging, or other activity performed in the course of direct marketing of the agricultural products produced by the agricultural operation. This term also includes roadside stands, farm markets, “pick-your-own” operations, and other similar uses.

“Agricultural Related Business” means a use primarily engaged in servicing the needs of an agricultural operation by providing goods and services needed for and supporting agricultural operations. Agricultural related businesses may involve commercial uses limited to:

- (1) Agricultural equipment and other similar heavy duty motor vehicle repair and service;**
- (2) Grain mills;**
- (3) Processing, preparation and retail sale of locally produced agricultural products;**
- (4) Feed and farm supply stores and distributors; and**
- (5) Warehousing, distribution, and wholesaling of agricultural products, supplies or equipment;**

“Agricultural Support Occupation” means an enterprise conducted upon, and accessory to, an active principal agricultural operation or agri-business.

“Agri-tainment/Agri-tourism” means an enterprise conducted upon, and accessory to, an active principal agricultural operation or agri-business use, providing a combination of agriculture, entertainment, education, recreation, or active involvement elements, characteristics, and experiences related to the agricultural operation or agri-business.

“Aircraft” means any contrivance, except an unpowered hang glider or parachute, used for manned ascent into flight through the air.

“Airport” means an area used for the landing and taking-off of motorized aircraft carrying either people or cargo, whether public or private.

“Aisle” means the travelled way by which vehicles enter or depart a parking space.

“Alcoholic Liquors, Alcohol and Malt or Brewed Beverages” means as defined in the Pennsylvania Liquor Code, 47P.S. §1-101, et seq.

“Alley” means a public or private way affording secondary means of access to abutting property and not intended for general traffic circulation.

“Alterations” includes any change, addition, extension, enlargement, replacement, or movement of a building or structure.

“Alternative Energy Production Facilities” means any device installed as an accessory use that supplies energy principally for the principal use of the property that is derived from natural sources such as minor solar energy systems, stand-alone wind turbines and other similar and emerging technologies. This definition excludes outdoor furnaces.

“Animal Cemetery” means a place where three or more animals, either agricultural or domesticated, are buried or cremated. This term includes crematories, mortuaries and mausoleums for animals.

“Animal Kennel” means a place where more than three animals are kept, housed, boarded, bred or trained. The term includes the keeping of a greater number of dogs or cats or combination of dogs or cats in excess of those permitted under Section 428 of this Ordinance.

“Apartment Building” means a multi-family residential building or structure constructed as a single entity containing three or more single-family residential dwelling units. The term is considered a multi-family dwelling unit or multi-family use under this Ordinance.

“Applicant” means a landowner, developer, or authorized agent of the landowner or developer, who has filed a zoning application with the Zoning Officer under the Zoning Ordinance.

“Asphalt, Batch or Concrete Plant” means an industrial facility used for the production of asphalt or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the

business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment.

“Assisted Living Facility” means a coordinated and centrally managed rental housing licensed by the state where the resident or occupant stays overnight. This use includes self-contained units designed to provide supportive services (such as meals, transportation, housekeeping, linen and organized social activities) and to accommodate relatively independent lifestyles. The term does not include day care facilities where the person or child does not stay overnight and is only being cared for or supervised during daytime hours on a temporary basis.

“Attic” means that part of a building which is immediately below and completely or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by the inclusion of dormer windows, an average ceiling height of 6.5 feet or more, and a permanent stationary interior access stairway to a lower building story.

“Auditorium” includes arenas, conference centers, performing arts centers, and places where exhibitions or trade shows are held.

“Automobile” see definition of **“Motor Vehicle”**.

“Automobile, Boat, Equipment, Home and Recreational Vehicle Sales” means the use of any building, structure or land for the outdoor or indoor display, sale or rental of automobiles (cars and trucks), recreational vehicles, boats, motorcycles, trucks, trailers, mobile, manufactured or modular homes. This term may include repairs as an accessory use provided that the requirements for an automobile repair garage area also met. The term does not include a manufactured home community.

“Automobile Repair Garage” means an establishment where repairs, installations and improvements are made to motor vehicles, motorcycles, recreational vehicles or boats. This use includes the installation of parts and accessories; the performing of mechanical repairs, bodywork, painting, welding and the rebuilding of any motor vehicle, motorcycle, recreational vehicle, boat, or trailer. The term trailer as used in this definition refers to a device used to transport, tow, pull or haul a vehicle. The term also includes an automobile storage compound.

“Automobile Service Station” means an establishment where gasoline or other petroleum products are sold and light automotive maintenance activities are performed such as oil changes, tune-ups, tire changing and other minor repairs.

“Automobile Storage Compound” means a use where passenger motor vehicles are towed or stored awaiting transport to a different location.

“Awning” means the secondary covering attached to the exterior wall of a building.

“Bar” means an establishment used primarily for the sale or dispensing of alcoholic beverages, which may have live entertainment and food as secondary uses. The term does not include a tavern.

“Basement” means a portion of a building that is partly or completely below grade or underground. A basement constitutes a story if the majority of the basement has a clearance from floor to ceiling of 6.5 or more feet; and the top of the ceiling of the basement is an average of 5 feet above the finished grade along the majority of the front side of the building that faces onto a street.

“Bed and Breakfast” means an owner-occupied dwelling containing not more than eight bed and breakfast units which are rented on a nightly basis for periods of not more than one month. Dining and other facilities are not to be open to the public, but are to be used exclusively for the residents and registered guests. Such rooms are not to have separate cooking facilities, but are to be a part of the principle structure.

“Bee Keeping” means the raising or keeping of bees within a man-made enclosure (beehive) for hobby or business purposes.

“Betting Use” means any type of premises licensed by any authorized governmental agency wherein gambling activities are conducted such as off-track horseracing betting establishments and mini-casinos. The term does not regulate state lottery sales or lawful small games of chances.

“Board” means a body granted jurisdiction under this Ordinance or the provisions of the Pennsylvania Municipalities Planning Code, Act 247 as amended, to render final adjudications or decisions.

“Boarding House” means a building or structure or any portion thereof containing residential rooming units rented or leased for a specified time period of more than five days, or on a week to week, month to month, or year to year basis, with the occupants of the units being non-transient, and utilizing the location as their domicile. The term does not include a dwelling unit, hotel or motel, personal care home, nursing homes, assisted living facility, bed and breakfast, or group home. The term may or may not involve providing meals to residents or providing shared cooking facilities.

“Borough” means Gratz Borough, Dauphin County, Pennsylvania.

“Borough Council” means the elected officials and appointing authority of Gratz Borough, and the body responsible for hearing and deciding conditional uses.

“Borough Engineer” means the person appointed by Gratz Borough Council to provide engineering and professional consulting services.

“Borough Planning Commission” means the Gratz Borough Planning Commission and the board responsible for among other things reviewing and recommending special exception and conditional use applications.

“Borough Solicitor” means the person appointed by Gratz Borough Council to provide legal services and advice to Borough Council.

“Bottle Club” means an establishment operated for profit or pecuniary gain which is not licensed by the Pennsylvania Liquor Control Board and admits patrons upon payment of a fee, cover charge or membership fee and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by the patrons or persons assembling there for use and consumption. The term shall not include a licensee under the Liquor Code or any organization as set forth in Section 6 of the Solicitation of Funds for Charitable Purposes Act.

“Brewery Pub” means a retail establishment with on premises consumption of malt or brewed beverages produced at, and owned by the brewery in the same premises, and which is licensed by the Pennsylvania Liquor Control Board. A brewery pub may also sell, for on-premises consumption, wine manufactured by the holder of a Pennsylvania limited winery license. The term includes a micro-brewery.

“Buffer Area or Buffer Yard” means a strip of land area intended to separate one use from another use, wherein no structure, building, parking area, loading space, or storage may be located. A buffer area or yard may be part of a minimum setback distance.

“Building” means any roofed structure intended for shelter, housing or enclosure of persons, animals, or property. A building is interpreted as including “or part thereof” or addition. Any structure involving a permanent roof attached to a principal building shall be considered part of the principal building.

“Building, Accessory” means a subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental or secondary to the principal use.

“Building Area or Coverage” means the total area of outside dimensions at ground level of the principal building and all accessory buildings. Percentage of building area or coverage is calculated by dividing the maximum horizontal area in square feet of all principal and accessory buildings and attached structures covered by a permanent roof on a lot by the total lot area of the lot upon which the buildings are located.

“Building Height” means the vertical distance measured from the mean level of proposed finished grade at the perimeter of the exterior walls of the structure to the highest point of the roof for flat roofs; and to the bottom of the eaves for all sloped roofs. Where any, or all, of a sloped roof is above the maximum building height, there shall be no occupied living or work space within the structure above the maximum building height. The maximum height of bottom of eave to ridge of roof for sloped roofs is 20 feet.

“Building Setback Line” means the actual distance between the closest part of a building including roof overhangs, (excluding those permitted projections listed in Section 411 of this Ordinance) and (1) in the case of a front yard, all adjoining street right-of-way lines; (2) in the case of a side yard, all side lot lines; and (3) in the case of a rear yard, all rear lot lines.

“Building Width” means the horizontal measurement between two vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width.

“Bulk Recycling Center” means a use involving bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste. This use shall not include a junkyard.

“BYOB Club” means any facility operated for profit or pecuniary gain which is not licensed by the Pennsylvania Liquor Control Board wherein patrons may consume alcoholic liquors, alcohol or malt or brewed beverages which said patrons have carried or brought into the premises. The term shall not include a licensee under the Liquor Code, any organization as set forth in Section 6 of the Solicitation of Funds for Charitable Purposes Act or any facility which is rented for a limited period of time, not to exceed 10 hours, by an individual or organization for the purpose of a private party.

"Canopy" means an overhead roof or structure that provides shade or other shelter.

"Car Wash" means a place where motor vehicles are cleaned, washed or waxed either by hand or by use of a machine.

"Caregiver" means the individual designated by a patient to deliver medical marijuana.

"Carport" means any roofed accessory structure opened on one or more sides and used for the storage of private and personal motor vehicles.

"Cartway" means the surface of a street intended and available for use by vehicular traffic.

"Cemetery" means a place where humans are buried or cremated. This term includes mortuaries and mausoleums, but not crematories since that is considered an industrial use under this Ordinance.

"Certificate of Zoning Compliance" means an official document issued by the Zoning Officer confirming that a structure, building, or use for which a zoning permit is required is in compliance with this Ordinance. This certificate authorizes the use or occupancy of the structure or use.

"Certified Medical Use" means the acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized in a certification under the Pennsylvania Medical Marijuana Act, Pa Act 16 of 2016, including enabling the patient to tolerate treatment for the serious medical condition.

"Change of Use" means any use, which differs from the previous use of a building, structure or land.

"Clear Sight Triangle" means an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the "corner" so as not to interfere with traffic visibility across the corner.

"Club" means a building primarily used for non-profit social, educational, or recreational purposes. A club does not include any use where services or goods are sold primarily as a business or for a profit such as a night club or bottle club.

“Collector” means a device that collects solar radiation and converts it into heat.

“Commercial Use” means an occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee. The use includes, but is not limited to, retail sales, offices, personal services, and the sale of goods or services from an automobile.

“Common Open Space” means a parcel or parcels of land, or a combination of land and water, located within a development and designed and intended for the use or enjoyment of residents of that development, exclusive of streets, off-street parking areas and areas set aside for public facilities.

“Communications Antenna” means a device used for transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation, omni-directional or whip antennas, directional and panel antennas owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition does not include private residence-mounted satellite dishes, or television antennas or amateur radio equipment including, without limitation, citizen band radio antennas.

“Communications Equipment Building” means an unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than 250 square feet.

“Communications Tower” means a structure other than a building, such as a monopole, self-supporting, or guyed tower, designed and used to support communication antennas.

“Communications Tower, Height” means the vertical distance measured from the ground level to the highest point on a communication tower, including antennas mounted on the tower.

“Community Center” means a use existing solely to provide religious, fraternal, social and recreational programs and activities to the public or a designated group of persons in a community. This use shall not include a residential use or group home.

“Compost” means the conversion of organic matter, such as yard waste, into fertilizer.

“Conditional Use” means a use listed as a conditional use under the Use Table of Part 5 of this Ordinance, which is only permitted after review by the Borough Planning Commission and approval by Borough Council under Part 10 of this Ordinance.

“Condominium” means a set of individual dwelling units or other areas of buildings, each owned by a person in fee simple, with such owner assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or the Pennsylvania Planned Community Act of 1996, as amended. The term is considered a multi-family dwelling unit or use for purposes of this Ordinance.

“Construction” means the placement of materials and equipment in a defined area to be assembled, built, applied, or demolished in a temporary or permanent manner, as approved by the designated officials of the Borough.

“Contractor Storage Yard” includes any lot or structure, or part thereof, used to store materials used by a contractor in a construction trade such as the building, construction or installation of a street, or structure or the parts of a structure (electrical, plumbing etc.). This term includes construction contractors, excavators, paving contractors, landscapers, and other similar construction trades.

“Convenience Store” means any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with a convenience store. The accessory retail sales of gasoline or fuel products is permitted when specified in the Use Table of Section 503 of this Zoning Ordinance.

“Conversion or Converted” means to change or adapt improved property to a use, occupancy, or purpose other than what was intended at its time of construction.

“County” means Dauphin County, Pennsylvania.

“County Planning Commission” means the Dauphin County Planning Commission.

“Day Care Facility” means a place where the child or person does not stay overnight and is only being cared for or supervised during daytime hours on a temporary basis.

“Decision” means a final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Pennsylvania Municipalities Planning Code, Act 247, as amended, either by reason of the grant of exclusive jurisdiction or by

reason of appeals from determinations. All decisions are appealable to the Court of Common Pleas of Dauphin County and the judicial district wherein the municipality lies.

“Density” means the total number of dwelling units permitted on a lot typically measured per acre.

“Destroy” means the complete killing of noxious weeds or noxious weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, or any combination, in a manner that will effectually prevent the noxious weed from maturing to bloom or flower stage.

“Determination” means a final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the governing body; zoning hearing board; or planning commission, only if and to the extent the planning commission is charged with final decision on preliminary or final plans under the subdivision and land development ordinance. Determinations may be appealed only to the boards designated as having jurisdiction for such appeal.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

“Domestic or Domesticated Animals or Pets” means a dog, cat, rabbit, gerbil, lizard, parrot or other animal normally or ordinarily kept in the dwelling of its owner or under the control of its owner. This term does not include agricultural, exotic or wild animals such as bears, goats, wolves, wolf-dog hybrids, cows, horses, chickens, hens, roosters, venomous or constrictor snakes, hogs, or sheep.

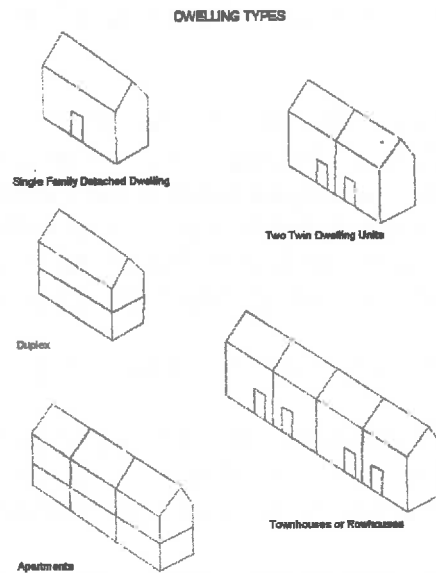
“Domestic Compost” means a portable structure used and properly maintained by on-site residents to convert household organic waste into materials useful for gardening and lawn care.

“Drive-In or Thru Facility” means an establishment which by design, physical facilities or service encourages or permits customers to receive or purchase services or goods while remaining in their vehicles.

“Driveways” means every entrance or exit used by vehicular traffic to or from properties abutting a road. The term includes existing and proposed streets, lanes, alleys, courts and ways.

“Dwelling” means a building or structure used for residential purposes. This term does not include hotels, motels, boarding houses, rooming houses, group homes, personal care or nursing home, or other uses intended for transient occupancy.

“Dwelling Types” includes the following types of dwelling units: (1) Multi-Family: means a residential building containing three or more dwelling units each accommodating one family. The term includes apartments, condominiums, townhouses, and row houses. (2) Single-Family: means a residential building containing one dwelling unit to accommodate one family. (3) Two Family: means a residential building containing two dwelling units each accommodating one family, and entirely separated from each other by vertical walls or horizontal floors, excluding possible common access to enter or exit the building or for access to a common cellar or basement. The term two-family includes twins or duplexes. Dwelling types for purposes of this Ordinance includes modular homes, but shall not include manufactured homes or manufactured home communities. See *Dwelling Type Illustration below*.



“Dwelling Unit” means a building or portion thereof arranged or designed so as to create an independent housekeeping establishment for occupancy by one family with separate bathroom, toilet and sanitary facilities and facilities for cooking and sleeping for exclusive use by the family residing therein. The term excludes manufactured homes but includes modular homes.

“Earth Disturbance” means a construction or other human activity which disturbs the surface of the land, including, but not limited to: grubbing; grading; excavations; embankments; road maintenance; building construction; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials. The clearing of vegetation without disturbance of the land shall not be considered an earth disturbance activity.

“Easement” means a right of use over property of another, or an interest which one has in the land of another. This right may be limited or unlimited depending on the grant. For purposes of this Ordinance, an easement should be commonly referred to as and considered a “street” for use of the owners of the burden and benefitted properties unless the easement agreement provides otherwise.

“Electricity Generating Plant” means a principal use devoted to the creation, storage, conversion, distribution and transmission of electrical energy for use at another location.

“Elevation” means the level of the ground adjacent to a structure, storage area, sign or other improvement.

“Essential Services” means the erection, construction, alteration or maintenance by public utilities, private entities, or municipal or other governmental agencies, of underground or overhead gas, electric, steam or water transmission systems, collection, communication, supply or disposal systems and their essential buildings, excluding Communications Towers and Communication Antennas, as defined in this Ordinance, and including what is commonly known as Public Utility Facilities.

“Establishment” means a place where a business is carried on.

“Explicit Sexual Activities” includes the fondling or erotic touching of human genitals, private parts, buttocks, anus, or breasts and simulated or actual sexual acts, such as intercourse, oral copulation, sodomy and masturbation.

“Fairgrounds” means a place where vendors display and sell retail merchandise and food; and offer amusements to the general public on an occasional basis.

“Family” means one or more of the following: (1) persons related by blood, marriage or adoption; (2) children placed into or receiving foster care; and (3) unrelated persons not in excess of four, who are living together, sharing household expenses, and occupying a single dwelling unit as a common housekeeping unit.

"Fence" means a structure constructed as a line of demarcation or barrier made of materials to enclose or screen areas of land.

"Financial Institution" means an establishment primarily involved with loans and monetary transactions with routine public interaction such as a bank or lending institution regulated by FIDC.

"Fitness Club" means a building in which facilities are provided for recreational athletic activities including but not limited to body-building and exercise classes, and shall include associated facilities such as a sauna and solarium.

"Flood Light" means an artificial light providing even illumination across a wide area.

"Floor Area, Total" means the total floor space within a building measured from the exterior faces of exterior walls and from the center lines of walls separating buildings. Floor area shall specifically include, but not be limited to fully enclosed porches and basement and cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed porches, decks, or breezeways.

"Forestry and Timber Harvesting" means the cultivation, cutting, or removal of trees for sale or for processing into wood products such as lumber. The term includes, but is not limited to, the planting, cultivating, harvesting, transporting and selling of trees or other forest products for commercial purposes. The term includes logging but excludes sawmills.

"Flea Market" means retail sale uses where more than one vendor displays and sells general merchandise that is new or used on a regularly occurring basis, including indoor and outdoor displays of merchandise.

"Frontage" means a property line the length of which abuts a street or proposed street; the front lot line.

"Funeral Home" means a building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in the preparation of the dead for burial, the performance of autopsies and other surgical procedures, the storage of caskets and other related funeral supplies and the storage of funeral vehicles. This term does not include facilities for cremation.

“Garage, Private” means a building or structure for the private use of the owner or occupant of a principal building situated on the same lot for the storage of motor vehicles used or owned by the owner or occupant with no commercial facilities for mechanical service or repair.

“Garage Sale” means the accessory and temporary use of a lot upon which a dwelling unit is located for the occasional sale or auction of common household goods, furniture and items generated from the dwelling unit located on the lot. Any sale occurring more than three times in any given year shall be considered a retail sales establishment.

“Garden Center” means the use of land, buildings or structures or part thereof for the purpose of buying or selling lawn and garden equipment, furnishing and supplies. The term includes a floral shop.

“Glare” means a sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility or ability to focus.

“Governing Body” means Gratz Borough Council, Dauphin County, Pennsylvania.

“Government Use” means a use such as a municipal office, court house, registry office, health and welfare center, employment office, post office or other use for the purpose of local or governmental administration.

“Gratz Borough Planning Commission” means the Planning Commission created by Gratz Borough Council.

“Gravel” means a surface that is considered to be impervious when the intended use of the stone is for transportation purposes, parking areas, construction areas, trails, or if the gravel is compacted at any time during or after its placement; landscaping stone is not considered as impervious area. The term consists of and is sometimes referred to as crushed stone.

“Grower and Processor of Medical Marijuana” means a person, which holds a permit from the Department of Health to grow and process medical marijuana. The term includes a research center administering a medical marijuana research program.

“Greenhouse” means a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from such lot at wholesale or retail.

“Grocery Store” means a retail establishment offering for sale prepackaged food products, household items, and other goods with a sale area in excess of 7,500 square feet with or without the accessory retail sale of gasoline or fuel products.

“Group Home” means a dwelling unit occupied by a maximum of six (6) unrelated persons (excluding staff members) who function as a common household unit operated by a responsible individual, family or organization with a program to provide supportive living arrangements to persons with special needs due to age, infirmity, emotional, mental, developmental or physical disability or handicap. The term does not include a Treatment Facility.

“Hazardous Substances or Materials” includes any material or substance that is stored or used in quantities that may cause, or significantly contribute to, an increase in mortality or an increase in a serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. This term also includes the list of extremely hazardous substances set forth in 29 Code of Federal Regulations Part 355 or any successor provisions.

“Health Care Campus” means the use of a property for a combination of health care related uses such as a hospital, health care outpatient facility, health care educational facility, health care office, wellness and fitness center, health care residential facility, adult and child care centers intended to serve family members of patients, staff, physicians, students and visitors to the health care campus, and health care commercial facilities, and health care accessory related facilities. The term excludes drug and alcohol rehabilitation and treatment facilities.

“Health Care Commercial Facility and Uses” means facilities and/or uses intended for patients, staff, physicians, students and visitors and their family members limited to the following: gift and card shops, flower and plant shops, sale of common health care-related items, personal care items, the sale of convenience items and/or novelties, sale of items for fundraising, sale of food and beverages, cafeterias/cafes/food courts/restaurants or similar uses, coffee shop, vendor carts or kiosks for the sale of items listed above, bookstore, pharmacies/drug stores, stores for medical devices, medical uniforms, clothing, apparel and accessories, health food stores, convenience stores, florist, banks, financial institutions, automatic transaction machines, and personal care services such as barber shops or beautician shops, and laundry and/or dry cleaning as well as drive-through facilities for the above.

“Health Care Education Facility” means a facility which provides education and/or research related to health care, health maintenance, wellness, and/or the business of

health care. The use includes a college, university, or trade school affiliated with an accredited medical or nursing school.

“Health Care Office” means offices for health care related professionals, administrative and support staff, and offices and laboratories for drawing and testing of specimens, diagnosis, or health care research.

“Health Care Outpatient Facility” means a medical facility, separate from or in conjunction with a hospital, which provides, on an outpatient basis, services such as medical testing, diagnostic testing, (including overnight observation or diagnostic testing), and may include drawing and/or testing of laboratory specimens, urgent or express care, surgery, treatment, rehabilitation, alternative medicine, and/or other health care-related services. A health care outpatient facility may include overnight stays by patients. The term excludes drug and alcohol rehabilitation and treatment facilities.

“Health Care Residential Facility” means a hospice, nursing home, personal care center, skilled nursing facility, assisted living facility, life care facility memory care facility, transitional care facility or similar living facilities, family lodging center, residence hall for students studying a health care field, accessory housing facilities for on-site medical staff, and independent living facility. A stand-alone nursing home, personal care center, skilled nursing facility, assisted living facility, life care facility memory care facility, transitional care facility or similar living facility shall include an area of no less than 70 percent of the building footprint area, proximate to the building suitable and developed for passive recreation use such as walkways and benches.

“Heavy Industrial” means a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. The term includes asphalt, concrete and batch plants, commercial hog farms, fur farms, or fertilizer plants. The term shall include any industrial use conducted in a building in excess of 40,000 square feet in total floor area, whether proposed initially or cumulatively, or with employees in excess of 50 persons, whether proposed initially or cumulatively. The term does not include any industrial use that is designated as a separate use under the Use Table of Section 503 of this Zoning Ordinance.

“Heliport” means an area, either at ground level or elevated on a structure, licensed and approved for the loading, takeoff and landing of helicopters, and including accessory facilities such as parking, waiting or stand-by areas, fueling and maintenance.

“Highway Occupancy Permit” means a State, County or Borough permit depending on the ownership of the street, which, when issued, authorizes access from a lot to that street. The issuing authority for a: (1) state highway occupancy permit is the Pennsylvania Department of Transportation (Penn Dot); (2) county road is the Dauphin County; and (3) a Borough street is Gratz Borough.

“Home Occupation” means an occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit, which, when permitted, does not alter the residential characteristics of the neighborhood.

“Hookah” includes a tobacco pipe with a long, flexible tube that draws the smoke through water contained in a bowl.

“Hookah Lounge” means an establishment where patrons share from a communal hookah which is placed at each table. The term also includes a place where vapes or smoking occurs on premises for a business purpose.

“Hospital” means a use involving the diagnosis, treatment or other medical care of humans that may include providing 24 hour emergency service; overnight care of patients; medical research and training; and rehabilitation to patients. A hospital may involve observation, diagnosis, treatment, rehabilitation or other care for medical, dental or mental health, but shall not include housing of the criminally insane. A hospital may also involve medical research and training for health care professions. A hospital shall meet all relevant licensing requirements of the Commonwealth of Pennsylvania. This term does not include a medical use basically comprised of professional offices for the examination and treatment of persons as outpatients by physicians, dentists or other licensed medical specialists, as it is considered a professional office for purposes of this Ordinance. The term also excludes drug and alcohol rehabilitation and treatment facilities.

“Hotel” means a building offering transient lodging accommodations on a daily rate to the general public. The building may provide additional services, such as restaurants, meeting rooms, and recreational facilities. See also “Motel”.

“Impervious Surface or Coverage” means a permanent surface that prevents the infiltration of water into the ground. Impervious surfaces include, but are not limited to, streets, sidewalks, pavements, parking lots, driveways, roofs, and stone patios. See definition of “Gravel (Crushed Stone)” for when gravel classifies as impervious area.

“Improvement” means any structure or paving placed upon land, including the provision of underground or above-ground utilities, as well as any physical change to the surface of the land, including but not necessarily limited to grading, paving, the

placement of stormwater management facilities, sidewalks, street signs, traffic control devices, and monuments. This definition shall expressly exclude grading or the tilling of soil.

“Institutional Use” means a non-profit, public, or quasi-public use which provides medical, educational, social, health or rehabilitative services.

“Invasive Plant Species of Pennsylvania” means Invasive Plant Species of Pennsylvania- means invasive plants displace naturally occurring native vegetation and, in the process, upset nature’s balance and diversity. Invasive plants are characterized by rapid growth and prolific reproductive capabilities, highly successful seed dispersal, germination and colonization processes, rampant spreading that takes over native species and are very costly to control. In general, aggressive, non-native plants have no enemies or controls to limit their spread. These invasive plant species are (1) Trees: *Acer platanoides*, commonly known as Norway Maple; *Acer pseudoplatanus* commonly known as Sycamore Maple; *Allanthus altissima* commonly known as Tree-of-Heaven; *Elaeagnus angustifolia* commonly known as Russian Olive; *Populus Alba* commonly known as White Poplar; *Ulmus pumila* commonly known as Siberian Elm; *Viburnum* *lantana* commonly known as Wayfaring Tree; and (2) Shrubs, Vines and Groundcovers: *Alliaria petiolata* commonly known as Garlic Mustard; *Berberis thunbergii*, commonly known as Japanese Barberry; *Cannabis sativa* commonly known as Marijuana; *Carduus nutans* commonly known as Nodding Thistle; *Cirsium arvense* commonly known as Canadian Thistle; *Cirsium vulgare* commonly known as Bull Thistle; *Datura stramonium* commonly known as Jimsonweed; *Elaeagnus umbellaa*, Autumn Olive; *Euonymus alatus*, commonly known as Winged Euonymus; *Galega officinalis* commonly known as Goatsrue; *Heracleum mantegazzianum* commonly known as Giant Hogweed; *Ligustrum vulgare*, commonly known as European Privet; *Lonicera japonica*, commonly known as Japanese Honeysuckle; *Lonicera maacki*, commonly known as Amur Honeysuckle; *Lonicera morrowil*, commonly known as Morrow’s Honeysuckle; *Lonicera tatarica*, commonly known as Tartarian Honeysuckle; *Lonicera x-bella*, commonly known as Hybrid Honeysuckle; *Lythrum salicaria*, commonly known as Purple Loosestrife (herbaceous); *Microstegium vimineum* commonly known as Japanese Stiltgrass; *Morus Alba*, commonly known as White Mulberry; *Morus rubra*, commonly known as Red Mulberry; *Phyllostachys*, commonly known as aubea Bamboo; *Polygonum perfoliatum* commonly known as Mile-A-Minute Vine; *Pueraria lobata* commonly known as Kudzu-vine; *Rhamnus cathartica*, commonly known as Common Buckthorn; *Rhamnus franguia*, commonly known as Glossy Buckthorn; *Rosa multiflora*, commonly known as Multiflora Rose; *Sorghum bicolor* commonly known as Shattercane; *Sorghum halepense* commonly known as Johnson Grass; and *Viburnum opulus*, commonly known as European Highbush Cranberry.

"Junk" any discarded or salvageable material or article, including scrap metal, paper, machinery, equipment, rags, glass, appliances, furniture, rubber, motor vehicles, and any parts of motor vehicles.

"Junk Vehicle" includes any vehicle unable to move under its own power or is unlicensed or unregistered, and contains one or more physical defects or characteristics such as a broken windshield, missing or flat tires, missing body parts, body parts that are rusted or have sharp edges, exposed battery acid, leaking gasoline or fluids, and other defects or characteristics which could threaten the public health, safety and welfare.

"Junk or Salvage Yards" the term includes the dismantling or wrecking of automobiles, motor vehicles, trailers, or parts thereof. The term also includes the storage or accumulation of any junk or the storage of four or more junk vehicles, or four or more motor vehicles from which parts have been or are to be removed for reuse or sale. The term includes automobile wrecking yards and automobile salvage yards.

"Landowner, Property Owner, or Owner" means the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee authorized under a lease to exercise the rights of the landowner, an authorized officer or member of a partnership, corporation or company, or any other person having a propriety or equitable interest in land or a building.

"Laundry" means a use at which articles of clothing, uniforms, linens, sheets, blankets, table cloths, draperies, towels, diapers and other fabric items are delivered to be cleaned with the use of agents that are generally water soluble.

"Laundromat" means a self-service business in which patrons clean, or dry clean dry articles of clothing, uniforms, linens, sheets, blankets, table cloths, draperies, towels, diapers and other fabric items.

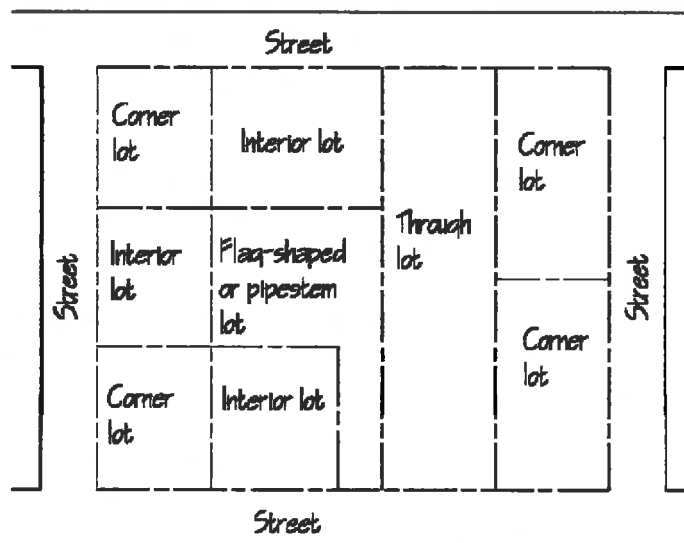
"Light Industrial" means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. The term includes the manufacture of small machine parts, small electronic equipment, and motors not in excess of 10 horsepower. Any industrial use conducted in a building in excess of 40,000 square feet in total floor area, whether proposed initially or cumulatively, or with employees in excess of 50 persons, whether proposed initially or cumulatively, shall be considered a heavy industrial use. The term does not include any industrial use that is

designated as a separate use under the Use Table of Section 503 of this Zoning Ordinance.

“Loading Space” means an off-street space or area having direct usable access to a street or alley suitable for the loading or unloading of goods for shipment.

“Lot” means a designated parcel, premises, tract, or area of land established by a plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit. The area and depth of a lot shall be measured to the legal right-of-way line of the street, and all lots shall front on a public or private street. For the purposes of this Ordinance the term lot includes a corner lot, flag lot, interior lot and through/reverse frontage lot. See *diagram of lot types below*.

TYPES OF LOTS



“Lot Area” means the area contained within the lot lines of a lot, excluding any street right-of-way.

“Lot, Corner” means a lot abutting on and at the intersection of two or more streets.

“Lot Coverage” means the percentage multiplied by the lot area that will determine the permitted building coverage area.

“Lot Depth” means the average horizontal distance between the front and rear lot lines.

“Lot, Flag” means a lot that relies upon a thin strip of land for street access whose frontage does not satisfy the minimum width requirements for the respective zoning district, but has the required lot width away from the street frontage.

“Lot, Interior” means a lot with only one street frontage.

“Lot Line” means a line dividing one lot from another lot or from a street or alley.

“Lot Line, Front” means a property line the length of which abuts a street or proposed street.

“Lot Line, Rear” means a line dividing one lot from another lot or from a street or alley.

“Lot Line, Side” means any lot other than a front or rear lot line.

“Lot of Record” means any lot which exists as shown or described upon a plat or deed and recorded in the Office of the Record of Deeds of Dauphin County, Pennsylvania.

“Lot, Through / Reverse Frontage” means an interior lot having frontage on two parallel or approximately parallel streets with vehicular access solely from the street of lesser functional classification.

“Lot Width” means the horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated or as may be specified in this Ordinance. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to two-thirds (2/3) of the width that would otherwise be required (except where minimum lot width allowed is less than 100 feet then no reduction is

allowed). In the case of flag lots, the width measurement shall not include the access corridor but shall be made on the main portion of the lot.

“Machine Shop” means any facility that uses machine tools, including but not limited to, lathes, milling machines, shapers, planers, hoppers, drill presses, and jig borers for working with metals or other relatively hard materials, such as some polymers. Typically machine shops make and repair all types of metal objects, from machine tools, dies, and molds to mass-produced parts such as screws, pistons, or gears.

“Manufactured Home” means a structure, transportable in one or more sections, which is built upon a chassis and is designed for permanent occupancy when placed on a foundation and connected to the required utilities. The term includes mobile homes and trailers, but does not include modular homes or recreational vehicles.

“Manufactured Home Community” means a parcel, or contiguous parcels of land, which has been planned and improved for the placement of two or more manufactured homes or mobile homes.

“Manure” means the fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

“Manure Storage Facility” means a detached structure or other improvement built to store manure for future use, or awaiting disposal.

“Medical Facility” means a building or structure where two or more members of the medical profession, dentists, chiropractors, osteopaths, and physicians or occupational therapists provide diagnosis and treatment or physical therapy to the general public without overnight accommodation and shall include such uses as reception areas, offices, coffee shop, consultation rooms, x-ray and minor operating rooms and a dispensary, providing that all such uses have access only from the interior of the building or structure.

“Medical Marijuana” means marijuana for certified medical use under the Pennsylvania Medical Marijuana Act, Pa Act 16 of 2016.

“Medical Marijuana Dispensary” means a person, which holds a permit issued by the Department of Health to dispense medical marijuana.

“Medical Marijuana Facility” means a Medical Marijuana Dispensary or a Grower and Processor of Medical Marijuana. The term includes a structure, building or land used to

store trucks or delivery vehicles for transporting marijuana plants, seeds or other raw materials, or transporting waste generated from a Medical Marijuana Facility for disposal to a facility authorized in the Commonwealth of Pennsylvania to accept such waste. Incidental storage, management and disposal of solid and liquid waste byproducts or remnants generated during the growing and processing of Medical Marijuana, but not part of the final product, is permitted as part of the facility.

“Micro-Brewery” means a facility where more than 250 barrels and less than 15,000 barrels (a barrel is approximately 31 gallons) of malt or brewed beverages are produced on the premises and then sold or distributed for off premises consumption. A microbrewery may also contain a brewery pub. The production of more than 15,000 barrels or its equivalent of malt or brewed beverages shall be considered a heavy industrial use.

“Mineral Extraction” means the removal from the surface or beneath the surface of land bulk mineral resources such as sand, gravel, topsoil, limestone, sandstone, coal, shale and iron ore using machinery. This use includes stockpiling, but not the movement of and replacement of topsoil, as part of construction activities. The use does not include oil or gas operations.

“Modular Homes” mean structures constructed entirely in factories and transported to their sites on flatbed trucks. They are built under controlled conditions and must meet strict quality-controlled requirements before they are delivered. They arrive as block segments and are neatly assembled, using cranes, into dwelling units that are almost indistinguishable from comparable ones built on-site.

“Moral” means of, pertaining to, or concerned with the principles or rules of right conduct or the distinction between right and wrong; ethical.

“Motel” means a building or group of buildings containing apartments and/or rooming units, each of which maintains a separate outside entrance. Such building or group of buildings is designed, intended, or used primarily for the accommodations of automobile travelers for gain or profit and provides automobile parking conveniently located on the premises. See also “Hotel”.

“Motor Vehicle” means an automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation powered by an engine or other mechanized means and designed to operate and carry persons or cargo on public streets.

“Municipality” means Gratz Borough, Dauphin County, Pennsylvania.

“Municipalities Planning Code” means the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247, as reenacted and amended. The term is sometimes referred to as the Pa MPC.

“Neon Sign” means luminous tube signs that contain neon or other inert gases at a low pressure.

“Night Club” means a commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and live music are permitted, including the term “cabaret”. This term does not include any adult use.

“Nonconforming Lot” means a lot which does not conform with the minimum lot width or area dimensions specified for the zoning district where the lot is located, but was lawfully in existence prior to the effective date of this Ordinance.

“Nonconforming Structure” means a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in the zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include nonconforming signs.

“Nonconforming Use” means a use, whether of land or a structure, which does not comply with the applicable use provisions in the zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment to its location by reason of annexation. The term is commonly known as “Grandfathering”.

“No-impact Home Based Business” means a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with the residential use.

“Noxious Weeds” means any plant listed in the Pennsylvania Noxious Weed Control Law (3 P.S. Section 255(3)(b)), including: (1) Cannabis sativa, commonly known as marijuana; (2) The Lythrum salicaria Complex: Any nonnative Lythrum including, Lythrum salicaria and Lythrum virgatum, their cultivars and any combination thereof; (3) Cirsium arvense, commonly known as Canadian thistle; (4) Rosa multiflora, commonly known as multiflora rose; (5) Sorghum halepense, commonly known as Johnson grass; (6) Carduus nutans, commonly known as musk thistle; (7) Cirsium

vulgare, commonly known as bull thistle; (8) *Datura stramonium*, commonly known as jimson weed; (9) *Polygonum perfoliatum*, commonly known as mile-a-minute; (10) *Puerria lobata*, commonly known as kudzu vine; (11) *Sorghum bicolor* cv. *drummondii*, commonly known as shattercane; (12) *Heracleum mantegazzianum*, commonly known as Giant Hogweed; (13) *Galega officinalis*, commonly known as Goatsrue; and poison ivy.

“Nursery” means land used for the growing of sod, flowers, bushes, trees or other gardening, landscaping or orchard stock and their related accessory supplies for wholesale or retail sale.

“Nursing Home” means a coordinated and centrally managed rental housing licensed by the state where the resident or occupant stays overnight. This use includes self-contained units designed to provide supportive services (such as meals, transportation, housekeeping, linen and organized social activities) and to accommodate relatively independent lifestyles. The term includes personal care homes and assisted living facilities. The term does not include adult care facilities where the person does not stay overnight and is only being cared for or supervised during daytime hours on a temporary basis.

“Office or General Office” means a building or portion of a building, wherein services are performed involving administrative, professional, clerical or similar type operations.

“Oil and Gas Operations” includes an: (1) ancillary facility of oil or gas development; (2) oil or gas compressor station; (3) hydraulic fracturing water withdrawal facility; (4) hydraulic fracturing water treatment facility; (5) oil or gas development; (6) oil or gas metering stations; (7) oil or gas pipelines not located in a public-right-of-way; (8) oil or gas processing facility; (9) oil or gas staging facility; (10) oil or gas water reuse storage facility; (11) oil or gas well; (12) oil or gas well site; (13) oil or gas well pad; (14) fresh water impoundment; or (15) waste water impoundments.

“Oil and Gas Compressor” means a device used alone or in series to raise the pressure of oil or natural gas and/or by-products to create pressure differential to move or to compress liquid, vapor or gas.

“Oil and Gas Compressor Station” means a facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells and to operate as an upstream or midstream facility for delivery of oil and gas to transmission pipeline, distribution pipeline, natural gas processing or treatment facility or underground storage field.

“Natural Gas Processing Plant” means a facility that receives natural gas and associated hydrocarbons from a gathering line system serving one (1) or more well sites that compresses, condenses, pressurizes or otherwise treats natural gas and which removes or separates materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, including, but not limited to cooling facilities, storage tanks and related equipment and facilities.

“Open Space” means any area of land or water, or a combination of land and water, within a development or lot that is free of improvement and impervious surfaces. Open spaces shall not include, among other things, areas devoted to buildings, structures, driveways, access drives, parking lots, street rights-of-way, and storm water detention basins, but can include required yard setbacks.

“Ordinance, This” means the Gratz Borough Zoning Ordinance and the Official Zoning Map, as may be amended from time to time.

“Ornamental Ponds or Wading Pools” means an accessory use that contains no more than 337.5 cubic feet of water (2,530 gallons); and has a length or diameter of not more than 15 feet with a maximum depth of not less than one and one-half feet.

“Outdoor Storage” includes the placing, storing or keeping, in an unenclosed area, goods, materials, merchandise, equipment or vehicles which are related to the operation of a commercial use, excluding the storage of solid waste, hazardous substances, refuse, junk and junked vehicles.

“Outdoor Wood Fired Burner” means a fuel burning device: (1) designed to burn wood or other approved solid fuels; (2) that the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., garages); and (3) heats building space or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

“Outparcel” means a building lot separated or separable from another building lot.

“Parking Space, Off-Street” means an unobstructed space or area other than a street or alley that is located completely within the property lines of a property and permanently reserved and maintained for the parking of a motor vehicle.

"Patient" means an individual who: (1) has a serious medical condition; (2) has met the requirements for certification under this act; and (3) is a resident of this Commonwealth.

"Paved" means a condition of surface in which man-made materials (asphalt, bituminous concrete, or masonry materials) are applied resulting in a durable, smooth, stable and dust free surface over which vehicles and pedestrians may pass. This definition shall require that the permitted materials be applied with sufficient depth and base to achieve the required durable, smooth, stable and dust free surface.

"Permit" means a document issued by the Zoning Officer authorizing someone to undertake certain activities under this Ordinance.

"Permit Granting Authority" means either the Zoning Hearing Board, Borough Council, or Zoning Officer depending on the circumstances.

"Permitted by Right Use" means an allowed use permitted with or without the issuance of a permit (depending on the use and the requirements of this Ordinance) by the Zoning Officer provided the application meets the requirements of this Ordinance.

"Person" includes a corporation, firm, company, partnership, trust, organization, association, sole proprietorship or individual.

"Personal Care Homes" means a coordinated and centrally managed rental housing licensed by the state where the resident or occupant stays overnight. This use includes self-contained units designed to provide supportive services (such as meals, transportation, housekeeping, linen and organized social activities) and to accommodate relatively independent lifestyles. The term includes nursing homes and assisting living facilities. The term does not include day care facilities where the child or person does not stay overnight and is only being cared for or supervised during daytime hours on a temporary basis.

"Personal Service Establishments" means an establishment or business where professional or personal services are provided for profit or gain and where the sale of retail goods, wares, merchandise, articles or things is only accessory to the provisions of such services such as barber shops or beauty salons; tailor shops; laundry or dry-cleaning shops; laundromats; printing, photocopying, mail, fax or courier services; and shoe or watch repair shops; animal grooming; tanning salons; beauty spas; manicure and pedicure services; and similar services. The term does not include any service use that is designated as a separate use under the Use Table of Section 503 of this Zoning Ordinance such as an adult use.

“Petroleum Product” means oil or petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes

“Physical Therapy” means a health care profession primarily concerned with the remediation of impairments and disabilities and the promotion of mobility, functional ability, quality of life and movement potential through examination, evaluation, diagnosis and physical intervention carried out by physical therapists.

“Place of Worship” means a building used for religious services, including churches, synagogues, mosques, monasteries, meeting houses, temples, parish halls, seminaries and shrines. The term also includes accessory uses such as a residence for a caretaker or the head of congregation, assembly hall used for community events, nursery school, a school of religious education, convent, and rectory.

“Portable Storage Containers or POD Containers” includes portable containers that are used for temporary storage of personal property of occupants on the site during times of transition (e.g. remodeling, moving, construction, emergency).

“Premises” means any tract, lot, or parcel of land and the buildings, fixtures, and appurtenances located thereon.

“Principal Use, Structure or Building” means the main or primary use of land or structures, as distinguished from or opposed to a secondary or accessory use or structure.

“Private” means something owned, operated and supported by private persons rather than by government, and not available for public use.

“Property” means any tract, lot, or parcel of land and the buildings, fixtures, and appurtenances located thereon.

“Public” means something owned, operated and supported by persons, the community or government for the use and benefit of the general public.

“Public Communications Transmission Tower” means a structure, owned and operated by a public utility electrical company regulated by the Pennsylvania Public Utility Commission (PUC), designed and used to support overhead electricity transmission lines.

“Public Hearing” means a formal meeting held pursuant to public notice by the Governing Body or Zoning Hearing Board, which is intended to inform and obtain public

comment prior to taking action in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

“Public Meeting” means a forum held pursuant to public notice under the Sunshine Act.

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

“Public Sewer” means a municipal sanitary sewer or a comparable common or package sanitary facility capable of serving multiple users and approved and permitted by the Pennsylvania Department of Environmental Protection.

“Public Utilities” means a use which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and requires a Certificate of Convenience approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal or treatment; public water supply, storage or treatment; or for the purpose of providing the transmission of energy or telephone service. See also Essential Services.

“Public Uses” includes public schools, recreational uses and administrative, cultural and service buildings excluding public land, buildings and structures primarily devoted to the storage and maintenance of equipment and materials. The term includes emergency services carried on by a non-profit corporation such as fire and ambulance when designated as the service provider by Borough Council.

“Public Water” means a municipal water supply system, or a comparable common water facility approved capable of serving multiple users and permitted by the Pennsylvania Department of Environmental Protection.

“Quasi-Public” means entities that operate like (and are sometimes organized as) private organizations and are run by a board of directors or similar arrangement whose members are appointed by government entities.

“Recreation” means the offering of leisure-time activities to unrelated persons.

“Recreation, Indoor” means a building or structure used principally for recreational activities, such as a bowling alley, billiard hall, roller skating or ice skating rink or similar facilities. This term does not include outdoor recreational activities, adult

uses or restaurants/taverns. Outdoor recreation activities conducted completely within a building shall be considered indoor recreation for purposes of this Ordinance.

"Recreation, Outdoor" means the use of land or structures for recreational activities such as golf, amusement parks, shooting ranges, campgrounds, race tracks and similar activities.

"Recreation, Private" means recreational facilities other than public, not operated for a profit, and only open to its members and their guests, or recreational facilities operated as a business and open to the public for a fee or admission.

"Recreation, Public" means recreational facilities operated as a nonprofit enterprise by a governmental entity or a nonprofit organization, and open to the general public.

"Retail Sale Establishments" means an establishment selling products as opposed to services or entertainment to the general public, such as antique shop; appliance store; artist, music, and automotive parts store; beverage packaging store; building or plumbing supplies; crafts and hobby supplies; clothing store; dairy products store; dry goods and variety stores; florist; garden supplies; hardware store; newspapers, books and stationary products; office furniture, equipment and supplies; paintings and photography store; pet store; pharmacy; specialty gifts; sporting goods store; and other establishments selling related products. The term does not include any retail use that is designated as a separate use under the Use Table of Section 503 of this Zoning Ordinance such as an adult use, secondhand store or wholesale establishments.

"Recreational Vehicle (RV)" means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use. The term includes motor homes, pop-up trailers, and campers.

"Recycling Collection Center" means an area for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted accessory use to a public or private primary or secondary school, a place of worship, or a Borough-owned use.

"Related or Relative" means persons who are related by blood, marriage, adoption, civil union or formal foster relationship to result in one of the following relationships: husband, wife, brother, sister, parent, child, grandparent, great grandparent, grandchild, great grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, mother-in-law, father-in-law, son-in-law, daughter-in-law or first cousin. The term specifically shall not include relationships such as second, third or more cousins.

"Repair" means to fix or rehabilitate an object or structure to its intended condition or function.

"Retaining Wall" means a structures designed to restrain soil.

"Residentially Zoned Lot" means for purposes of this Zoning Ordinance a lot zoned R-1, R-2, R-3 or C-1.

"Restaurant" means an establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in indispensable containers, and where the customer consumes these foods while seated at tables or counters located on premises. A restaurant may include the sale of alcoholic beverages for consumption on premises as an accessory use. This use may include drive through facilities where permitted by this Ordinance.

"Retaining Wall" means a structure used to stably contain land at a location of substantial elevation change.

"Right-of-Way" means an area or strip of land secured for public use whether improved or unimproved and reserved for use as a street, railroad, public utility, private utility or other special uses such as sidewalks, stormwater management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes or paths, streetlights, and similar public improvements.

"Road or Street" means that portion of a road improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder.

"Rooming House" means a building or structure or any portion thereof containing residential rooming units rented or leased for a specified time period of more than seven days, or on a week to week, month to month or year to year basis, with the occupants of said units being non-transient, and utilizing the location as their domicile.

"Satellite Dish Antenna, Noncommercial" means a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. The device is intended to be used to transmit or receive radio or electromagnetic waves between terrestrial and orbital based uses. This term includes satellite earth stations, television reception antenna, satellite microwave antennas and the like.

"Sawmill" means a principal use devoted to the processing of natural wood products into semi-finished products for wholesale distribution.

"School" means any facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, middle schools, junior high schools, charter schools, special education facilities, high schools, colleges and universities. This term does not include day care facilities, adult care facilities, child care facilities, or home schooling.

"Screening" means the method by which a view of one lot from another adjacent lot is shielded, concealed, or hidden. Screening techniques include fences, walls, non-invasive species of hedges, shrubs, trees or natural forest, berms and other features, as provided for and required in this Ordinance. The planting or maintaining of invasive plant species of Pennsylvania or noxious weeds are strictly prohibited.

"Second Hand Store" means an establishment selling used products as opposed to new products to the general public whether acquired by consignment or otherwise.

"Self-Storage Facilities" means a building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized, and controlled access stalls or lockers which are leased to persons for the storage of the person's personal property.

"Serious Medical Condition" means any of the following:

- (1) Cancer.
- (2) Positive status for human immunodeficiency virus or acquired immune deficiency syndrome.
- (3) Amyotrophic lateral sclerosis.
- (4) Parkinson's disease.
- (5) Multiple sclerosis.

(6) Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity.

(7) Epilepsy.

(8) Inflammatory bowel disease.

(9) Neuropathies.

(10) Huntington's disease.

(11) Crohn's disease.

(12) Post-traumatic stress disorder.

(13) Intractable seizures.

(14) Glaucoma.

(15) Sickle cell anemia.

(16) Severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain in which conventional therapeutic intervention and opiate therapy is contraindicated or ineffective.

(17) Autism.

“Setback” means the required minimum horizontal distance between the building line and the related front, side or rear property line.

“Shopping Center” means a building or group of two or more units within a single building, which is comprised of commercial, retail or service oriented businesses and designed to function as a unit with shared vehicular access, off-street parking and signage. The term includes a strip mall type building where stores front on both sides of a pedestrian way which may be either enclosed or open.

“Signs” see Part 9 of this Ordinance.

“Site” means a lot or any part of a lot devoted to a specific use regulated under this Ordinance.

“Smoke Shop” means a store predominately or principally selling tobacco products such as cigars, cigarettes, and chewing tobacco and accessory tobacco products. The term includes vapes but does not include permitting smoking or vaping on premises.

“Social Hall” means a building or portion thereof used for social gatherings, which is usually operated by a nonprofit or civic organization or association.

“Solar Energy” means radiant energy (direct, diffuse, and reflected) received from the sun.

“Solar Energy System, Major” means a facility or area of land principally used to convert solar radiation to electricity. The term does not include devices or combinations or devices which rely upon direct sunlight as an energy source for a minor energy system.

“Solar Energy System, Minor” means any solar collector or other solar energy device or any structural design feature whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for water heating or for electricity that may be mounted on a building or on the ground and is not the primary use of the property.

“Solid Waste Facilities” means any facility operated under the laws of the Commonwealth of Pennsylvania governing the management, processing, incinerating, treatment, storage, transfer or disposal of solid waste. Solid waste includes garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semisolid or contained in gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities, excluding hazardous substances, material and waste. This term includes Solid Waste Landfills, Solid Waste Transfer Facilities, and Solid Waste Energy Facilities.

“Special Event” means an event reasonably expected to cause a public gathering that is not part of the normal course of business of the sponsor such as a festival.

“Special Exception” means a use only permitted in a particular zoning district by special exception approval of the Zoning Hearing Board in accordance with the applicable provisions of this Ordinance.

“Specified Anatomical Areas” includes less than completely and opaquely covered human genitals, private parts, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

“Stand-Alone Turbine” means not more than one wind turbine constructed primarily to generate electricity for a principal structure for which it is intended to be accessory.

“State” means the Commonwealth of Pennsylvania.

“Storage” means the temporary placement of products and materials for preservation, later use or disposal.

“Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between such floor and the ceiling above. A basement shall be counted as a story if the ceiling equals or exceeds 6.5 feet of the finished ground surface adjoining the exterior walls of such story.

“Stream” means any natural or man-made of conveyance of surface water with an annual or intermittent flow within a defined bed and bank.

“Street” includes any right-of-way, avenue, boulevard, road, highway, alley, freeway, lane, viaduct and any other ways used or intended to be used by vehicular or pedestrian traffic whether public or private or dedicated or undedicated.

“Street Line or Right-of-Way Line” means the line defining the limit of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

“Strobe Light” means a device used to produce regular flashes of light and sometimes used to give an illusion of slow motion.

“Structural Alterations” includes any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

“Structure” means any man-made object, the use of which requires an ascertainable stationary location on land, whether or not it is affixed to the land. Structures shall not include sandboxes, decorative fountains, swing sets, birdhouses, birdfeeders, or mailboxes.

“Subdivision and Land Development Ordinance or SALDO” means the Gratz Borough Subdivision and Land Development Ordinance, as amended. The Subdivision and Land Development Ordinance is sometimes referred to in this Ordinance by the acronym (SALDO).

“Swimming Pool, Residential” means an accessory use involving any structure and inflatable device used for swimming, not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than 24 inches. Ponds, stormwater basins or lakes are not included provided that swimming is not the primary purpose of the construction and use.

“Tavern” means an establishment used primarily for serving alcoholic, malt or brewed beverages to the general public where food or prepackaged liquors may be sold or served as an accessory use. The term does not include a bar but includes a brewery pub.

“Temporary Structure” means a structure without any foundation or footings which is removed when the designated time period, activity or use for which the structure was placed or constructed has ceased. The time period for a temporary structure shall be not more than 180 days.

“Temporary Use” means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period. The time period for a temporary use shall not be more than 180 days unless extended by the Zoning Officer when permitted under this Ordinance. Any use for less than 180 days, but resuming on an annual basis shall be considered a permanent use.

“Theatre” means a building or part of a building devoted to showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theatre or adult use.

“Therapy Facility” means a building or facility that is used to administer therapeutic treatment especially of bodily, mental, or behavioral disorder primarily by the use of over-the-counter drugs, narcotics, opioids or other similar medicine.

“Townhouse or Rowhouse” means one dwelling unit that is attached to two or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire-resistant walls and each having their own outside access with sidewalls being adjacent to each end unit.

“Twin or Two-Family Dwelling Unit, or Duplex” means one dwelling unit accommodating one family that is attached to and completely separated by a vertical or horizontal unpierced fire-resistant wall to only one additional dwelling unit with each unit being on the same or a separate lot from the attached dwelling unit.

“Treatment Facility” means a use providing medical, health, educational, social or rehabilitative services to seven (7) or more unrelated persons on an overnight basis without the use of over-the-counter drugs, narcotics, opioids or other similar medicine. This term does not include a hospital, prison, or therapy facility but does include institutional uses. A group home that exceeds six (6) unrelated persons shall constitute a Treatment Facility.

“Tree Farm” means an area used for a type of farming involving the raising or harvesting of trees for commercial purposes.

“Tree House” means a structure or building above ground level and not designated for continuous habitation, using a tree for part of its support.

“Trucking Terminal” means the use of a structure, building, or land, which consists of a storage area, management and dispatch office, and loading and unloading facilities connected with receipt or delivery of freight shipped by truck.

“Truck Service Center, Repair and Storage” means a use that primarily involves providing fuel and repairs to tractor-trailers, including incidental storage of tractor-trailers.

“Turbine Height” means the distance measured from the surface of the tower foundation upon which the wind turbine is attached to the highest point of the turbine rotor blades at their highest point of rotation.

“Uniform Construction Code” means the version of the statewide building code adopted by Borough Council, applicable to new construction in all municipalities whether administered by the Borough, a third party of the Department of Labor and Industry. Applicable to residential and commercial buildings, the Code adopted by the International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

“Use” means the purpose, activity, occupation, business or operation for which land, structures or buildings are designed, arranged, intended, occupied or maintained. Uses specifically include, but are not limited to, activities within or outside of a structure.

“Vacation Home Rental” means any dwelling within a residential dwelling unit rented for the purpose of overnight lodging for a period of not less than one (1) day and not more than 30 days.

“Variance” means a waiver or modification of this Ordinance that may only be granted by the Zoning Hearing Board.

“Veterinarian Clinic or Animal Hospital” means a building or structure used for the treatment of domesticated animals by a veterinarian or other medical practitioner licensed by the state, with short-term boarding incidental to the treatment.

“Wall” means a structure constructed as a line of demarcation or barrier made of materials to enclose or screen areas of land. When referring to the walls of a building, the term shall mean the vertical exterior surface of a building, or the vertical interior surfaces which divide a building’s space into rooms. The term does not include a retaining wall.

“Warehouse and Distribution” means one or more buildings or structures used primarily for storage, transfer and distribution of products, goods and materials. This term does not include trucking facilities.

“Welding” means the use of land, or building, or structure where pieces of metal are welded.

“Wellness and Fitness Centers” means facilities that may be indoor and/or outdoor that offer educational and/or interactive programs for health care, health maintenance, wellness, and/or other health-related subjects, and/or facilities that may include health spa, weight rooms, exercise rooms, exercise equipment, exercise pools, and/or other similar exercise club or fitness center facilities, and may offer rehabilitation, therapy, and/or health maintenance, sports, or physical performance related training programs. The term excludes drug and alcohol rehabilitation and treatment facilities.

“Wetlands” means those areas that are inundated or saturated by the surface or ground water at frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term includes wetland areas listed in the State Water Plan, The United States Forest Service Wetlands Inventory of Pennsylvania, The National Wetland Inventory, The Pennsylvania Coastal Zone Management Plan and any wetland area designated by a river basin commission.

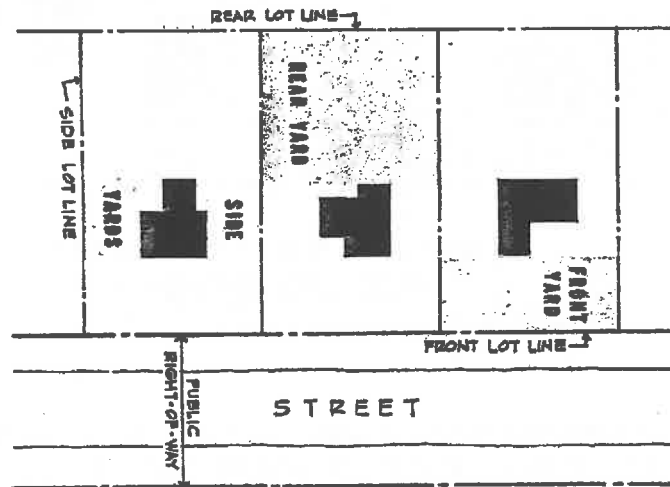
“Wholesale Establishment” means an establishment that offers products to other businesses to resell rather than selling directly to retail customers. Wholesalers can be small-scale producers who choose to distribute their products through other businesses or they can be multi-state distributors with fleets of trucks and massive warehouses.

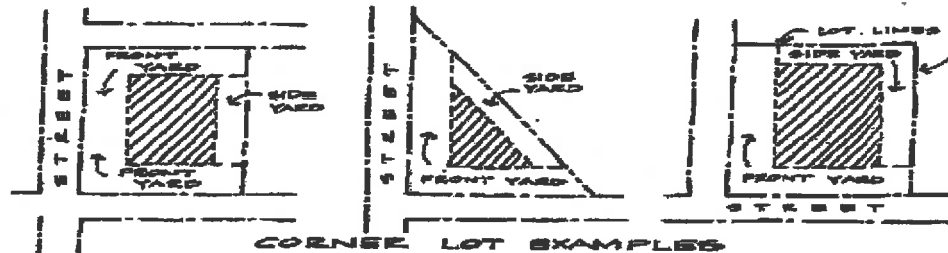
“Wind Farm” means a facility where two or more wind mills are located and are used for the generation of electricity which is used on-site for commercial purposes or which is sold on the open market. This definition shall not include a stand-alone wind turbine.

“Wind Turbine” includes a machine that operates on the energy generated by a series of blades or slates rotated by the wind, or a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any. When used in the context of this Ordinance, Wind Mills shall include both a Stand-Alone Wind Mill and Wind Farm.

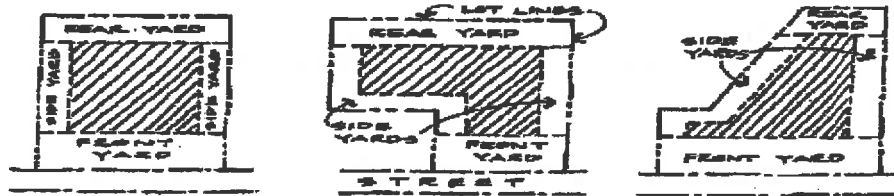
“Winery” means a premise in which wine is produced. The wine produced at said winery may be sold, stored and consumed on premises if all required state licensing is obtained.

“Yard” means a prescribed open and unobstructed space or area on a lot that is located between a building or structure and the nearest lot line. A yard is also referred to as a setback. *See types of yards as illustrated below.*

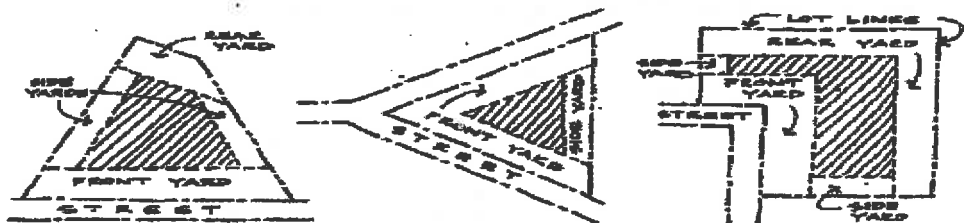




CORNER LOT EXAMPLES



INTERIOR LOT EXAMPLES



ODD-SHAPED LOT EXAMPLES

REQUIRED YARDS

 BUILDING (ZONING) ENVELOPE
(TWO DIMENSIONAL)

“Yard, Front” means a space or area extending the full width of the lot between a principal or accessory building or structure and the front lot line and measured perpendicular to the building or structure at the closest point to the front lot line. This area is bounded by the street line, front setback line and side property lines.

“Yard, Rear” means a space or area extending the full width of the lot between the structure or building and the rear lot line and measured perpendicular to the building or structure at the closest point to the rear lot line. This area is bounded by the rear property line, rear setback line and side lot lines.

“Yard, Sides” means a space or area extending from the front yard to the rear yard between a building or structure and the side lot line measured perpendicular from the side lot line to the closest point of the building or structure. This area is bounded by side property lines, and side, front and rear setback lines.

“Yard Sale” means the accessory and temporary use of a lot upon which a dwelling unit is located for the occasional sale or auction of common household goods, furniture and items generated from the dwelling unit located on the lot. Any sale occurring more than three times in any given year shall be considered a retail sales establishment. The term includes a moving sale.

“Zoning District or Zone” means those portions of Gratz Borough depicted upon the Official Zoning Map, within which certain uniform regulations and requirements apply under the provisions of this Ordinance. The Borough has eight Zoning Districts: Three residential zones: R-1, R-2, R-3; two commercial zones: B-1 and B-2; one agricultural zone: A-1; one conservation zone: C-1; and an industrial zone: I-1.

“Zoning Hearing Board” means the Gratz Borough Zoning Hearing Board of Dauphin County, Pennsylvania.

“Zoning Map” means the map containing the zoning districts of Gratz Borough, Dauphin County, Pennsylvania. This map is also referred to as the Official Zoning Map of Gratz Borough.

“Zoning Officer” means the person appointed by Gratz Borough Council to administer and enforce the provisions of the Gratz Borough Zoning Ordinance, and any amendments thereto.

“Zoning Ordinance” means the Gratz Borough Zoning Ordinance of 2018, as amended from time to time.



GRATZ BOROUGH • DAUPHIN COUNTY • PENNSYLVANIA
ZONING ORDINANCE

PART 3

Zoning Districts

**PART 3
ZONING DISTRICTS**

SECTION 301. CLASSIFICATION OF ZONING DISTRICTS. The Borough is divided into the following Zoning Districts:

- | | | |
|----|-----|--------------------------------|
| 1. | R-1 | SINGLE-FAMILY RESIDENTIAL |
| 2. | R-2 | TWO-FAMILY RESIDENTIAL |
| 3. | R-3 | MULTI-FAMILY RESIDENTIAL |
| 4. | B-1 | MIXED RESIDENTIAL AND BUSINESS |
| 5. | B-2 | GENERAL COMMERCIAL |
| 6. | A-1 | AGRICULTURAL |
| 7. | C-1 | CONSERVATION |
| 8. | I-1 | INDUSTRIAL |

SECTION 302. OFFICIAL ZONING MAP.

1. The boundaries of the Zoning Districts classified in Section 301 above are delineated on the "Gratz Borough Zoning Map of 2018", which is the official Zoning Map of the Borough, replacing and repealing the prior Zoning Map. The Official Zoning Map is incorporated herein by reference. The Official Zoning Map shall be located in a place designated by Borough Council, and shall be the final authority as to the current zoning status of land within the Borough.

2. If changes are made to zoning boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made in accordance with the provisions of this Ordinance for amending the map and the Pennsylvania Municipalities Planning Code. The changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by Borough Council. No changes of any nature shall be made to the Official Zoning Map, or matter thereon shown, except in conformity with the applicable procedures established in this Zoning Ordinance. All changes shall be noted by date with a brief description of the nature of the change.

SECTION 303. PURPOSES OF ZONING DISTRICTS.

1. **R-1 Single-Family Residential Zoning District.** This Zone is to provide predominantly single-family dwelling units in areas already developed in this manner, where this type of housing is desirable and harmonious with the area. This Zoning District is serviced by public water and a portion is serviced by public sewer.

2. **R-2 Two-Family Residential Zoning District.** This Zone is to accommodate single-family and two-family dwelling units in areas already developed in this manner. Selected locations provide for the accommodation of detached single-family dwelling units and duplex dwellings acknowledging the location of existing land uses with these urban characteristics. Required design standards reflect existing development patterns with long and narrow lots and minimal front and side yard setbacks. This Zoning District is serviced by public water and sewer.

3. **R-3 Multi-Family Residential Zoning District.** This Zone provides for various types of residential dwelling units and residential living environments by right to promote the availability of a diverse and affordable housing stock. Selected locations provide for the accommodation of future developments while acknowledging the location of existing land uses with similar characteristics. This Zoning District also accommodates manufactured home communities in areas with sufficient infrastructure to support such densities. The areas are serviced by public water and sewer.

4. **B-1 Mixed Residential and Business Zoning District.** The purpose of this Zone is to principally provide commercial goods and services to local residents and employees in the downtown area of the Borough where the uses mainly rely upon on-street parking. Uses permitted in this Zone include those uses that are likely needed on a daily or regular basis. Overall, retail size is restricted to uphold the traditional central downtown business district setting and local pedestrian traffic on the main street of the Borough. Requirements have been specified to preserve the character of this area by allowing residences and businesses while recognizing and preserving the mixed residential and business uses of the Zoning District. This Zoning District is serviced by public water and sewer.

5. **B-2 General Commercial Zoning District.** This Zone promotes commercialization outside of the mixed residential and business district within the Borough. This Zoning District provides suitable locations for retail, service, and entertainment businesses meant to serve local residents as well as motorists traveling through the Borough. Specific setbacks and design standards are imposed to promote off-street parking lots and loading zones. The uses permitted vary widely and are meant to be located in areas where no residences are located. Public sewer and water are available to service this Zoning District.

6. A-1 Agricultural Zoning District. The primary purpose of this Zone is to promote the continuation and preservation of agricultural activities in those areas of the Borough most suitable for such activities. Areas contained within this Zone have been specifically identified as possessing valuable and nonrenewable natural and cultural resources. This Zone is intended to protect and stabilize the Borough's viable agricultural economy by limiting the non-agricultural development of agricultural properties and eliminating uses that are incompatible with agricultural operations, but permitting limited agricultural support businesses. Consequently, non-agricultural-uses are limited and any future occupants in this Zone must be willing to accept the impacts associated with normal agricultural operations and practices, and related businesses. This Zone has been designed to preserve prime agriculture and farm land considering topography, soil type and classification, and present use.

7. C-1 Conservation Zoning District. The purpose of this Zone is to provide for the preservation and protection of natural areas and resources including, but not limited surface waters, environmentally sensitive soils, steep slopes, woodlands and wildlife, while perpetuating the rural atmosphere, open spaces, and scenic beauty of the Borough. Different types of development are permitted provided that there is sufficient area to promote and maintain the public health, welfare and safety and not interfere with the natural features of the Zoning District. Public water is available to service this Zoning District. Portions of the Zoning District are also serviced by public sewer.

8. I-1 Industrial Zoning District. This Zone provides locations for both light and heavy industries to diversify the region's economy and offer valuable employment opportunities. This Zone will principally permit light and small-scale industries as permitted uses but require special exception approval for larger uses that pose the potential for greater impact given their proximity to residences in the Borough. This Zone also specifically accommodates mining and related processing operations. Required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge; however, larger industries have also been permitted. These areas have been located near existing public utility service areas, other industrial uses and near major roads. Design standards have been imposed to create attractive site designs and moderate the objectionable impacts associated with industrial uses. Substantial setbacks and screening are used to protect adjoining uses. Public sewer and water services this Zoning District.

SECTION 304. INTERPRETATION OF ZONING DISTRICT BOUNDARY LINES.

The boundary lines for the Zoning Districts are as shown on the Official Zoning Map. If uncertainty exists as to the boundary of any zoning district shown on the Official Zoning Map, the location of the boundary shall be determined based under following guidelines:

1. Zoning district boundary lines are intended to follow or parallel the center line or right-of-way lines of streets, streams, and creeks; and Borough boundary lines, and lot lines as they exist on a recorded deed or plan in the Dauphin County Recorder of Deed's Office at the time of adoption of this Ordinance, unless such zoning district boundary lines are fixed by dimensions as shown on the Official Zoning Map.

2. Where zoning district boundaries are referenced by a distance or measurement from a specific feature, such distance shall be measured in feet and the district boundaries shall follow the specified setback.

3. Where a zoning district boundary is not fixed by dimensions and where it approximately follows lot lines and does not scale more than 10 feet therefrom, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.

SECTION 305. LOTS DIVIDED BY ZONING DISTRICT BOUNDARIES. When a lot is contained within more than one zoning district, any use is required to comply with all applicable design standards upon that portion of the lot within the zoning district in which the use is permitted. However, if a zoning district boundary line divides a lot placing at least 80% of the lot area in a particular zoning district, the location of such district boundary line may be construed to include the remaining 20% or less of the lot so divided.

SECTION 306. APPEALS FROM DETERMINATIONS UNDER SECTION 304 OR 305 OF THIS ORDINANCE. If, after applying the guidelines set forth in Section 304 above, uncertainty still exists as to the location of the boundary of any zoning district, or the Zoning Officer determines the location of the boundary of any zoning district, then any aggrieved person may appeal the determination of the Zoning Officer as to the location of the zoning district boundary line to the Zoning Hearing Board.



GRATZ BOROUGH • DAUPHIN COUNTY • PENNSYLVANIA
ZONING ORDINANCE

PART 4

General Regulations

**PART 4
GENERAL REGULATIONS**

SECTION 401. ATTACHED ACCESSORY STRUCTURES. An accessory structure attached to a principal structure shall be considered part of the principal structure and shall comply with the dimensional requirements including setbacks, lot coverage, and height as applicable to the principal structures for the zoning district in which the lot is located.

SECTION 402. UNATTACHED ACCESSORY BUILDINGS*. Unattached accessory buildings shall only be permitted in a side or rear yard of a lot subject to the requirements in the following Table:

Type of Accessory Building	Minimum Side Yard Setback	Minimum Rear Yard Setback	Minimum Front Yard Setback	Maximum Height	Maximum Number Per Lot	Maximum Floor Area
Residential	10 feet	10 feet	15 feet	15 feet	4	1600 sq. ft.
Non-residential	10 feet	10 feet	25 feet	24 feet	3	2400 sq. ft.

*Unless otherwise specified under Ordinance, this Section only applies to buildings, not structures. A "Building" is defined under Section 202 of this Ordinance as any roofed structure intended for shelter, housing, or enclosure of persons, animals, or property.

SECTION 403. RESIDENTIAL ACCESSORY USES IN NON-RESIDENTIAL ZONING DISTRICTS. In cases where a residential dwelling unit is a nonconforming use located in the B-1, B-2, or I-1 Zoning Districts, the erection of an accessory residential structure or building shall be a permitted use subject to Sections 401 and 402 above.

SECTION 404. SWIMMING POOLS, ORNAMENTAL PONDS, AND WADING POOLS.

1. **Swimming Pools.** Swimming pools shall be located in either the rear yard or side yard of a lot as an accessory structure or use. The swimming pool and all accessory buildings and structures such as a pool house and sidewalks shall have minimum setbacks as provided under Section 402 above. All swimming pools, capable of containing water to a depth, at any point, in excess of 24 inches shall be enclosed in accordance with the following subsections:

A. **In-Ground Pools.** The swimming pool, or the entire lot upon which the pool is located, shall be enclosed with a permanent fence not less than four (4) feet in height, which includes a gate secured with a lock.

B. Above Ground Pools. An above ground swimming pool shall be enclosed with a permanent fence not less than four (4) feet in height which includes a gate secured with a lock, or in lieu of a fence, a barrier not less than four (4) feet in height. The fence or barrier may include the pool wall and any extension thereto which equals or exceeds a height of four (4) feet. Access into the pool which includes a deck shall also be secured by a gate with a lock. Pools without access from a deck shall include removable or locking retractable steps or any similar device which prohibits uncontrolled access into the pool when not in use. Shrubbery is not to be considered a barrier. Decks which are attached to the pool may not project into any required yard setback for the pool.

C. Filtration Systems. Except for portable swimming pools, all other swimming pools shall have an operable filtration system utilizing chlorine, bromine or some other disinfectant.

D. Pumping or Draining. The pumping or draining of swimming pool water in such a manner as to cause it to spill onto a street or adjoining property is prohibited. No swimming pool water shall be permitted to be drained into the Borough stormwater system, or any water of the Commonwealth of Pennsylvania.

E. Other Regulations. Swimming pools shall conform to all manufacturer recommendations and specifications and all other state and federal regulations.

2. Ornamental Ponds or Wading Pools. Within the R-1, R-2, R-3 and C-1 Zoning Districts ornamental ponds and wading pools are accessory uses permitted by right, provided that the applicant meets all applicable regulations contained within this Ordinance including but not limited to the following:

A. The use shall comply with all side and rear yard accessory building setbacks, even if not rooted, and principal building front yard setback.

B. No such impoundment shall contain more than 337.5 cubic feet of water (2,530 gallons). No such impoundment shall have a length or diameter exceeding 15 feet nor a maximum depth exceeding two (2) feet.

C. All such ponds or pools shall be maintained so as to not pose a nuisance by reason of odor or the harboring of insects.

D. No pond shall be used for the commercial hatching of fish or other species.

SECTION 405. FENCES AND WALLS. A fence or wall shall be permitted in any yard subject to the following requirements:

1. **Location.** The posts or structural supports of a fence or wall may be located within the interior yard line to be enclosed so that the edge of the fence or wall is situated within or on the property line where it is being constructed. Walls and fences shall not be subject to any setback requirements.

2. **Height-Residential.** Residential fences or walls shall have a maximum height of four (4) feet in a front yard and six (6) feet in the sides and rear yards.

3. **Height-Non-residential.** Non-residential fences or walls shall have a maximum height of six (6) feet in a front yard and eight (8) feet in the sides and rear yards.

4. **Materials.** Fences shall be constructed with industry recognized materials designed to provide a permanent enclosure. Fences and walls shall be constructed of durable materials suited for its purpose and the use of discarded materials, vehicles, and appliances is prohibited. No wall or fence shall be constructed of corrugated metal, corrugated fiberglass, or sheet metal. No barbed wire, electric, or other potentially injurious or hazardous material shall be used as fencing or attached to any wall or fence, except for an invisible pet fence. An open type of fence (such as picket or split rail) may not be erected when required by this Ordinance to provide enclosure.

5. **Retaining Walls.** Retaining walls must be designed by a professional engineer registered in the Commonwealth of Pennsylvania and must contain adequate provisions for drainage. Any wall exceeding six (6) feet in height shall provide a continuous four (4) foot high protective fence within one (1) foot of the wall edge and must comply with all requirements of the Uniform Construction Code. The use of retaining walls higher than six (6) feet shall be permitted up to a maximum of 12 feet in height provided that:

A. The proposed height of the retaining wall is necessary to facilitate an efficient use of the lot and to protect an important or sensitive natural or cultural feature on the lot.

B. The applicant has submitted a written expert report from a professional engineer registered to practice within the Commonwealth of Pennsylvania. The expert report must conclude that the proposed retaining wall is designed and will be constructed to assure structural integrity and will in no way adversely affect any drainage pattern or underground utility lines nor interfere with any public rights-of-way.

C. The applicant has provided sufficient separation and physical barriers between the proposed retaining wall and any pedestrian and vehicle movement areas to ensure adequate vehicle and pedestrian safety.

D. That the base of the retaining wall is setback a horizontal distance at least equal to its height from each lot line.

SECTION 406. DOMESTIC COMPOSTING.

1. The composting of biodegradable vegetative material such as trees, shrubs, leaves and vegetable waste, which do not contain garbage, meat, meat by-products, or animal fats shall be permitted as an accessory use to a principal residential use in all zoning districts provided that the composting does not include manure and is conducted in such a manner as not to create any health, welfare or safety concerns, or a nuisance to adjoining properties.

2. The placement of a framed enclosure for composting is permitted, subject to all accessory building setbacks, even if not rooted, and other requirements.

3. Only waste materials generated from the residential use of the lot shall be deposited within the compost enclosure.

4. The use does not require a permit under this Ordinance.

SECTION 407. SATELLITE DISHES. A non-commercial satellite dish or standard antenna including amateur television and radio antennas shall be permitted as an accessory use in all zoning districts provided the following are met:

1. Each dish or antenna is properly attached to a roof or secured to a structure at a height of not less than six (6) feet and no more than eight (8) feet as measured from the ground to the top of the antenna or dish in the location in which it is installed.

2. No more than one (1) dish or antenna shall be permitted per dwelling unit or no more than two (2) dishes or antennas per non-residential building.

3. The roof, wall or window mounted satellite dish antennas up to one meter (39.4 inches) in diameter are permitted by right as an accessory use.

4. The use does not require a permit under this Ordinance.

SECTION 408. TREE HOUSES. Tree houses shall only be permitted in the rear or side yard in the R-1, R-2, A-1 and C-1 Zoning Districts and then only if the tree house is

accessory to a residential dwelling unit located at least 10 feet from all side and rear yard property lines. No permit is required for the construction of a tree house under this Ordinance.

SECTION 409. STRUCTURES ALLOWED IN YARD AREAS.

1. The following structures are permitted in required yards and setbacks provided that they are located within the lot lines: light posts, fences, and retaining walls. The following structures are permitted in yards and right-of-ways: sidewalks, walkways, landscaping, and mailboxes.

2. The following structures are permitted in required yards provided that they are no less than three (3) feet from all lot lines:

A. Projecting architectural features such as bay windows, cornices, eaves, chimneys, window sills, or other similar architectural features.

B. Outdoor furniture or playground equipment.

C. Patios that do not have roofs, walls or other enclosures.

D. Terraces, stairways, landings, balconies, canopies, handicap ramps, and stormwater inlets or outlets

3. A roofed patio that has walls or is enclosed shall be setback a minimum of four (4) feet from the side and rear yard lot lines and 12 feet from a front yard lot line.

SECTION 410. YARD EXCEPTIONS. When an unimproved lot is situated between two improved lots with front yard dimensions less than those required for the Zoning District in which the lot is located, the front yard required may be reduced to a depth equal to the average of the principal buildings on the two adjoining lots.

SECTION 411. EXCEPTIONS TO HEIGHT LIMITATIONS.

1. The height limitations of this Ordinance shall not apply to the following structures:

A. Chimneys, flagpoles, water towers, and other similar structures.

B. Structures located on buildings above the roof level such as smoke stacks, dormers, monuments, satellite dishes, electrical transmission lines and structures, solar energy collectors, steeples, water tanks, cupolas, skylights, ventilating

fans, and other accessory mechanical appurtenances provided that such structures do not cover more than 50% of the roof on which they are located.

C. Parapet walls or cornices used solely for ornamental purposes if not in excess of five (5) feet above the roofline.

D. Church or school roofs.

2. In no case shall any freestanding or roof-top structure above the maximum permitted height be used for the purpose of providing additional floor space for any use

SECTION 412. MINIMUM HABITABLE FLOOR AREA FOR RESIDENTIAL DWELLINGS. All dwelling units must conform to the following minimum habitable floor area:

1. Single-family dwelling units: 750 square feet.

2. Two-family dwelling units (including duplexes): 1,200 square feet.

3. Multi-family dwellings (including apartments, townhouses, row houses and condominiums): 500 square feet per dwelling unit.

SECTION 413. SINGLE-FAMILY OR TWO-FAMILY RESIDENTIAL DRIVEWAYS.

1. Access Required. Every residential building erected after the adoption of this Ordinance shall have access to or be located upon a lot adjacent to a public or private street.

2. Maximum Number of Driveways Per Lot. No more than two (2) residential driveway connections shall be permitted per lot frontage; and no more than three (3) residential driveway connections shall be permitted per lot.

3. Setbacks. Driveways shall not connect to a public street within 20 feet of the right-of-way lines of any intersecting streets; and within five (5) feet of a fire hydrant and adjoining side yard lot lines.

4. Visibility at Intersections. A clear-sight triangle shall be provided at all street and driveway intersections. Nothing shall be erected, placed or allowed to grow in a manner which obscures vision above the height of two and a half (2.5) feet and below 10 feet, measured from the centerline grade of intersecting streets and driveways. At street intersections, an isosceles triangle shall be established for a distance of 20 feet at each side of the point of intersection of the street right-of-way lines. At driveway

intersections with streets, an isosceles triangle shall be established for a distance of 20 feet at each side of the point of intersection of the street right-of-way line with the driveway edge of improved surface.

5. Slopes. A driveway shall not exceed a slope of 8% within 25 feet of the street right-of-way lines. In no event shall a driveway slope exceed 15% at any other point.

6. Width. No driveway width shall be less than 10 feet nor exceed 24 feet between the street right-of-way and street cartway.

7. Drainage. Driveways shall be constructed in a manner consistent with the design, maintenance, and drainage of the street to which it will connect.

8. Vertical Clearance. Driveways shall maintain a height of at least 12 feet that is clear of obstructions and vegetation to facilitate emergency vehicle access.

9. Improvements. All driveways shall be paved or be constructed with a paved apron that extends from the street cartway to a depth of at least 20' feet onto the lot. Beyond the paved apron all driveways shall be provided with a dust free surface.

10. Permits Required. Any type of development that requires the construction or relocation of a driveway onto a street or highway shall be conditioned upon the applicant or property owner obtaining a permit from the applicable governmental agency.

SECTION 414. MANUFACTURED HOMES.

1. Replacement. The removal of a manufactured home as a nonconforming use upon a property with the intent to replace it with another manufactured home may be permitted without Zoning Hearing Board approval provided that the new manufactured home is in conformity with all applicable setbacks, area, and bulk requirements for the zoning district in which it is located.

2. Construction Standards. A manufactured home shall be set on a concrete frost-free footer with skirting made of brick, block or concrete wall, and any towing tongues, wheels and axles shall be removed from the manufactured home and the home must be secured with a safety strap or cable to the concrete footer or steel cross support. Only under these conditions shall the home constitute a residence. The specifications of the footer and its depth shall be constructed under the applicable building code and pass a satisfactory inspection by the Building Code Official.

SECTION 415. EXEMPTIONS FROM ZONING ORDINANCE. With the exception of storage yards, the provisions and regulations of this Ordinance shall not apply to any existing or proposed building or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and municipality in which the building or proposed building is located have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of the party to the proceedings.

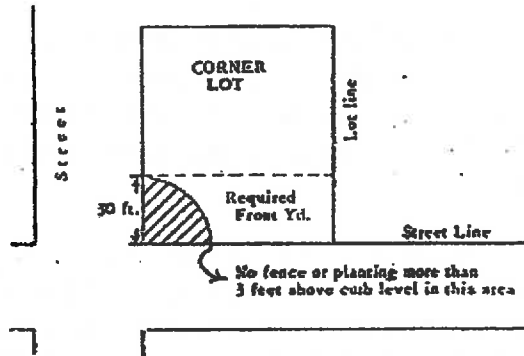
SECTION 416. EXEMPTIONS FROM SIDEYARD REQUIREMENTS. Any building proposed to be subdivided, containing two or more units, residential or nonresidential, shall be exempted from side yard setback requirements under this Zoning Ordinance relative only to the interior side yards. When a side yard of a proposed subdivision is directly attached to another unit within the building, subdivision approval shall exempt the property from the necessity of obtaining a side yard variance from the Zoning Hearing Board for the creation of a zero side yard setback.

SECTION 417. NUMBER OF PRINCIPAL STRUCTURES ON ONE LOT. No more than one principal use or structure shall be permitted upon a lot without first obtaining special exception approval from the Zoning Hearing Board. Each principal structure on a lot shall meet the dimensional requirements of the zoning district upon which it is located.

SECTION 418. CORNER LOT RESTRICTIONS.

1. **Two Front Yards Required.** On a corner lot there shall be provided on each side adjacent to a street a yard setback equal in depth to the required front yard setback of the zoning district in which the lot is located.

2. **Traffic Visibility Across Corners.** In any zoning district where a front yard is required, no structure, fence, or planting shall be maintained within 30 feet of any corner street lot line intersection and within the required front yard, above a height of three (3) feet above curb level or so as to interfere with traffic visibility across the corner. See *following illustration*.



SECTION 419. SCREENS AND BUFFERS; LANDSCAPING.

1. Screening and Buffering of Nonresidential Uses or Structures Adjoining a Residential District or Residential Dwelling Unit. All nonresidential uses or structures or that adjoin a residential zoning district or residential dwelling unit shall provide the following on the nonresidential lot:

A. A visually solid, tight fence not less than six (6) feet in height screened to prevent the view from the residential use and zone; or

B. A natural wooded buffer or planting strip along the nonresidential use or zone that is six (6) feet in height and five (5) feet in width when planted so as to shield the residential use and zone from the proposed nonresidential use. The buffer or planting strip shall provide a substantial visual barrier. A planting and landscape plan must be submitted and approved by the Zoning Officer, Borough Council, or the Zoning Hearing Board depending on the use. It is the responsibility of the landowner to maintain the buffer or planting strip in perpetuity. The wooded buffer or planting strip must remain undisturbed and free from the accumulation and disposition of garbage, refuse, junk and other debris. The planting or maintaining of invasive plant species of Pennsylvania or noxious weeds are strictly prohibited as part of the buffer or planting strip.

2. Landscaping. Every person owning or occupying any lot within the Borough shall destroy noxious weeds growing on that lot, and cut and maintain grass and other vegetation on that lot in accordance with the property maintenance codes of the Borough.

3. Multifamily Dwellings. When a multifamily dwelling unit adjoins a single-family dwelling or the R-1 or R-2 Zoning District, the lot upon which the multifamily dwelling shall provide buffering and screening under Section 419(1) above.

SECTION 420. OUTDOOR LIGHTING.

1. All outdoor lighting shall be directed away from public right-of-ways and adjoining properties so that the lighting does not present a hazard to drivers or pedestrians by impairing their ability to safely traverse (disabling glare), and so as not to create a nuisance by projecting or reflecting objectionable light onto neighboring uses or properties (nuisance glare).

2. An outdoor lighting plan shall be required with a zoning permit application when the applicant intends on installing outdoor lights. If the proposed use is permitted by special exception or conditional use, the applicant shall present the outdoor lighting plan as part of the application for a special exception or conditional use. If the proposed use is as of right but requires subdivision or land development approval, the applicant shall submit the outdoor lighting plan with the subdivision or land development plan. Outdoor lighting plans shall include, but not be limited to, a detailed grid of illumination levels, a calculation as to the average illumination levels, the number of lighting fixtures, the height and location of the mounting fixtures, including the underside of any canopies, details as to how lighting will be recessed, shielded and banded, when required, as well as details of any building or canopy-mounted lighting to show compliance with this section of the Ordinance.

3. In no case shall illumination exceed 0.5 foot-candles measured at the lot line and 0.2 foot-candles at 10 feet from the lot line onto an adjoining lot. The amount of illumination projected onto a residentially zoned or used lot from another lot shall not exceed 0.2 foot-candles at the lot line.

4. For the lighting of roadways, pathways and parking areas fixtures shall meet the Illuminating Engineering of North America (IESNA) cutoff criteria (not have more than 2.5% of their light output emitted above 90 degrees at any lateral angle around the fixture). The use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes and other fixtures not meeting IESNA cutoff criteria shall not be permitted. Fixtures shall be equipped with light directing devices such as shields, visors or hoods when necessary to redirect offending light distribution. Lighting standards in public parking areas shall be a minimum of five (5) feet outside the paved area, behind curb stops or on reinforced concrete pedestals at least 30 inches high above the pavement. Lighting fixtures shall not be mounted in excess of 25 feet above grade. All newly constructed electrical feeds shall be underground.

SECTION 421. OUTDOOR NOISE. No use shall regularly generate noise levels measured at the lot lines of the property where the use is located in excess of those listed below:

1. In the R-1, R-2 and R-3 Zoning Districts the noise level from 6 AM and 7 PM daily shall not exceed 55 dBA, and from 7 PM and 6 AM daily shall not exceed 45 dBA.

2. In the B-1, B-2, A-1, C-1 and I-1 Zoning Districts the noise level from 6 AM and 7 PM daily shall not exceed 70 dBA, and 60 dBA from 7 PM and 6 AM daily.

3. The maximum permitted noise levels in this Section shall be applied to regularly-occurring uses and activities. However, short-term temporary noises and infrequent instantaneous noises may be permitted in the B-1, B-2, A-1, C-1 and I-1 at noise levels 20 dBA higher than those described standards, but only between the hours of 8 a.m. and 6 p.m., Monday through Friday and then only when the:

A. Short-term temporary noises are for periods of no more than 30 seconds during any hour but not exceeding five (5) minutes during any day, Monday through Friday.

B. Infrequent instantaneous noises occur no more than twice per hour but not exceeding 10 occurrences each day, Monday through Friday.

4. Sound pressure level shall be measured according to the specifications published by the American Standard Association.

5. All noise shall be muffled so as not to be objectionable due to intermittence, beat, frequency, or shrillness.

6. The maximum permissible sound limits listed above shall not apply to any of the following noise sources:

A. The emission of sound for the purpose of alerting people to the existence of an emergency or associated practice drill.

B. Emergency work to provide electricity, water, or other public or private utility when the public health, safety, and welfare of the general population is at risk.

C. Domestic power tools, machines, and/or equipment between the hours of 7:00 AM and 7:00 PM (prevailing time).

E. Excavation and commercial construction operations and activities carried on between the hours of 7:00 AM and 7:00 PM (prevailing time).

F. Public celebrations, including fireworks displays, authorized by the Borough.

G. Church bells.

SECTION 422. GARBAGE, REFUSE, JUNK VEHICLES AND LITTER. Exterior property shall be maintained in a clean, safe and sanitary condition free from garbage, refuse, junk and litter. No inoperative, unlicensed or junk vehicle shall be parked, kept or stored on any property, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being striped or dismantled on any property except that:

1. The vehicle must be located in a rear yard at least 10 feet from a property line. A front yard for purposes of this section shall not include a yard that abuts an alley.

2. No work may be performed on any vehicle on a public street or within a public right-of-way or during night time hours (after sunset and before sunrise).

3. Noxious weeds growing around a vehicle shall be destroyed and all grass and other vegetation shall be maintained so that it does not exceed six inches in height.

4. Vehicles are not to contain any garbage or perishable items.

5. No vehicle shall be permitted that may pose a threat to the public health, safety and welfare.

6. No vehicle may have displayed on it any obscene or offensive words, symbols, or pictures.

7. Vehicles may not be stacked upon one another.

8. Vehicles cannot be leaking any liquids or gases, including, but not limited to anti-freeze, fuel, oil, freon, or other hazardous substances.

9. Four or more inoperative, unlicensed or junk vehicles on a property shall be considered and regulated as a junk yard under this Ordinance.

SECTION 423. GRADING, EXCAVATION, AND STORMWATER MANAGEMENT.

Any grading or excavation on a lot must comply with the following:

1. All new grading and excavation must be done with stormwater management controls under the Gratz Borough Stormwater Management Ordinance, the Dauphin County Conservation District regulations, and Pennsylvania Department of Environmental Protection Erosion and Sediment Control Manual, as amended.

2. No grading or excavation shall result in a slope steeper than 2 to 1 within 20 feet of any lot line except for the construction of a retaining wall under Section 405(5) above.

SECTION 424. SPECIAL EVENT SALES; FARMER'S MARKETS. In the A-1 Zoning Districts, special events, or farmer's markets are permitted for commercial uses subject to the following:

1. No more than two (2) special event sales shall be permitted per calendar year for no longer than a total of seven (7) days each per calendar year except for a farmer's market that may be permitted two (2) days per week during of each calendar year.

2. Areas used for special event sale displays shall comply with the setback requirements for a principal structure or principal use, whichever is greater.

3. Special event sales may be located within the parking lot, provided that such location does not contribute to congestion within the parking lot and upon the access drives that provide direct access to public streets. Within parking lots, such display areas shall be clearly delineated from the adjoining parking lot by the use of identifiable barriers such as tents, canopies, temporary fences, or ropes. Additionally, location within the parking lot shall only be permitted insofar that the remaining parking spaces available for the special event use are greater than or equal to the number of such spaces required for the principal use.

4. The area devoted to special event sales displays shall not exceed 20% of the total land area of the lot upon which the special event sale is located.

5. All uses conducting a special event sale shall be responsible for the ongoing cleanup of litter and debris. Also, no exterior public address or lighting systems shall be used that produce glare or noise impacts discernable at, or beyond, the lot line.

6. Signage for special event sales shall comply with the applicable requirements of Part 9 of this Ordinance.

7. A permit shall be required for special event sales and farmer's markets under this Ordinance.

SECTION 425. COMPLIANCE WITH OTHER REGULATIONS REQUIRED; NUISANCES PROHIBITED FOR ALL USES.

1. All uses within the Borough shall operate in compliance with all applicable State and Federal regulations.

2. No use, or lot in any Zoning District shall be developed, operated, altered, or occupied in a manner as to create any dangerous, injurious, noxious, or otherwise harmful condition, relative to fire, explosive, radiation, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; electrical or other disturbance; liquid or solid refuse or wastes; conditions conducive to the breeding of vermin; or other substance, condition, or element; in any manner or amount as to adversely affect the surrounding areas.

SECTION 426. STORAGE CONTAINERS.

1. Containers for clothes, shoes, apparel, personal property and donated items. No person or owner shall place, use, or employ a container on a lot for the collection and temporary storage of clothes, shoes, apparel, personal property, or donated items unless all of the following are met:

A. No advertising may be depicted or displayed on the container except for the identity and logo of the owner or company providing the container, the type of donations permitted to be placed in the container, and a brief description of how the donations will be used.

B. No more than one container shall be permitted on a lot, and must be located no less than 500 feet from another container within the Borough.

C. The maximum size of each container shall be 60 inches in width by 45 inches in depth and 75 inches in height.

D. All containers shall be made of galvanized steel or other similar durable material and securely fastened to prevent movement while being stored on a lot.

E. A container may not be placed within a public right-of-way, access drive, required parking space, or required loading zone.

F. A container may be placed in a front, side or rear yard of a lot provided that it is setback a minimum of 10 feet from a lot line.

G. A container may not be placed in the R-1, R-2, R-3, B-1, A-1 and C-1 Zoning Districts, and may only be placed on a lot located in the B-2 or I-1 Zoning Districts.

H. No clothes, shoes, apparel, personal property, or donated items shall be permitted to be stored or accumulated outside of the container, and the container shall be emptied on a regular basis to prevent it from being over-filled.

I. No container may be placed in such a manner as to constitute a safety hazard to vehicular or pedestrian traffic.

2. Waste Containers/Dumpsters. Placement and Use Regulations for Waste Containers on Streets or Sidewalks.

A. No waste container shall be placed on any portion of a sidewalk in the Borough unless the street is of insufficient width and the applicant has insufficient private property to accommodate the placement of the waste container on the sidewalk and then only provided pedestrian travel could be temporarily rerouted safely and the area where the waste container is located is blocked off with visible caution tape and does not extend into the travel lane of vehicular traffic.

B. The placement of a waste container upon a street shall not extend into the travel lane of traffic.

C. A waste container placed upon a street shall be illuminated with a warning light, reflector, or a reflectorized material on the front and rear surfaces in such a manner as to indicate the height and width of it, and shall be visible for a distance of not less than 300 feet between the hours of sunset and sunrise.

D. The location and utilization of a waste container upon a street shall not be in a manner which constitutes a safety hazard to persons or property.

E. The location and utilization of a waste container upon a street shall be in compliance with all applicable federal, state and local laws, rules and regulations applicable thereto, including but not limited to any highway occupancy or other permit required by the Pennsylvania Department of Transportation, in addition to the requirements of this Ordinance.

F. The waste container shall be kept at least 20 feet away from any crosswalk and intersection and must be placed so it does not block the view of any motorist pulling into a street.

G. The waste container shall be conspicuously marked with the name, address and telephone number of its owner and a copy of the current effective permit shall be visibly attached to it.

H. During all times when the waste container is in place and use, it shall be covered to protect the contents from being visible, displaced or otherwise creating a health or safety hazard. In all instances, the waste container shall, when necessary, be provided with adequate restraints to prevent inadvertent movement from its original location.

I. At all times, including those times when the waste container is not in use, the waste container and its contents must be maintained in a manner to prevent invasion or removal by someone other than its owner or user.

J. When a waste container is full to its capacity, it must be removed within 24 hours of that occurrence. A waste container shall be deemed to be filled to capacity when its contents extend above the top edge of any wall of the waste container or beyond the edges of any door, hatch or other opening in the roof or any wall of the waste container. No overflow of any material shall be permitted from the waste container, nor shall any accumulation of any material next to the waste container be permitted.

K. Hazardous waste shall not be stored in a waste container.

L. Each application for a permit under this Ordinance shall be accompanied by a certificate of insurance issued by an insurance company authorized to do business within the Commonwealth of Pennsylvania certifying that the owner of the waste container has insurance which shall not be cancelled except upon 15 days advance written notice to the Borough. The owner of the waste container shall have comprehensive liability insurance in the amount of at least \$100,000.00 for property damage and personal injury, combined single limit, arising out of or in connection with the placement or utilization of a waste container on any street or sidewalk, with the Borough being named as an additional insured on said policy for such purpose.

M. The applicant shall execute an indemnity agreement in a form acceptable to the Borough, promising to indemnify, save harmless and defend the Borough, its officials, agents, servants, and employees and each of them, against and hold it and them harmless from any and all lawsuits, claims, demands, liabilities, losses and expenses, including court costs and reasonable attorneys' fees for or on account of any injury to any person or any damage to any property, which may arise or which may be alleged to have arisen out of or in connection with the placement or utilization of a waste container on any street or sidewalk.

O. Only one waste container shall be permitted per property when located on a street or sidewalk.

P. If a chute or similar device or object is to be used with a waste container, it must be deemed structurally sound by the Borough, and liability insurance in the same amount and form as set forth in Section 426(2)(L) above shall be provided.

Q. The applicant shall assume all risk of damage, and the Borough shall not be liable for any damage to the waste container when the Borough is plowing snow or maintaining the street or sidewalks. Should a Snow Emergency be declared by the Borough, the applicant shall immediately remove the waste container from the street.

R. The applicant shall be responsible for all damages to Borough property which may occur as a result of the placement or use of a waste container. If the applicant does not promptly repair any damage after notice to do so from the Borough, the Borough may repair such damage and recover the cost from the applicant.

S. After the waste container has been removed, the applicant shall clean and restore the waste container location to the fullest extent reasonably possible to the condition of that location and its surrounding area as existed prior to placement of the waste container. If the waste container location area is not cleaned and restored within 24 hours of removal of the waste container, the Borough may cause the area to be cleaned and restored and shall recover the total cost of such cleaning and restoration, plus a 20% surcharge on the total amount, from the applicant.

T. A permit is required by the applicant and shall only be effective for a period of 30 days. The applicant for purposes of this Section means the user, renter or landowner.

3. Waste Containers/Dumpsters. Placement and Use Regulations for Waste Containers on Private Property within the Borough.

A. Hazardous waste shall not be stored in a waste container.

B. The waste container shall be kept at least 20 feet away from any crosswalk, street, and from any intersection and must be placed so it does not block the view of any motorist pulling into a street.

C. The location and utilization of a waste container shall not be in a manner which constitutes a safety hazard to persons or property.

D. During all times when the waste container is in place and use, it shall be covered to protect the contents from being visible, displaced or otherwise creating a health or safety hazard. In all instances, the waste container shall, when necessary, be

provided with adequate restraints to prevent inadvertent movement from its original location.

E. At all times, including those times when the waste container is not in use, the waste container and its contents must be maintained in a manner to prevent invasion or removal by someone other than its owner or user.

F. When a waste container is full to its capacity, it must be removed within 24 hours of that occurrence. A waste container shall be deemed to be filled to capacity when its contents extend above the top edge of any wall of the waste container or beyond the edges of any door, hatch or other opening in the roof or any wall of the waste container. No overflow of any material shall be permitted from the waste container, nor shall any accumulation of any material next to the waste container be permitted.

G. When a waste container is located on private property for the disposal and removal of garbage on a regular basis, the waste container shall be: (1) located in a rear yard; (2) screened on all sides; (3) constructed so as to be accessible to garbage trucks; (4) screened with either: (i) a visually solid, tight fence screened to prevent public view. Screening gates are required to be solid metal and screen the waste container from view when closed. Gates should swing out to an angle greater than 90° and create an opening at least 12 feet wide for the truck to enter the enclosure. Gates shall also swing clear of all fire lanes, public streets and sidewalks. OR (ii) A natural wooded buffer or planting strip shall be maintained at a minimum height to screen the container from public view. It is the responsibility of the owner of the property upon which the waste container is located to maintain the buffer or planting strip in perpetuity.

4. **Portable Storage Containers and Pods.** Upon any property used for a principal residence, the use of portable storage containers and pods is limited to temporary periods during events such as construction, remodeling, moving and similar activities. The use of portable storage containers and pods for permanent storage, storage of vehicles, junk, waste containment or as a dwelling is expressly prohibited. The use of portable storage containers and pods shall not exceed 90 days during any calendar year. Such containers must be located so as not to block any required clear sight triangles and be at least 10 feet from all lot lines. The Zoning Officer may issue 30 day extensions if the applicant can demonstrate that the nature of the proposed activity is ongoing and reasonable progress requires additional time and has a definitive ending date identified by the applicant beyond which the use shall cease.

SECTION 427. OUTDOOR STORAGE AND DISPLAY REQUIREMENTS. No business may display items outdoor for retail sale except when conducting a sidewalk

sale accessory to an indoor retail sale establishment. Outdoor displays and storage of retail sale items is permitted in the B-1 Zoning Districts subject to the following.

1. The items must be stored immediately in front of the storefront, upon sidewalks or a canopy, or within the parking lot provided that public walkways are not constricted or obstructed.

2. In no case shall such storage and display areas be located upon any facilities used for vehicle circulation, required parking and loading areas, or emergency vehicle access or fire lanes.

3. Storage and display areas shall be situated to provide clear pedestrian access sidewalk or other area at least eight (8) feet wide adjoining the storefront.

4. Signage for storage and display areas shall be governed by those regulations pertaining to on-site directional and informational signs as regulated under this Ordinance.

5. Items may only be displayed or stored outside during regular business hours.

6. For window displays, the storage of materials, stock, or inventory shall not be permitted in any window display area ordinarily exposed to public view. Obstructing ground floor windows from the interior of a building with shelving, display cases, signs, or other objects is prohibited. All commercial window treatments, including blinds, shades, or curtains, shall be maintained in a clean and attractive manner. Window display areas of vacant store fronts shall be maintained in good condition and in accordance with the regulations in this Ordinance. No permit is required for conducting window displays.

7. For sidewalk displays, only seasonal merchandise may be displayed, and shall be limited to the months of September, December, March, and June. The location of outdoor sidewalk displays shall be located under a canopy, and other areas immediately in front of the building's facade. Sidewalk displays shall be permitted directly in front of a building provided at least five (5) feet of clearance is maintained along pedestrian circulation routes. In no case shall the location of any sidewalk display area occur within any area used for vehicular circulation, required parking and loading areas, or emergency vehicle access or fire lanes. In no case shall a sidewalk display area exceed 50% of the length of the storefront. Signage for seasonal sidewalk sales shall not be located on the sidewalk and when erected shall be considered a special event for sign regulation purposes. Display cases shall be permitted only during normal business hours, and shall be removed at the end of the business day. Cardboard boxes shall not be used for sidewalk displays. Sidewalk displays shall maintain a clean, litter-

free and well-kept appearance at all times and shall be compatible with the colors and character of the storefront from which the business operates. No permit is required for conducting a sidewalk displays.

SECTION 428. KEEPING OF PETS. The use is permitted by right in all zoning districts without a zoning permit. Pets shall not be kept in such a manner as to create a serious nuisance (including odor or noise), a health or public safety hazard. The owner shall be responsible for collecting and properly disposing of all fecal matter from pets on a regular daily basis. No dangerous pet shall be kept outdoors except within a secure enclosure. No more than a total of 5 dogs and cats (or any combination of dogs and cats) shall be permitted on a lot except as an approved kennel. No more than 4 small birds, gerbils, rabbits or other small animals commonly sold in retail pet stores (or any combination of animals) shall also be permitted.

SECTION 429. KEEPING OF BEES. Facilities for the keeping of bees shall only be permitted in the A-1 or C-1 Zoning Districts. Bee keeping facilities shall be setback a minimum of 40 feet from any lot line and must be fenced within 100 feet of a lot line. Signs shall be erected to warn the public of the presence of bees. The facility must be operated in such a manner as to prevent bees from entering streets, sidewalks or other properties.

SECTION 430. ALTERNATIVE ENERGY SOURCES.

1. Within every Zoning District, an alternate energy production facility is permitted by special exception as an accessory use provided that the facility is located upon the same lot as the principal use.

2. Alternate energy production facilities shall be primarily utilized by the principal use of the lot upon which it is located. Surplus energy may be exchanged, transferred, or sold to a public or private utility company provided that the maximum energy generated for a residential use shall not exceed 1.5 times the annual energy needs of the principal residential use of the lot upon which the lot alternate energy production facility is located.

3. Except as permitted for wind turbines under Section 430(4) below, alternate energy production systems may be erected as detached accessory structures or attached to a building provided that:

A. The structural components of such systems do not exceed the permitted height requirements of the Zoning District in which it is located.

B. The systems (along with other buildings and structures on the lot)

do not exceed the maximum permitted lot coverage requirements of the Zoning District in which it is located.

C. The system complies with the setbacks of the Zoning District in which it is located. Systems attached to a principal building will be required to comply with the setbacks for a principal building.

D. Solar energy panels shall be designed and located in order to minimize reflective glare towards any adjoining use and public right-of-way.

4. The following provisions shall apply to wind turbines:

A. Wind turbines shall be setback from the nearest occupied building upon the lot a distance not less than 1.1 times the turbine height. The setback distance shall be measured from the center of the wind turbine base to the nearest point of the occupied building.

B. Wind turbines shall be setback from the nearest adjoining lot a distance not less than 1.5 times the turbine height. The setback distance shall be measured from the center of the wind turbine base to the nearest point of the adjoining lot.

C. All wind turbines shall be setback from the nearest street a distance of not less than 1.5 times the turbine height, as measured from the nearest right-of-way line of the street to the center of the wind turbine base.

D. A wind turbine shall be permitted in a rear yard only.

E. The minimum height of a wind turbine shall be such that there shall be maintained a minimum of 15 feet ground clearance, as measured between the closest ground surface to the tip of the blade at its lowest turning movement.

F. The maximum height of a wind turbine shall be 50 feet, as measured from the ground surface to the tip of the blade at its highest turning movement.

G. All wind turbines shall be equipped with a redundant braking system, which shall include both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

H. Wind turbines shall not be climbable up to 15 feet above ground surface. All access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

5. Alternate energy production facilities shall be clear-coated, transparent, or be designed with a non-obtrusive color. All such facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

6. On-site transmission and power lines of an alternate energy production facility shall be placed underground.

7. Clearly visible warning signs concerning voltage must be placed at the base of all aboveground transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 10 feet from the ground.

8. The applicant shall provide written evidence that the proposed alternate energy production facility shall comply with the noise standards in Section 421 above.

9. The applicant shall make reasonable efforts to minimize shadow flicker to adjoining properties; and avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the alternate energy production facility.

10. The applicant shall provide an emergency response plan satisfactory to the Fire Chief for the proposed use.

11. The design of the alternate energy production facility shall conform to applicable industry standards, including those of the American National Standards Institute and the Uniform Construction Code.

SECTION 431. OUTDOOR WOOD FIRED BURNERS.

1. Installation of Outdoor Wood Fired Burners. An Outdoor Wood Fired Burner shall be installed as follows:

A. Located at least 100 feet from any building or occupied structure.

B. Installed under the Uniform Construction Code and in accordance with manufacturer's specifications and instructions.

C. Demonstrated that the chimney of the outdoor wood fired burner is the greater of 30 feet in height or five (5) feet in excess of the height of any occupied structure within 300 feet not located on the lot on which the Outdoor Wood Fired Burner will be located.

D. Demonstrated that the Outdoor Wood Fired Burner has been laboratory tested and listed to appropriate safety standards such as (UL) (Underwriters Laboratories) and ANSI (American National Standard Institute) standards.

2. Use of Outdoor Wood Fired Burners. Each person who owns a lot on which an Outdoor Wood Fired Burner is located and each person who occupies a lot on which an Outdoor Wood Fired Burner is located shall be responsible to insure that the Outdoor Wood Fired Burner is operated under the following requirements:

A. The only substance that may be burned in an Outdoor Wood Fired Burner is clean wood.

B. None of the following shall be burned in an Outdoor Wood Fired Burner: (1) Any wood that does not meet the definition of clean wood; (2) Tires; (3) Lawn clippings or yard waste; (4) Materials containing plastic; (5) Materials containing rubber; (6) Waste petroleum products; (7) Paints and paint thinners; (8) Coal; (9) Any type of paper; (10) Construction and demolition debris; (11) Plywood; (12) Particleboard; (13) Salt water driftwood; (14) Manure; (15) Animal carcasses; (16) Asphalt products; or (17) Used cooking oils.

C. The Outdoor Wood Fired Burner shall, at all times, be operated and maintained in accordance with the manufacturer's specifications.

D. The Outdoor Wood Fired Burner shall be maintained and operated in compliance with all emissions of air quality standards promulgated by the U.S. Environmental Protection Administration (EPA).

E. The emissions from the Outdoor Wood Fired Burner shall not be detectable beyond the lot on which the Outdoor Wood Fired Burner is located, interfere with the reasonable enjoyment of life or property of neighbors, cause damage to vegetation or property of neighbors, or be harmful to human or animal health.

F. The Outdoor Wood Fired Burner shall not be operated before October 1 or after April 30 of each calendar year.

G. The installation must be inspected and approved by the Fire Chief.

SECTION 432. SEPARATE DWELLING UNIT FOR CARE OF A FAMILY MEMBER OR RELATIVE. The use of a separate residential dwelling unit within or attached to a single-family dwelling unit may not be considered a second principal use or two-family dwelling unit, but shall be a permitted accessory use provided that all of the following criteria are met:

1. Not more than two persons may occupy the separate accessory residential dwelling unit who must be family members of the persons occupying the principal residential dwelling unit.

2. At least one of the residents of the separate accessory residential dwelling unit must need accommodations because of illness, infirmity, age or disability.

3. The separate accessory residential dwelling unit must be designed and constructed so that it may be reconverted into part of the principal residential dwelling unit within three (3) months of a family member no longer residing within the unit.

4. The separate accessory residential dwelling unit shall be attached to the principal residential dwelling unit in such a way as not to detract from the residential characteristics of the neighborhood. Attachments must consist of more than a breezeway and shall include walls, a roof and foundation.

5. One additional off-street parking space shall be required for the separate accessory residential dwelling unit unless the applicant can prove to the satisfaction of the Zoning Officer that the residents of the separate accessory residential dwelling unit do not drive a motor vehicle.

SECTION 433. LOT ACCESS.

1. Every new principal use created or building hereafter erected or moved shall be on a lot with frontage along a public street or approved private street.

2. Outparcel lots are permitted provided that they have adequate vehicular access in accordance with this Section and are accompanied by a cross access easement in a form acceptable to the Borough Solicitor.

3. All structures shall be located on a lot in such manner to provide for safe and convenient access for servicing, fire protection, waste collection, required off-street parking and loading spaces. The creation of new principal buildings and uses without approved access shall not be permitted.

4. The creation of a flag lot is prohibited.

5. Approved access shall be defined under the Borough Subdivision and Land Development Ordinance for street design. Access to lots containing single-family or two-family dwelling units shall be by way of a residential driveway regulated under Section 413 above. Access to multi-family lots and non-residential buildings and uses shall be by way of access drives as regulated under Section 803 below.

SECTION 434. PUBLIC WATER AND PUBLIC SEWER REQUIRED. All principal buildings and uses shall be serviced by public water and public sewer, where available. No dwelling unit shall be occupied and no principal building shall be used that is not serviced by public water and public sewer, when available. This section shall not apply to temporary structures and uses provided that those structures or uses have a portable toilet or restroom facilities available to its customers within 300 feet from the temporary structure or use.



GRATZ BOROUGH • DAUPHIN COUNTY • PENNSYLVANIA
ZONING ORDINANCE

PART 5

District Regulations

**PART 5
DISTRICT REGULATIONS**

SECTION 501. ZONING DISTRICT DIMENSIONAL REGULATIONS. Each building, structure, and use shall be governed by the dimensional regulations listed in the following Dimensional Table of Section 502 below.

SECTION 502. TYPES OF USES.

1. Permitted Uses. The letter "P" designated under any of the zoning districts in the Use Table of this Ordinance indicates a permitted use in that district, which use is permitted by right not requiring Zoning Hearing Board approval, but only the issuance of a zoning permit by the Zoning Officer provided all other provisions of this Ordinance are met.

2. Special Exception Uses. The letters "SE" designated under any of the zoning districts in the Use Table of this Ordinance indicates a special exception use in that district, which use requires Zoning Hearing Board approval. The Zoning Hearing Board will either approve or deny a special exception use in accordance with the provisions of this Ordinance. The Zoning Officer has no discretion to approve any permit where the use is classified as requiring special exception approval and must deny a zoning permit when the use requires special exception approval.

3. Conditional Uses. The letters "CU" designated under any of the zoning districts in the Use Table of this Ordinance indicates a conditional use in that district, which use requires Borough Council approval. Borough Council will either approve or deny the conditional use in accordance with the provisions of this Ordinance. Should a conditional use also require variances from the dimensional or supplemental requirements of this Ordinance, those variances may only be granted by the Zoning Hearing Board. The Zoning Officer has no discretion to approve any permit where the use is classified as requiring conditional use approval and must deny a zoning permit when the use requires conditional use approval.

4. Uses Not Permitted. The letter "N" designated under any of the zoning districts in the Use Table of this Ordinance indicates that the use is not permitted in that district. A use that is not permitted requires a use variance to be approved or denied by the Zoning Hearing Board in accordance with the provisions of this Ordinance. The Zoning Officer has no discretion to approve a permit where the use is classified as not permitted and must deny the zoning permit as the use requires Zoning Hearing Board approval.

5. Symbol Key for Each Type of Use. The following symbols are used in the Use Table of Section 503 below to indicate whether a use is permitted (by right, special exception or conditional use) or not permitted in a particular Zoning District:

- A. P-Permitted Use.
- B. SE-Special Exception Use.
- C. CU-Conditional Use.
- D. N-Non-Permitted Use.

SECTION 503. ZONING DISTRICT USE REGULATIONS. The following Use Table classifies all of the uses within the Zoning Districts listed:

Residential Uses	R-1	R-2	R-3	B-1	B-2	A-1	C-1	I-1
Single- Family Dwelling Unit	P	P	P	P	N	P	P	N
Two-Family Dwelling Unit	N	P	P	P	N	N	N	N
Multi-Family Dwelling Unit*	N	CU	CU	N	N	N	N	N
Manufactured Home**	N	N	CU	N	N	N	P	N
Manufactured Home Community*	N	N	CU	N	N	N	N	N
Vacation Home Rentals*	N	N	P	N	N	N	N	N
Bed and Breakfast*	N	N	SE	P	P	N	SE	N
Boarding or Rooming House*	N	N	SE	N	N	N	N	N
Community Center	N	SE	SE	N	P	N	N	N
Dwelling Above a Business*	N	N	N	P	N	N	N	N
Group Home*	N	SE	SE	N	N	N	SE	N
Half-Way House	N	N	CU	N	N	N	CU	N
Home Occupation*	SE	SE	SE	N	N	N	SE	N
Outdoor Wood Fired Bumer**	SE	SE	SE	N	N	N	SE	N
No Impact Home Based Business*	P	P	P	N	N	N	P	N
Personal Care/Nursing Home*	N	N	SE	N	N	N	SE	N
Private Garage	P	P	P	P	N	P	P	N
Accessory Residential Uses**	P	P	P	P	N	P	P	N

Commercial Uses	R-1	R-2	R-3	B-1	B-2	A-1	C-1	I-1
Adult Use*	N	N	N	N	N	N	N	CU
After Hour Club (Prohibited By Act 219 of 1990)	N	N	N	N	N	N	N	N
Airport or Heliport*	N	N	N	N	N	N	CU	N
Assisted Living Facility*	N	N	SE	N	P	N	SE	N

Commercial Uses	R-1	R-2	R-3	B-1	B-2	A-1	C-1	I-1
Auditorium, Arena, Performing Arts Center or Exhibition and Trade Show	N	N	N	N	P	N	P	P
Automobile, Boat, Equipment, Home, and Recreational Vehicle Sales*	N	N	N	N	P	N	SE	P
Automobile Sales and Supplies	N	N	N	N	P	P	N	N
Automobile Service Station	N	N	N	N	P	N	N	N
Automobile Repair Garage*	N	N	N	N	SE	N	N	P
Bank or Financial Institution	N	N	N	P	P	N	N	N
Bar	N	N	N	CU	CU	N	N	N
Betting Use	N	N	N	N	CU	N	N	N
Bus or Transportation Terminal	N	N	N	P	P	N	N	N
BYOB Club or Bottle Club*	N	N	N	N	N	N	N	N
Car Wash* or Detailing Shop	N	N	N	N	SE	N	N	N
Catering for Off-Site Consumption	N	N	N	P	P	N	N	N
Cemetery or Mausoleums*	N	N	N	N	N	N	SE	N
Club, Lodge or Social Hall	N	N	N	P	P	N	N	N
Communication Tower on a Building*	N	N	N	N	P	N	SE	P
Construction Company or Tradesperson's Principal Office	N	N	N	N	P	N	N	P
Communication Tower Stand Alone*	N	N	N	N	N	N	CU	N
Contractor Storage Yard	N	N	N	N	N	N	N	P
Convenience Store*	N	N	N	P	P	N	N	N
Convenience Store (with gas)*	N	N	N	N	P	N	N	N
Correctional Facility*	N	N	N	N	N	N	N	N
Day Care Facility*	N	N	N	P	P	N	N	N
Drive-In/Thru Use*	N	N	N	N	CU	SE	N	N
Emergency Services	N	N	N	SE	SE	N	SE	SE
Essential Services	P	P	P	P	P	P	P	P
Fitness Club	N	N	N	P	P	N	N	N
Flea Market*, Auction House*, Fairground, or Outdoor Theatre	N	N	N	N	P	N	N	N
Funeral Home*	N	N	N	SE	P	N	N	N
Grocery Store	N	N	N	CU	P	N	N	P
Health Care Campus	N	N	N	N	CU	N	N	CU
Hookah Lounge	N	N	N	N	CU	N	N	N
Hospital (Animal)*	N	N	N	N	CU	N	N	CU

Commercial Uses	R-1	R-2	R-3	B-1	B-2	A-1	C-1	I-1
Hospital (Medical)	N	N	N	N	CU	N	N	CU
Hotel or Motel*	N	N	N	N	SE	N	N	N
Lumber Yard	N	N	N	N	P	N	N	N
Massage Services with Licensed Medical Practitioner	N	N	N	P	SE	N	N	N
Medical Facility*	N	N	N	N	CU	N	N	N
Night Club*	N	N	N	N	CU	N	N	N
Pawn Shop	N	N	N	N	CU	N	N	N
Personal Service Establishment	N	N	N	P	P	N	N	N
Places of Worship*	N	SE	SE	N	N	N	SE	N
Professional or General Office	N	N	N	P	P	N	N	P
Public Use	P	P	P	P	P	P	P	P
Public Utility Facility*	SE	SE	SE	SE	SE	SE	SE	SE
Radio or Television Studio	N	N	N	N	P	N	N	P
Recreational Facility Indoor	N	N	N	N	CU	N	N	N
Recreational Facility Outdoor*	N	N	N	N	N	N	CU	N
Restaurants	N	N	N	P	P	N	N	N
Retail Sales Establishment	N	N	N	P	P	N	N	P
School*	N	N	N	N	SE	N	P	N
Second Hand Store	N	N	N	N	CU	N	N	N
Self-Storage Facility*	N	N	N	N	N	N	SE	P
Service Office	N	N	N	P	P	N	N	P
Shopping Center	N	N	N	N	SE	N	N	N
Smoke or Tobacco Shop (Sales Only No Smoke Room)	N	N	N	P	P	N	N	N
Tattoo Parlor/Body-Piercing Studio	N	N	N	N	CU	N	N	N
Tavern or Brewery Pub	N	N	N	SE	P	N	N	N
Theatre (Indoor Movie or Live-No Adult Use)	N	N	N	P	P	N	N	N
Theatre (Outdoor-No Adult Use)	N	N	N	N	N	N	CU	N
Therapy Facility*	N	N	N	N	CU	N	N	N
Treatment Facility*	N	N	N	N	N	N	N	CU
Trucking Sales and Services	N	N	N	N	CU	N	N	P
Accessory Business Uses**	N	N	N	P	P	N	N	N

Industrial Uses	R-1	R-2	R-3	B-1	B-2	A-1	C-1	I-1
Asphalt, Batch and Concrete Plant	N	N	N	N	N	N	N	CU
Bulk Fuel Storage*	N	N	N	N	N	N	N	CU
Crematorium	N	N	N	N	N	N	N	CU

Industrial Uses	R-1	R-2	R-3	B-1	B-2	A-1	C-1	I-1
Electricity Generating Plant or Natural Gas Processing Plant*	N	N	N	N	N	N	N	CU
Heavy Industrial*	N	N	N	N	N	N	N	CU
Junk or Salvage Yard*	N	N	N	N	N	N	N	CU
Light Industrial*	N	N	N	N	N	N	N	P
Machine Shop*	N	N	N	N	N	N	N	P
Mineral Extraction*	N	N	N	N	N	N	CU	CU
Packaging Plant	N	N	N	N	N	N	N	P
Sewage Treatment Plant	N	N	N	N	N	P	P	N
Self-Storage Facility*	N	N	N	N	P	N	SE	P
Solid Waste Facilities*	N	N	N	N	N	N	N	CU
Truck Service Center, Repair and Storage	N	N	N	N	N	N	N	P
Trucking Terminal*	N	N	N	N	N	N	N	CU
Warehouse and Distribution*	N	N	N	N	N	N	N	P
Wholesale Establishment	N	N	N	N	N	N	N	P
Accessory Industrial Uses**	N	N	N	N	N	N	N	P

Agricultural Uses	R-1	R-2	R-3	B-1	B-2	A-1	C-1	I-1
Agri-business*	N	N	N	N	N	P	N	N
Agricultural Equipment Sales and Rentals*	N	N	N	N	P	P	N	N
Agricultural Operations*	N	N	N	N	N	P	N	N
Agricultural Product Marketing and Sales	N	N	N	N	N	P	N	N
Agricultural Related Business	N	N	N	N	N	P	N	N
Agricultural Support Occupation	N	N	N	N	N	P	N	N
Agri-tainment or Agri-tourism	N	N	N	N	N	P	N	N
Other Non-Residential Uses	R-1	R-2	R-3	B-1	B-2	A-1	C-1	I-1
Airport or Heliport*	N	N	N	N	N	N	CU	N
Alternative Energy Production Facilities (Stand Alone Wind Turbines and Minor Solar Energy Systems)**	CU	CU	CU	CU	CU	CU	CU	CU
Animal Cemetery*	N	N	N	N	N	N	P	N
Animal Kennel* or Stables	N	N	N	N	N	CU	CU	N
Forestry or Timber Harvesting*	P	P	P	P	P	P	P	P
Garden Center	N	N	N	SE	P	P	P	N
Greenhouses and Nurseries	N	N	N	N	N	P	P	N
Institutional Use	N	N	N	N	N	N	CU	N
Medical Marijuana Dispensary*	N	N	N	N	P	N	N	N
Medical Marijuana Growing/Processing*	N	N	N	N	N	CU	CU	N

Oil and Gas Operation*	N	N	N	N	N	N	CU	CU
Other Non-Residential Uses	R-1	R-2	R-3	B-1	B-2	A-1	C-1	I-1
Outdoor Storage*	N	N	N	N	N	SE	SE	P
Recycling Collection Center*	N	N	N	N	N	N	N	P
Sawmill*	N	N	N	N	N	SE	SE	N
Solar Energy System, Major*	N	N	N	N	N	N	CU	N
Tree Farm	N	N	N	N	N	P	P	N
Veterinarian Clinic*	N	N	N	N	SE	N	P	P
Wind Farm*	N	N	N	N	N	N	CU	N
Winery	N	N	N	N	N	P	P	N

*See Supplemental Regulations for Specific Uses under Part 6, Section 602 of this Ordinance.

**See General Regulations for the Type of Use under Part 4 of this Ordinance.

SECTION 504. ZONING DISTRICT DIMENSIONAL REGULATIONS. Each building, structure and use shall be governed by the following Dimensional Regulation Table:

Zoning District	Minimum Lot Size	Minimum Lot Depth	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Each Minimum Side Yard	Maximum Building Height	Maximum Building Coverage
R-1	15,000 sq. ft.*	120 ft.	80 ft.	35 ft.	20 ft.	10 ft.	35 ft.	20%
R-2	43,560 sq. ft.	100 ft.	100 ft.	35 ft.	20 ft.	10 ft.	35 ft.	45%
R-3	43,560 sq. ft.	150 ft.	100 ft.	35 ft.	20 ft.	10 ft.	35 ft.	50%
B-1	7,500 sq. ft.	100 ft.	40 ft.	10 ft.	15 ft.	8 ft.	40 ft.	70%
B-2	43,560 sq. ft.	200 ft.	120 ft.	50 ft.	30 ft.	25 ft.	40 ft.	50%
A-1	87,120 sq. ft.	200 ft.	150 ft.	75 ft.	40 ft.	75 ft.	35 ft.	10%
C-1	43,560 sq. ft.**	200 ft.	150 ft.	50 ft.	50 ft.	50 ft.	35 ft.	20%
I-1	43,560 sq. ft.	200 ft.	150 ft.	50 ft.	30 ft.	25 ft.	40 ft.	50%

*Minimum lot size in R-1 when the lot is serviced by on lot sewage disposal is 43,560 sq. ft.

**Minimum lot size in C-1 when the lot is serviced by on lot sewage disposal is 87,120 sq. ft.



GRATZ BOROUGH • DAUPHIN COUNTY • PENNSYLVANIA
ZONING ORDINANCE

PART 6

**Supplemental
Regulations**

**PART 6
SUPPLEMENTAL REGULATIONS**

SECTION 601. APPLICABILITY.

1. It is the intent of this Part to provide supplemental regulations for particular uses that are permitted by right, special exception, or conditional use within the Zoning Districts established under this Ordinance. All uses must comply with the standards under the applicable Zoning District and all other applicable sections of this Ordinance, unless those standards under this Part differ; in which case, the specific standards listed within this Part shall apply.

2. For uses permitted by right, these supplemental regulations must be satisfied prior to the issuance of a zoning permit by the Zoning Officer. The applicant must demonstrate compliance with the supplemental regulations for the specific use, including furnishing enough information to demonstrate compliance.

3. For uses permitted by variance, special exception, or conditional use, in addition to the general standards under Part 10 of this Ordinance, this Part 6 provides supplemental standards that shall be applied to each specific use. These standards must be satisfied prior to approval of any application for a variance or special exception by the Zoning Hearing Board or a conditional use by Borough Council. The applicant shall be required to demonstrate compliance with the supplemental regulations for a specific use, including furnishing whatever evidence is necessary to demonstrate such compliance at the time of the hearing on the request.

SECTION 602. SPECIFIC USES. The following specific uses shall also be subject to the following supplemental and additional regulations in addition to all of the other provisions of this Ordinance:

1. Adult Use.

A. No adult use shall be located less than 1,000 feet from a residential use, place of worship, public or quasi-public use, school, or day care. No adult use may be located within 500 feet from another adult use.

B. A buffer yard of at least 50 feet shall be provided and the lot (except for access drives) shall be screened with both a planting strip and fence under Section 419 (1) (A) and (B).

C. No pornographic material, display or words shall be placed in view of persons who are not inside the establishment.

2. Agricultural Operations. Except for dwellings and residential accessory uses and structures which shall comply with the lot and yard regulations of applicable zoning district, and except for the special yard and setback requirements below, all structures associated with the agricultural operation shall be setback a minimum of 100 feet from all lot lines.

A. Special yard and setback requirements. Slaughter areas, areas for the storage or processing of spent mushroom compost, structures for the cultivation of mushrooms or the raising of livestock, and any building housing livestock shall be set back from the lot line of any adjoining residential zoning district or existing residential use at least 300 feet. The Zoning Hearing Board may reduce the special yard and setback requirements where it is shown by the applicant that the criteria for the granting of a variance have been met and that, because of the nature of the agricultural operation, prevailing winds, unusual obstructions, topography, or other conditions, a lesser distance would protect adjoining lands from odor, dust, or other hazards, and the agricultural operation is in accordance with the Pennsylvania "Right-to-Farm" law. In no case, however, shall the Zoning Hearing Board reduce the special yard and setback requirement to less than 100 feet.

B. Any manure storage facility shall be in accordance with the Pennsylvania Manure Management Manual requirements.

C. All areas utilized for grazing and pasture areas shall be securely fenced to prevent the escape of animals and set back a minimum of 10 feet from all lot lines.

D. All agricultural operations shall be designed and maintained so that water and fertilizer will not drain onto adjacent lots.

E. All agricultural operations shall allow for the safe and efficient movement of vehicles and equipment associated with the operation.

F. All agricultural operations shall comply with applicable standards of the most recent version of the Pennsylvania Manure Management Manual, as amended.

3. Agri-businesses.

A. An agri-business shall comply with the requirements of an agricultural operation as set forth under Section 602(2) above.

B. All agri-businesses shall require the submission and approval of a land development plan under the Gratz Borough Subdivision and Land Development Ordinance and the plan shall comply with the requirements of the Gratz Borough Storm Water Management Ordinance.

C. All applications for agri-businesses shall include evidence indicating compliance with Act 38 of 2005 known as ACRE and Commonwealth of Pennsylvania Nutrient Management Act, as amended, the Commonwealth of Pennsylvania CAFO and/or CAO regulations under the Federal Clean Water Act, and copies of all other required State and or Federal Permits.

D. Any manure storage facilities associated with a CAFO and/or CAO shall be located in accordance with the Pennsylvania Nutrient Management Act, as amended. All applications for manure storage facilities shall include evidence indicating compliance with Act 38 of 2005 known as ACRE and the Pennsylvania Nutrient Management Act.

4. Airport or Heliport.

A. A minimum lot size of five (5) acres shall be required for a heliport, and 10 acres for an airport.

B. The entire perimeter of the runway or landing/take-off area shall be enclosed by a fence not less than eight (8) feet in height. The surface area of the runway or landing/take-off area shall be paved. The runway or landing/take-off area shall be located not less than 300 feet from all lot lines. Where the property abuts either a zoning district having residences as a principally permitted use or a property being used for residential purposes, the runway or landing/take-off area shall be located not less than 500 feet from such zoning district or property line.

C. Bulk fuel storage shall not be considered an accessory use, but shall only be permitted as a second principal permitted use under this Ordinance.

D. An aviation permit issued by the Pennsylvania Department of Transportation shall first be obtained before making application for a zoning permit.

5. Animal Kennels and Stables (Keeping of Horses).

A. Animal kennels shall be operated within an enclosed building, except for runways that must be fenced.

B. All buildings, runways, fenced enclosures, and similar structures shall be located not less than 100 feet from all lot lines.

C. Where the property abuts a zoning district having residences as a principal permitted use, all buildings, runways, fenced enclosures, and similar structures shall be located not less than 200 feet from such lot lines.

D. Animal Stables (keeping of horses) shall require a minimum lot size of three acres.

6. Assisted Living Facilities, Nursing Homes, or Personal Care Homes.

A. A minimum of 20% of the lot shall be designed, developed, used, and maintained for outdoor recreational activities limited to one or more of the following: garden areas, sitting areas, picnic areas and pedestrian walkways.

B. No more than 15 patients or resident guests shall be permitted per acre.

C. At least 15% of the minimum required parking spaces shall be designed for handicapped persons.

7. Auction House.

A. All auction activities shall be conducted within a completely enclosed building.

B. No outdoor storage or display is permitted.

8. Automobile Repair Garage.

A. All repairs shall be conducted where adequate measures shall be taken to minimize noise, vibrations, fumes and glare.

B. All paint work shall be performed within an enclosed building, with a spray booth and ventilation system that directs fumes away from adjacent properties and buildings.

C. Outdoor parking or storage of customer vehicles is permitted for a period of not more than 30 days in the side or rear yard of the building.

D. Service bays shall face the front yard lot line. Where the operation

abuts on the side or rear yard lot lines of a property used for residential purposes, or zoned for residential uses, a fence shall be provided under Section 419(1) (A) above.

9. Automobile, Boat, Equipment, Home and Recreational Vehicle Sales, including Agricultural Equipment Sales and Rentals.

A. Outdoor sales displays shall not be located on any part of an existing or future street right-of-way or in a required parking area.

B. Display areas shall be located within five (5) feet of a lot line.

C. Where outdoor sales displays adjoin a side or rear yard lot line of a property used for residential purposes, or zoned for residential purposes, a fence shall be provided under Section 419(1) (A) above.

10. Bed and Breakfast.

A. The use shall be conducted within a dwelling unit.

B. There shall not be separate cooking facilities in any guestroom, and food shall only be prepared or served to overnight guests unless a restaurant is also a permitted use within the zoning district in which the property is located.

C. No guests shall be permitted to stay for more than four (4) weeks in any given year.

D. No display or advertising shall be permitted except for a permitted identification sign.

11. Boarding or Rooming Houses.

A. The minimum size of each bedroom shall be no less than 400 square feet.

B. A boarding or rooming house shall serve no more than 12 persons.

C. Each bedroom shall be limited to no more than two (2) adults.

D. Rooms shall be rented for a minimum of five (5) days.

12. Bulk Fuel Storage.

A. Bulk fuel storage shall be located on a lot of not less than two (2) acres.

B. Storage tanks shall be located not less than 250 feet from all lot lines and shall be not less than 500 feet from any residential dwelling unit, school, day care, place of worship, and public use.

C. Cylinder filling rooms, pumps, compressors and truck filling stations shall be located not less than 100 feet from all lot lines.

D. The tank storage area shall be completely fenced with a chain link fence at least six (6) feet in height and properly locked and posted as hazardous and dangerous. If the storage area adjoins a lot used for residential purposes, the fence shall be screened from view by a buffer planted and maintained under Section 419(1)(B) above.

E. Bulk fuel storage facilities shall be developed in full compliance with all applicable federal, state and insurance regulations and proof of such shall be provided to the Zoning Officer prior to commencement of the use.

13. Car Wash.

A. There shall be an on-site stacking lane with a minimum length of 50 feet for each self-service washing bay; and automatic car wash bays shall have an on-site stacking lane with a minimum length of 200 feet.

B. The design of the facility shall include an escape lane from the stacking area.

C. All structures housing washing apparatuses, stacking lanes, self-service vacuum devices and post-wash drying areas shall be set back a minimum of 25 feet from any side lot lines and 35 feet from the rear lot line.

D. Trash receptacles shall be provided and routinely emptied to prevent the scattering of litter.

14. Cemeteries, Human or Animal.

A. The cemetery shall be enclosed by a fence, wall or shrubbery at least three (3) feet in height.

B. Interior walking paths shall be provided at a minimum of four (4) feet in width and interior roads shall have a minimum width of 12 feet for vehicular travel.

C. All paths and roads shall be paved.

D. The owner must provide sufficient proof that an appropriate financial system is in place to guarantee perpetual maintenance of the cemetery, grounds, roads and pathways.

15. Communication Tower on a Building or Structure.

A. Building mounted communication antennas shall not be located on any single-family, two-family or multi-family dwelling units. Building mounted communication antennas shall not exceed the height limitations of the applicable zoning district by more than 20 feet. Omni-directional or whip communication antennas shall not exceed 20 feet in height and seven inches in diameter. Directional or panel communication antennas shall not exceed five (5) feet in height and three (3) feet in width.

B. An application for a communication antenna to be mounted on a building or structure shall submit: (1) evidence from a Pennsylvania registered 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; (2) detailed construction and elevation drawings indicating how the antennas will be mounted on the building or structure for review for compliance with the applicable building code; and (3) evidence of agreements and easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and communication equipment buildings can be accomplished.

C. Communication antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation. Communication antennas shall not cause radio frequency interference with other communication facilities located within the Borough.

D. A communication equipment building shall be subject to the height and setback requirements of the applicable zoning district for accessory structures.

E. The owner or operator of communication antennas must be licensed by the Federal Communication Commission to operate such antennas.

16. Communications Towers, Standing Alone.

A. The applicant must be licensed by the Federal Communications Commission to operate a communication tower. The applicant must demonstrate that the proposed communication tower complies with all applicable standards established by the Federal Trade Commission governing human exposure to electromagnetic

radiation, Federal Aviation Administration regulations, and Commonwealth Bureau of Aviation regulations.

B. Any applicant proposing construction of a new communications tower shall first demonstrate that a good faith effort has been made to obtain permission to mount the communication's antenna on an existing building, structure, or communications tower. A good faith effort shall require that all owners of a potentially suitable structure within a two-mile radius of the communications tower site be contacted and that one or more of the following reasons for not selecting such structure apply: (1) The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost; (2) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost; (3) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to perform its intended function; (4) Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation; or (5) A commercially reasonable agreement could not be reached with the owners of such structures.

C. Access shall be provided to the communication tower and communication equipment building by means of a public street or easement to a public street. The easement shall be a minimum of 20 feet in width and shall be paved to a width of at least 10 feet for its entire length.

D. A communication tower may be located on a lot occupied by a principal structure and may occupy a leased parcel within a lot meeting the minimum lot area requirements for the zoning district in which it is located. Land development shall not be required for the lease parcel on which a communication tower is proposed to be constructed provided that the communication equipment building is unmanned. However, a subdivision plan shall be required for a lease parcel on which a communication tower is proposed to be constructed. The applicant shall demonstrate that the proposed height of the communication tower is the minimum height necessary to perform its functions, but in no event shall a communication tower exceed 150 feet. However, a communication tower's height may be increased to 200 feet provided the required setbacks from adjoining lot lines (not lease lines) are increased by one foot for each one foot of height in excess of 150 feet. The foundation and base of any communication tower located adjacent to any property being used for residential purposes, or adjacent to any property where the principal permitted use is residential,

shall be setback from the property line (not lease line) at least 150 feet and shall be set back from any other property line (not lease line) at least 50 feet.

E. The base of a communication tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.

F. The communications equipment building shall comply with the required setbacks and height requirements of the applicable zoning district for an accessory building.

G. The applicant shall submit certification from a Pennsylvania registered professional engineer that a 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 Associations/Telecommunications Industry Association. The applicant shall also submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communication tower; a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000.00 per occurrence and property damage coverage in the minimum amount of \$1,000,000.00 per occurrence covering the communication tower, communication antennas, communication equipment and communication building. Proof of insurance to be submitted annually to the Zoning Officer.

H. All guy wires associated with the guyed communication tower shall be clearly marked so as to be visible at all times and shall be included within a fenced enclosure.

I. The site of a communication tower shall be secured by a fence with a minimum height of eight (8) feet to limit accessibility by the general public. A minimum of one off-street parking space shall be provided within the fenced area.

J. No lights or signs shall be mounted on a communication tower except as may be required by the Federal Communications Commission, Federal Aviation Administration, or all other governmental agency having jurisdiction.

K. If a communication tower remains unused for a period of 12 consecutive months, the owner or operator shall dismantle and remove the communication tower within six (6) months of the expiration of the 12 month period. The owner or operator must provide a bond to the Borough in a monetary amount sufficient to cover the costs of removal. The cost of removal shall be determined by the Borough Engineer after considering the cost estimate provided by the applicant.

17. Convenience Store.

A. When the store abuts on the rear or side lot line of a residential dwelling unit, a fence shall be provided along such boundary under Section 419(1)(A) above.

B. Fuel pumps or other service appliances may be located in any yard provided that they are not less than 25 feet from the existing street right-of-way and side yard lot lines.

C. All activities in connection with the use shall be conducted within an enclosed building.

D. In the event a car wash is proposed as part of the use, the car wash shall comply with the supplemental regulations of Section 602(13) above.

18. Day Cares, Adults or Children.

A. The use shall provide an outdoor play area, which is equal to at least 20% of the total gross floor area for the day care.

B. All outdoor play areas shall be completely enclosed with a fence six (6) feet in height. A locked gate shall be provided when the play area is accessible to a public access area. Outdoor play activities shall be limited to the hours of 9:00 AM and 5:00 PM local time.

C. The owner shall provide evidence that vehicular traffic congestion will be avoided in "pick-up and drop-off points" utilized in transporting children or persons to and from the facility.

19. Drive-In or Thru Facilities.

A. Any use providing a drive-through (i.e. bank, eating establishment, etc.) shall comply with these supplemental regulations.

B. The drive-through lane or aisle shall be designed with adequate space for a minimum of four (4) waiting vehicles per lane or aisle. There shall be a maximum of one (1) lane or aisle per drive-through window.

C. Each drive-through lane or aisle shall be clearly marked and designed so as to prevent traffic hazards and congestion while at the same time minimizing conflicts with pedestrian travel.

D. Canopies situated over drive-through areas shall meet all setback requirements for the zoning district in which the property is located.

20. Dwelling Above Business.

A. A dwelling unit above a business must be attached to the commercial establishment and designed for living quarters.

B. The dwelling must have its own heating, kitchen, and bathrooms facilities.

C. The dwelling must have a private access separate from the commercial establishment.

D. The dwelling must be occupied by the operator of the business.

21. Flea Markets.

A. All outdoor display and sale of merchandise shall commence no earlier than one hour before sunrise and cease no later than one hour prior to sunset.

B. The retail sales area shall be set back at least 25 feet from all lot lines.

C. The retail sales area shall be calculated as part of the maximum lot coverage regardless of its surface material.

D. Any exterior amplified public address system shall be arranged and designed so as to prevent objectionable impact on adjoining properties and the applicant shall demonstrate compliance with the noise and lighting requirements of this Ordinance.

E. Trash receptacles shall be provided in the retail sales areas, and must be routinely emptied so as to prevent the scattering of litter, garbage, and debris. All applications shall include a litter plan.

22. Forestry or Timber Harvesting.

A. This Section applies to all timber harvesting and land clearing within the Borough where the value of the trees, logs and/or other forest products removed exceeds \$1,000.00. It does not cover the cutting of trees for the personal use of the landowner, or for pre-commercial timber stand improvement.

B. It shall be unlawful for any operator or landowner to conduct timber

harvesting except as provided in an approved logging plan which is available at the harvest site at all time during the operation.

C. At least 30 business days before the operation is scheduled to begin, a landowner on whose land timber harvesting is to occur shall prepare and submit to the Zoning Officer a written plan, which includes the following: (1) Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails, and log landings; (2) Design, construction and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars; (3) Design, construction and maintenance of stream and wetland crossings; (4) A stand prescription for each stand located in the proposed harvest area; (5) The general location of the proposed operation in relationship to streets and highways. (6) A site map based upon a survey showing the site and its 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; significant topographic features related to potential environmental problems; location of all earth disturbance activities such as roads, landings, and water control measures and structures; location of all crossings of waters of the Commonwealth; and the location of the proposed operation to streets and highways, including any access to those highways. The plan shall address and comply with the requirements of all applicable State land local laws and regulations including, but not limited to erosion and sedimentation control; stream crossing and wetland protection; and storm water management. Any permits required by state and local agencies shall be attached to and become a part of the logging plan.

D. The following timber harvesting practices shall be observed: (1) Felling or skidding on or across any public thoroughfares is prohibited without the express written consent of the Borough, County or Pennsylvania Department of Transportation; whichever is responsible for the maintenance of the thoroughfare. (2) No tops or slash shall be left within 25 feet of any public thoroughfare or private roadway providing access to adjoining property. (3) All tops and slash between 25 feet and 50 feet from a public roadway or private roadway providing access to any adjoining property or within 25 feet of any adjoining property line shall be lopped to a maximum height of four (4) feet above the ground level. (4) No tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner. (5) Litter resulting from a timber harvesting operation shall be removed from the site before the operator vacates it. (6) A buffer strip of at least 50 feet must be maintained along any road, stream, or recognized recreational trail. (7) Timber operations and related activities shall be conducted only between the hours of 7:00 AM and 7:00 PM (8) Soil carried or washed onto public streets during the operation shall be removed daily.

E. The landowner and the operator shall be responsible for repairing any

damage to the streets caused by traffic associated with the timber harvesting operation to the extent of the damage that is in excess of that caused by normal traffic. Pursuant to 67 Pennsylvania Code, Chapter 189, the Borough may require the landowner or operator to furnish a bond to guarantee the repair of damages to any street.

23. Funeral Home.

A. In addition to providing the minimum number of required off-street parking spaces, proof shall be provided at the time of the application to show that sufficient off-street parking and stacking of vehicles shall be provided to prevent traffic back-ups onto adjoining streets.

B. Loading and unloading shall be conducted in a designated loading area on the lot.

24. Group Home.

A. The maximum occupancy shall not exceed six (6) unrelated persons, excluding paid professional staff members, who shall live on the premises and function as a common household unit.

B. The Group Home shall have adequately trained and licensed professional staff supervision for the number and type of residents.

C. Evidence of applicable Federal, State and County licensing or certifications shall be presented to the Zoning Officer with the permit application.

D. Written documentation must be provided at the time the permit application is made verifying that the Group Home complies with all applicable governmental standards and regulations.

E. The exterior appearance of the Group Home shall be residential in nature.

25. Health Care Campus.

A. The maximum percent of lot coverage shall be 50 percent for all principal and accessory buildings excluding parking structures.

B. The maximum height for buildings shall be 40 feet.

C. The minimum lot size shall be five (5) acres.

D. All buildings and parking structures shall be setback a minimum of 75 feet from all lot lines. On a Health Care Campus the minimum setbacks shall be applied only to the perimeter of the campus, and the minimum setback between individual buildings on a Health Care Campus shall be 40 feet.

E. In no case shall a public right-of-way be used for parking, loading, unloading, or storage of commercial vehicles.

F. At least two (2) access drives with a minimum width of 24 feet each shall be provided, each from a public street.

G. Drug and Alcohol Rehabilitation and Treatment shall be permitted by special exception approval from the Zoning Hearing Board provided that the center or facility providing such services is an accessory use to the health Care Campus consisting of less than 10 percent of the total uses on the campus.

26. Home Occupations.

A. The occupation shall be carried on entirely within the principal dwelling unit not an unattached accessory structure.

B. No display or advertisement of products or services may be visible from outside of the dwelling. Any storage of materials associated with the home occupation shall be within the dwelling unit.

C. An identification sign is the only sign that is permitted. The sign may only be lit with indirect lighting.

D. No person other than a resident of the dwelling unit may conduct the home occupation. No non-occupants of the dwelling may be employed.

E. Not more than 30%, or 500 square feet, whichever is less, of the total floor area of the building wherein the home occupation is being conducted may be devoted to the home occupation.

F. Each home occupation shall have at least one off-street parking space. This off-street parking shall be in addition to the off-street parking spaces required for the dwelling unit.

G. The home occupation may not disturb the peace, quiet and dignity of

the neighborhood by electrical interferences, dust, noise, smoke, odor, or traffic generated by the use.

H. There shall be no retail sales of goods except those goods that are prepared or produced on the premises.

I. There shall be no change in the residential character of the building wherein the home occupation is being conducted.

J. No deliveries shall be permitted that require anything other than occasional parcel service, or panel truck delivery.

27. Hotels and Motels.

A. The use shall have a minimum lot area of two (2) acres.

B. The building shall contain at least 10 guest sleeping rooms not less than 250 square feet per sleeping room. No less than 60% of the gross floor area of the building shall be devoted to sleeping rooms. The remaining floor area may be used for such uses as a restaurant, retail store, game room, ballroom and banquet room provided that these uses are primarily designed to serve the guests of the motel or hotel.

C. All buildings and structures shall be located not less than 60 feet from a front yard line; not less than 35 feet from all side yard lines; and 50 feet from the rear yard line.

D. All areas not used for access, parking circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.

28. Industrial, Heavy or Light.

A. The application shall include a detailed description of: (1) The nature of the on-site processing operations, the materials used in the process, the products produced, the generation and methods for disposal of any wastes and by-products, and the manner and method of storage and disposal of materials. (2) The general scale of the operation in terms of its market area, specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size. (3) Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, waste water,

storm water, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts.

B. A buffer yard of at least 75 feet shall be provided from any lot used with an existing residential dwelling unit or for any residential zoning district. When the lot adjoins a lot used for residential purposes or zoned for residential use, the lot shall be screened with both a planting strip and fence under Section 419 (1) (A) and (B).

29. Junk or Salvage Yards.

A. The premises shall at all times be maintained so as not to constitute a private or public nuisance, or adversely impact the public health, safety or welfare.

B. Burning or incineration of any kind shall be prohibited.

C. No garbage, organic waste, rubbish, toxic materials and hazardous materials shall be stored on the premises.

D. Whenever any motor vehicle shall be received on the premises as junk, all gasoline and oil shall be drained and removed from the vehicle and properly stored or disposed.

E. The storage of any combustible materials, such as gasoline, oil or related items, shall be placed in fireproof containers and stored within a fireproof building.

F. The manner of storage and arrangement of junk and the drainage facilities on the premises shall be such as to prevent the accumulation of stagnant water upon the premises, which is a place for the breeding of rodents, insects and vermin.

G. Stockpiling of motor vehicles is prohibited.

H. Outdoor storage of junk may not be piled higher than eight (8) feet in height, and must be setback no less than 100 feet from any adjoining property line, street right-of-way, water way, and drainage swale.

I. The premises shall contain a minimum of two (2) access drives, each of which shall remain unobstructed at all times for emergency vehicles and be not less than 20 feet in width.

J. The minimum lot size shall be three (3) acres and the maximum lot size

shall be five (5) acres.

K. Motor vehicles, parts and other junk shall be arranged in such a manner as to allow access drives no less than 12 feet in width for emergency vehicles. The access drives shall be kept open and unobstructed at all times.

L. Except for the required access drives, the premises shall be completely screened by a wall or fence not less than eight (8) feet in height and a planting strip not less than five (5) feet in depth, with shrubbery, plants or evergreen trees which are a minimum of six (6) feet in height at the time of planting. This area must then be suitably landscaped and maintained.

30. Machine Shops.

A. Where the operation abuts a zoning district where residences are a principal permitted use, or where an existing residential dwelling unit is located, a solid wall or substantial, attractive fence not less than eight (8) feet in height shall be constructed and maintained in good condition along such boundary line, and a buffer yard of not less than 20 feet in width must be landscaped, and maintained in good condition.

B. No parking, loading, idling, storage of any kind, or trucking shall be allowed within the buffer yard. All truck idling in excess of 15 minutes shall be prohibited. All materials shall be stored within a completely enclosed building and outdoor storage of any kind is prohibited.

C. All operations excluding pickups or deliveries shall be conducted within the enclosed building.

31. Manufactured Home Communities.

A. The minimum lot area shall be three (3) acres, which must be under single ownership. The lot shall have a minimum width of 150 feet. The maximum density shall be four (4) homes or dwelling units per net acre.

B. Except for required access drives, the entire lot shall be completely buffered by a planting strip eight (8) feet in depth and three (3) feet in height at the time of planting. The buffer shall be planted and maintained with attractive evergreens and deciduous trees. Access drives or driveways to individual manufactured homes shall be from interior private streets, which shall include the installation of curbing, sidewalks, and street lights.

C. Each home or dwelling unit and any attached or unattached accessory

structures shall be setback not less than 35 feet from any other home or dwelling unit located within the community.

D. A minimum of 30% of the total lot area shall be set aside and devoted as common open space to be developed for recreational purposes limited to use by the residents and their guests. The common open space shall be maintained in perpetuity by the owner of the manufactured home community.

E. Each manufactured home shall be connected to a central or public water and sewer system with each home having its own connection.

32. Medical, Therapy, or Treatment Facilities.

A. The facility must be supervised and secured in such a manner as to adequately protect the safety of the general public. The application must state the conditions that will cause persons to occupy the facility and the manner in which the facility will be supervised and secured.

B. The facility shall be located not less than 100 feet from a school or day care facility, recreational facility, place of worship, or residential dwelling unit.

33. Medical Marijuana Dispensary.

A. It is the intent of this supplemental regulation that a Medical Marijuana Dispensary shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same district so as to comply with Section 2107(2) of the Pennsylvania Medical Marijuana Act, Act 16 of 2016.

B. The use shall be conducted in an indoor, enclosed, permanent, and secure building. The use shall have a single secure public entrance that is not shared with any other use or user, and shall not be located inside the same physical space or area of another retail commercial property. The use shall not have a drive-through or outdoor seating. All storage areas shall be separately locked. The Medical Marijuana shall not be administered or consumed on site. The user shall implement appropriate security and surveillance measures as required by the Pennsylvania Department of Health.

C. A Medical Marijuana Dispensary may not operate on the same property as a Grower and Processor of Medical Marijuana.

D. A Medical Marijuana Dispensary may only dispense Medical Marijuana to patients and caregivers.

E. The use may not be located within 1,000 feet of the property line of a public, private, or parochial school or day-care center unless a waiver is granted by the Pennsylvania Department of Health.

F. All outdoor lighting shall comply with Section 420 of this Ordinance.

G. The required number of off-street parking spaces shall be one space for every 300 square feet of gross floor area. The required number of loading spaces shall be one space for every 10,000 square feet of gross floor area or fraction thereof. Off-street parking and loading spaces shall comply with the design specifications of Part 8 of this Ordinance.

H. A screen or buffer under Section 419 of this Ordinance is required where the use adjoins a residential district or use.

I. The use shall obtain a permit and approval from the Pennsylvania Department of Health and the user shall provide a copy of that approval to the Borough.

34. Medical Marijuana Grower and Processor.

A. It is the intent of this supplemental regulation that a Grower and Processor of Medical Marijuana shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same district so as to comply with Section 2107(1) of the Pennsylvania Medical Marijuana Act, Act 16 of 2016.

B. Medical marijuana may only be grown and processed in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Department of Health. Solid or liquid waste byproduct or remnants generated from the operation shall also be stored in the enclosed secured principal building until picked up for transportation to a facility authorized to accept such waste. Storage of medical marijuana waste remnants in an accessory building or waste refuse container located outside of the principal building is prohibited. Loading areas shall be located within the principal building.

C. Growing and Processing of Medical Marijuana shall be limited to wholesale products for sale to another Medical Marijuana Facility. Retail sales of Medical Marijuana, including the operation of a Medical Marijuana Dispensary on the same property as the growing and processing operation is prohibited.

D. The use may not be located within 1,000 feet of the property line of a public, private, or parochial school or day-care center unless a waiver is granted by the Pennsylvania Department of Health.

E. All outdoor lighting shall comply with Section 420 of this Ordinance.

F. The required number of off-street parking spaces shall be one space for every 2,000 square feet of gross floor area, plus one space for every two employees on the maximum working shift. The required number of loading spaces shall be one space for every 7,500 square feet of gross floor area. Off-street parking and loading spaces shall meet the design specifications provided under Part 8 of this Ordinance.

G. A screen or buffer under Section 419 of this Ordinance is required where the use adjoins a residential district or use.

H. The use shall obtain a permit and approval from the Pennsylvania Department of Health and the user shall provide a copy of that approval to the Borough.

I. Growers/Processors shall post a bond in the amount of one million (\$1,000,000) dollars to secure the Borough's potential cost of soil and/or water contamination or abatement of unsafe or dangerous conditions as authorized by law or any provisions of this Ordinance.

35. Mineral Extraction.

A. The use, activity or any aspect of the operation shall be located not less than 1,500 feet from the nearest inhabited residence, place of worship, or any public recreational activity. The setback distance of the use, activity or any aspect of the operation from surface water bodies, creeks, streams, and wetlands shall comply with the State mandated requirements.

B. Except for approved access drives (which shall be secured by locked gates, which may only be open during business hours), the premises shall be completely screened to protect public safety with an industrial type gauge fence eight (8) feet in height. Signs shall be conspicuously attached to the fence every 75 feet warning the public of the nature of the operation. A buffer yard not less than 50 feet in width shall also be maintained with natural vegetative ground cover along all exterior lot lines that are within 300 feet of an area of excavation. This buffer yard shall include an earth berm with a minimum height of six (6) feet and an average of one shade tree for each 50 feet of distance along the lot lines. The shade trees shall be planted outside of the required berm and fence. If substantial trees, vegetation or forest exist within the required buffer yard, then new plantings in the buffer yard is not necessary provided that

the existing trees, vegetation or forest are well-kept, preserved, maintained and adequately serve the purpose for which the yard was to be created.

C. The lot and operation thereon shall at all times be maintained so as not to constitute a private or public nuisance, or adversely impact the public health, safety or welfare. The days and hours of operation, including excavation, blasting and relating trucking, may be limited depending upon the characteristics of the neighborhood.

D. The site shall contain a minimum of two (2) access drives, each of which shall be not less than 24 feet in width, and all of which shall be improved in accordance with the Borough Subdivision and Land Development Ordinance, and connect to a public street sufficient in size to accommodate the proposed traffic expected to be generated by the use. Access drives shall be located so as to prevent public safety hazards, dust and noise. All applications shall include a plan that evidences the measures to be taken by the operator to prevent dust, dirt, stone or other debris from escaping from the facility onto any public property/street, or private property of another.

E. Applications shall include an estimated life expectancy for the proposed use; a plan for the future productive use of the property once the life of the project has terminated; a proposed cost to reclaim the property and implement the future use; and a financial guarantee for implementation of that use. In addition, all applications shall include the same information, written materials and plans that are to be submitted to the Pennsylvania Department of Environmental Protection, as part of the state permitting process.

F. An asphalt, batch or concrete plant or processing operations shall constitute a principal use, not an accessory use.

36. Multi-Family Dwelling Units.

A. The exterior appearance of the building shall be so constructed and maintained so as to retain the residential character of the neighborhood. Fire escapes, when required, shall be located in the rear of the building and shall not be located on any side of the building or street. Service entrances, trash and garbage and drying yards shall be enclosed and screened from public view.

B. A minimum setback of 20 feet is required adjacent to a property line that adjoins an existing single family dwelling. Multi-family dwelling units shall have a maximum density requirement of eight (8) units per net acre.

C. Each detached building shall be connected to the public water and sewer system with each side by side unit having its own connection.

D. Compliance with the minimum habitable floor areas of Section 412 of this Ordinance is required.

37. Natural Gas Processing Plant or Electricity Generating Plant.

A. The minimum lot area is 15 acres.

B. All principal buildings and accessory structures shall be set back not less than 100 feet from any property line, and 500 feet from any residential zoning district or property used for residential use.

C. The noise levels for the plant shall be equal to or less than 65 dBA at the property line, and 55 dBA noise level at any adjacent residential dwelling.

D. The applicant must provide the Borough with the ESCGP-2 Plan and the post construction stormwater management plan prepared by a licensed professional engineer who is registered in the Commonwealth of Pennsylvania.

E. A site plan is required under the Gratz Borough Subdivision and Land Development Ordinance.

F. The operator shall provide all material safety data sheets (MSDSs) for all materials produced, stored or distributed on the site to the Borough and the Emergency Management Coordinator at least 30 days prior to commencement of the use.

G. The operator shall provide an emergency management plan to the Borough at the time of approval of the use. The plan shall be completed in coordination with the designated Gratz Borough Fire Department.

H. The operator shall provide and keep current a prioritized call list with names, emails, addresses and phone numbers for 24-hour emergency contact at the time of its application.

I. The operator shall take measures to make certain that no mud, dirt and debris is deposited onto public roads.

J. The site must be secured by a minimum eight (8) foot high chain link fence with a locking gate that shall be kept located when employees are not on site.

K. Lighting shall be directed downwards and shielded so as to avoid glare on public roads and adjacent properties.

38. Night Club, BYOB Club.

A. The applicant shall prove that the proposed use will not be detrimental to the use of adjoining properties due to hours of operation, light and litter and will be controlled as to not constitute a nuisance due to noise or loitering outside the building.

B. The use shall be not less than 200 feet from any residential use, place of worship, public use, school or day care.

C. A fence or buffer under Section 419 (1) (A) or (B) above shall be provided along any lot line adjoining a lot that is being used for residential purposes, place of worship, public use, school or day care.

39. No-Impact Home Based Business.

A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.

B. The business shall employ no employees other than family members residing within the dwelling unit.

C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

D. There shall be no outside appearance of a business use, including, but not limited to parking, signs and lights.

E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

F. The business activity may not generate any solid water or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

G. The business activity shall be conducted only within the dwelling unit (no accessory building or structure) and may not occupy more than 25% of the habitable floor area.

H. The business may not involve any illegal activity.

40. Oil and Gas Compressor.

- A. The minimum lot size shall be 10 acres.**
- B. A compressor station shall not be located closer than 2,500 feet from another compressor station.**
- C. No compressor station shall be located closer than 1,500 feet from any dwelling or school.**
- D. Compressors shall be located completely within an enclosed building. During periods of normal operations doors, windows and similar operations shall remain closed. Only electric powered compressors may be utilized.**
- E. A compressor station's noise level shall be equal to or less than 60 dBA at the property line for the oil and gas compressor station's site and all adjoining properties.**
- F. The application must provide the Borough with the ESCGP-2 Plan and a post construction stormwater management plan prepared by a licensed professional engineer licensed in the Commonwealth of Pennsylvania.**
- G. A site plan is required under the Gratz Borough Subdivision and Land Development Ordinance.**
- H. The operator shall provide all material safety data sheets (MSDSs) for all materials produced, stored or distributed on site to the Borough and its Emergency Management Coordinator within 30 days prior to commencement of the use.**
- I. The operator shall provide an emergency management plan to the Borough at the time of approval of the use. The plan shall be completed in coordination with the designated Gratz Borough Fire Department.**
- J. The operator shall provide and keep current a prioritized call list with names, emails, addresses and phone numbers for 24-hour emergency contact at the time of its application.**
- K. The operator shall take measures to make certain that no mud, dirt and debris is deposited onto public roads.**
- L. The site must be secured by a minimum eight (8) foot high chain link fence with a locking gate that shall be kept located when employees are not on site.**

M. Lighting shall be directed downwards and shielded so as to avoid glare on public roads and adjacent properties.

N. Compressor stations shall have adequate area improved with a dust-free all-weather surface which shall be provided on the site for parking.

O. Operators shall take all measures necessary to make certain that dust does not emanate from the site.

41. Oil or Gas Operations.

A. In addition to the requirements for a site plan under Section 1002(2) this Ordinance, the applicant shall indicate on the site plan all information necessary to show compliance with the supplemental regulations of this Section.

B. Except for a gas or oil pipeline, a minimum lot size of 10 acres is required and a minimum lot depth and width of 500 feet each shall be required for all oil or gas operations.

C. Except for a gas or oil pipeline which shall be located a minimum of 50 feet to an adjoining property measured from the outermost edge of any easement, a minimum setback of not less than 500 feet shall be maintained to any adjoining property line, residential dwelling unit, occupied building, and public road right-of-way. All land within the required setback shall remain undisturbed and shall not be used for parking, storage or any other purpose associated with the Oil or Gas Development except for permitted access drives.

D. An oil or gas operation shall be setback a minimum distance of not less than 750 feet from any stream, spring, body of water, or wetland.

E. Except for a gas or oil pipeline, a buffer yard along all property lines of not less than 100 feet in depth planted with deciduous trees shall be maintained in such a manner as to obstruct the view of the oil or gas operation from adjoining properties and public rights-of-way of not less than 75 feet in depth. Borough Council may take into consideration the topographic features and existing natural vegetation which may provide natural buffering to adjoining areas as opposed to requiring the applicant to plant deciduous trees within the Buffer Yard. It shall be the responsibility of the applicant and property owner to maintain all Buffer Yards in good condition, replacing any dying or dead plants or deteriorating landscape material.

F. The height of a drilling rig and other temporary facilities on site shall be

exempt from the height limits of this Ordinance. Permanent structures, whether principal or accessory, shall comply with the height and other dimensional and bulk limitations applicable to the underlying zoning district.

G. Multiple wells may be approved on one Oil or Gas Well Pad. A separate application and zoning approval shall be required for each well.

H. A land development plan is required under the Gratz Borough Subdivision and Land Development Ordinance.

I. A stormwater management plan is required under the Gratz Borough Stormwater Management Ordinance.

J. The required amount of off-street parking shall be a minimum of one space for each person working on the property. Off-street parking and loading shall comply with Part 8 of this Ordinance except all vehicle parking and staging areas shall be setback not less than 150 feet from any property line. In addition, no vehicles shall be parked or staged on any public road right-of-way or be permitted to back into or out of the public right-of-way.

K. The applicant shall comply with all applicable State and Federal regulations and provide copies of all State or Federal permits and approvals to the Zoning Officer before the commencement of any work. Notification to the Zoning Officer shall be given immediately following any suspension or revocation of State or Federal approvals or permits. Any approval by Borough Council shall be contingent upon compliance with all State and Federal regulations, permits and approvals at all times during the oil or gas operation.

L. Access to any oil or gas operation shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of streets. The following shall apply: (1) Any newly established private roads or easements constructed on a property shall be located at least 100 feet from any property line. (2) Any access road beginning with its intersection with a public right-of way shall be paved in accordance with governing design standards under the Borough Subdivision and Land Development Ordinance prior to the use of the access road. (3) All roads and access drives shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement. (4) The access driveway off any public road shall be gated at the entrance to prevent unauthorized access; and an assigned 911 address shall be clearly visible on the access gate for emergency 911 purposes.

M. The applicant shall be liable for the full and complete repair and restoration of all damages of whatever nature to all Borough streets directly caused by trucks associated with the oil or gas operation. Proposed routes of all trucks and other heavy equipment and the estimated weights of those trucks and heavy equipment shall be disclosed. Borough Council shall have the right to designate alternate routes in the event the proposed route is determined to be inadequate, unsafe, or overly disruptive to normal vehicular traffic. All Borough streets used in the oil or gas operation for truck and equipment hauling will be maintained and restored, if damaged. The Borough and applicant shall enter into an excess roadway maintenance agreement, the terms and conditions of which are acceptable to the Borough to guarantee the maintenance, repair and the restoration of any Borough streets. The excess roadway maintenance agreement shall at a minimum require the posting of a bond or other financial security in favor of the Borough to guarantee maintenance, repair and restoration of all Borough streets used in the oil or gas operation.

N. Oil or gas operations shall not clear brush or trees by way of burning, and it shall chip, grind or remove all tree stumps from properties it clears for development purposes.

O. The applicant shall take the following steps to minimize noise resulting from an oil or gas operation: (1) At the time of the zoning application and prior to commencement of the operation, the applicant shall establish the continuous 72 hour ambient noise for all level of frequencies at all boundaries of the property on which an oil or gas operation is located with prior approval of the testing times and dates by Borough Council. (2) The Applicant shall also show at the time of the application that during the operation and between, the decibel level shall not exceed 55 decibel levels at any point outside the boundaries of the property. (3) All noise level measurements shall be made using a sound level meter meeting the most current American National Standard Specification for Sound Level Meters (ANSI 1.4- not less than Type 2 instruments). The instrument shall have been field calibrated according to the manufacturer's directions within the periodicity required by the manufacturer prior to the measurements. All measurements shall be taken using the FAST response time and A-weighting.

P. All electrical installations and equipment associated with building shall conform to Borough ordinances and the Pennsylvania Uniform Construction Code.

Q. Except for gas or oil pipelines, during construction of an oil or gas operation there shall be temporary security fencing of at least six (6) feet in height around the perimeter of the site. Upon completion of construction, security fencing consisting of permanent eight (8) feet in height chain link fence equipped with lockable

gates at every access point shall be promptly installed to secure the site. Warning signs shall be placed on the fencing providing notice of the potential dangers and the contact information in case of an emergency.

R. The applicant shall provide at the time of the application an emergency response plan. The plan shall be reviewed and approved by all agencies identified in the plan as being possibly affected by the gas or oil well operation, including, but not limited to Borough Council, the Police Department, the Fire Department, the Zoning and Code Enforcement Officer, the School District, and the Emergency Management Coordinator for the Borough and Dauphin County.

S. A lighting plan shall be submitted at the time of the application showing that all exterior lights are diverted so that they do not shine directly on a public street or adjoining properties and is in compliance with Section 420 of this Ordinance.

T. Except for active drilling operations, construction of an oil or gas operation may only be performed Monday through Saturday (with the exception of federal and state holidays) between the hours of 7 AM and 7 PM, or as otherwise authorized by Borough Council.

U. The applicant shall submit at the time of the application a copy of a water quality tests on all water wells, developed springs, and surface waters within 3,000 feet of a proposed Oil or Gas Well prior to the commencement of any drilling. The required water testing shall, at minimum, be for the following substances: Methane, Ethane, Barium, Chloride, Total Dissolved Solids, pH, Lead, Arsenic, Iron, Manganese, Strontium, Sodium, Hardness (calcium & magnesium), Sulfate, Nitrate, Oil & Grease, Detergents / Surfactants, Total Coliform Bacteria, Turbidity, Alkalinity, 21 VOCs/MTBE, Radium, Radon, Uranium, Gross Alpha and Beta.

V. Any proposed construction of any fresh water or waste water impoundment facility located upon an Oil or Gas Well Site shall be subject to the following additional requirements: (1) The facility must be located not less than 1,500 feet from a property line and body of water. (2) A copy of the PA DEP permit for approval of impoundment facility must be provided to Borough Council. (3) Chain link fencing must be installed around any impoundment facility and shall be not less than eight (8) feet in height. (4) At least 30 days advance written notice to the Borough must be provided when transitioning from a fresh water to a waste water impoundment and the applicant must provide a copy of the revised Pennsylvania Department of Environmental Protection permit.

W. The applicant shall purchase and maintain insurance for environmental pollution liability applicable to bodily injury, property damage, including loss of use of

damaged property or of property that has not been physically injured or destroyed; cleanup costs; and defense, including costs and expenses incurred in the investigation, defense or settlement of claims; all in connection with any loss arising from the insured site. Coverage shall be maintained in an amount of at least \$5,000,000.00 per loss, with an annual aggregate of at least \$10,000,000.00. In the alternative, the applicant may self-insure such losses upon a showing of financial responsibility and capability, the determination by any state appointed auditor to be deemed conclusive. This coverage shall not operate as a limitation of liability on an applicant. The scope of coverage for such insurance shall be approved by Borough Council. Coverage shall include coverage for pollution resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants in excess of applicable permits. The applicant shall maintain coverage for a period approved by Borough Council.

42. Outdoor Storage.

A. The use of a lot for outdoor storage shall require a minimum lot area of not less than one (1) acre.

B. No outdoor storage shall be permitted within a front yard.

C. Except for a gated and located entranceway, the storage area shall be completely enclosed from public view by means of a screened chain link fence not less than six (6) feet in height.

D. The applicant shall include a complete listing of all material to be stored on the lot at the time of application. The list shall be updated annually and filed with the Borough and the Zoning Officer.

43. Place of Worship.

A. A minimum lot area of not less than one acre shall be required for the use. The maximum lot coverage for all uses and buildings shall not exceed 60%.

B. Religious instruction and educational rooms may be permitted within the principal building as accessory uses. Rectories and convents shall also be permitted as an accessory use except that the building shall be treated as a principal building for compliance with the dimensional requirements of the zoning district where located.

C. Where the lot adjoins an existing residential dwelling unit, the parking area shall be screened along the property line adjoining the dwelling with either a fence or buffer under Section 419(1) (A) or (B) of this Ordinance.

44. Prison or Correctional Facility (including juvenile detention).

A. The minimum lot size shall be five (5) acres.

B. All buildings must be setback not less than 150 feet from a property line and 300 feet from a street line.

C. Where the prison abuts a zoning district where residences are a principal permitted use, or where an existing residential dwelling unit is located, a solid wall or substantial, attractive fence not less than 10 feet in height shall be constructed and maintained in good condition along such boundary line, and a buffer yard of not less than 300 feet in width must be landscaped, and maintained in good condition at all times. No structures, parking, loading, storage of any kind, or any use shall be allowed within the buffer yard. All areas not used for access, parking circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.

45. Public Utility Facilities.

A. When the use includes the storage of equipment not to be located within a building, the equipment shall be enclosed by a chain link fence and locked gate not less than six (6) feet in height, which fence and gate must consist of screening material that has openings or gaps no greater than four (4) inches in any dimension.

B. When the facility is located within a residential area, it shall be designed in such a manner as to conform to the characteristics of the neighborhood.

46. Recreational Facility (Outdoor).

A. The outdoor recreation activity shall be conducted no closer to any property line than the minimum required front yard for the zoning district in which the property is located.

B. The outdoor recreation area shall be screened by a buffer area with a minimum of 10 feet in depth and six (6) feet in height at the time of planting. The buffer area shall consist of planted trees or shrubs, and shall completely surround the activity except for permitted access drives.

C. Parking areas shall not be located within any buffer area, as the buffer areas must be properly landscaped and maintained in good condition at all times. Natural forest or woods may be provided in lieu of a buffer area provided that the

minimum depth of the forest or wood area is 50 feet and it is consistently thick enough to serve the purpose of a buffer area.

D. The minimum lot size for any outdoor recreational use shall be not less than three (3) acres.

E. A restaurant/tavern, entertainment facility, or retail store shall be permitted accessory uses to an outdoor recreational use provided that those uses are allowed in the applicable zoning district, and only when all the requirements for those particular uses have also been met.

F. Hours of operation shall be limited to daytime hours only, and any lighting shall be limited to the hours of operation only. The days/hours of operation shall be limited to Monday through Saturday from 7:00 AM to 6:00 PM or dusk. The facility shall not conduct any approved operations at any other times and days.

47. Recycling Collection Center.

A. All operations, including collection, shall be conducted within a completely-enclosed building.

B. There shall be no outdoor storage of materials used or generated by the operation.

C. The applicant shall explain the scope of operation, and any measures used to mitigate problems associated with noise, fumes, dust, and litter.

D. The applicant will assure regular maintenance of the site to assure the immediate collection of stray debris.

48. Sawmill.

A. The processing of cut trees from a property other than the property where the trees are being cut shall be conducted within a completely enclosed building that shall not exceed 5,000 square feet in total floor area.

B. The building must be located not less than 150 feet from a lot line.

C. Timber storage areas shall be completely screened and enclosed by a

chain link fence and properly locked gate not less than six (6) feet in height, which fence and gate must consist of screening material that has openings or gaps no greater than four (4) inches in any dimension.

49. School.

A. A school shall have outdoor recreational or play areas. The outdoor recreational or play areas shall be located not less than 150 feet from any residential lot line, or existing residential dwelling unit. Outdoor recreation areas shall not be located within the front yard and must be set back 25 feet from all lot lines. Any vegetative materials located within the outdoor recreation areas shall be of a non-harmful type (poisonous, thorny, allergenic, etc.). All outdoor recreation areas must provide a means of shade, such as shade trees or a pavilion. Off-street parking lots shall not be used as outdoor play areas.

B. Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

C. All buildings shall be set back at least 100 feet from any adjoining lot. No part of the school property shall be located within 1,000 feet of a property containing an adult use, betting use, or medical, therapy or treatment facility.

50. Self-Storage Facilities.

A. All storage shall be contained within a completely enclosed building.

B. The maximum length of any building shall not exceed 300 feet.

C. No activities including off-street parking shall be allowed within 30 feet of a property line abutting a district having residences as a principal permitted use.

51. Solid Waste Facilities (Including Solid Waste Landfill, Transfer and Solid Waste-To-Energy Facility).

A. The use, activity or any aspect of the operation shall be located not less than 500 feet from any street right-of-way, creek, stream or wetland; and not less than 1,000 feet from any residential zoning district, or lot line where a residential dwelling unit, place of worship, school, day care, or public recreational activity is located.

B. Burning and incineration is prohibited, except for an approved waste to

energy facility.

C. The property shall contain a minimum of three (3) access drives, each of which shall be not less than 24 feet in width, and all of which shall be improved in accordance with the Borough Subdivision and Land Development Ordinance, and connect to a public street sufficient in size to accommodate the proposed traffic expected to be generated by the use. One of the access drives shall be restricted to use by emergency vehicles only, and shall be clearly marked and identified. The application shall also be accompanied by a plan of the site that includes the location of access drives and proposed structures, and an emergency response plan to address potential safety concerns associated with the use.

D. The lot shall at all times be maintained so as not to constitute a private or public nuisance, or adversely impact the public health, safety or welfare.

E. A solid waste facility shall have a minimum lot area of 15 acres and a maximum lot area of 20 acres, whether developed initially or cumulatively, with a maximum total capacity to treat or dispose of 500 tons of waste per day.

F. Except for the required access drives (which shall be secured by locked gates, which may only be open during business hours) the premises shall be completely screened by a wall or fence not less than eight (8) feet in height and a planting strip not less than 10 feet in depth, with shrubbery, plants or evergreen trees which are a minimum of eight (8) feet in height at the time of planting. This area must then be suitably landscaped and maintained. In addition, an attendant shall be present during all periods of operation or dumping to ensure that: (1) only authorized waste is accepted; (2) the access drives remain unobstructed; and (3) litter, garbage and rubbish is collected from the site and it's surrounding on a regular daily basis prior to the closing of business on each day.

G. The days and hours of operation shall be limited to Monday through Friday from 7 AM to 5 PM and Saturday from 8 AM to 4:00 PM. The facility shall not conduct any approved operations at any other times and days.

H. The operator shall take all necessary precautions to prevent litter, garbage and rubbish from scattering off site, and shall regularly monitor the site and its surroundings collecting litter, garbage and other rubbish that may have escaped from the facility or trucks.

I. Dangerous materials such as radioactive, hazardous or infectious waste may not be stored, processed, disposed of, or incinerated on site.

J. All loading and unloading of solid waste shall occur within an enclosed building, and over an impervious surface drain to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within an enclosed building or enclosed container.

K. All applications shall include an estimated life expectancy for the proposed use; a plan for the future productive use of the property once the life of the project has terminated; a proposed cost to reclaim the property and implement the future use; and a financial guarantee for implementation of that use.

L. All applications shall include the same information, written materials and plans that are to be submitted to the Pennsylvania Department of Environmental Protection, as part of the state permitting process.

52. Trucking Terminal.

A. The minimum lot area shall not be less than two (2) acres.

B. Access drives shall be sufficient in width to accommodate the use, but in no event exceed 24 feet in width. Access drives must connect to a public street.

C. Where the operation abuts a zoning district where residences are a principal permitted use, or where an existing residential dwelling unit is located, a solid wall or substantial, attractive fence not less than eight (8) feet in height shall be constructed and maintained in good condition along such boundary line, and a buffer yard of not less than 300 feet in width must be landscaped, and maintained in good condition. No parking, loading, idling, storage of any kind, or trucking use shall be allowed within the buffer yard.

D. All truck idling in excess of 15 minutes shall be prohibited.

53. Vacation Home Rental.

A. Each owner of a vacation home rental who resides more than 20 miles from the rental shall designate a local person, property manager or agent within 20 miles of the rental, as a local contact person who has access and authority to assume management of the unit and take remedial measures.

B. The owner shall by written agreement, limit overnight occupancy of the vacation home rental to not more than two (2) persons per bedroom with the maximum number of bedrooms not to exceed five (5) per vacation home rental.

C. A vacation home rental shall have a minimum of one (1) off-street parking space per bedroom. The required number of parking spaces may include spaces in a garage which can accommodate vehicles. All parking spaces shall comply with the requirements of Part 8 of the Zoning Ordinance.

D. The owner shall use best efforts to assure that the occupants or guests of the vacation home rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of the Zoning Ordinance, and other local and state laws pertaining to noise or disorderly conduct by notifying the occupants of the rules regarding vacation home rentals and responding when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner, local agent, or contact person act as an enforcement officer or place himself or herself in harm's way.

E. Any lights used for exterior illumination shall be directed away from adjoining properties. Lighting shall be pointed/shielded downward to minimize upward glare.

F. Occupancy of recreational vehicles, camper trailers and tents shall not be allowed.

G. Outdoor burning of any kind is prohibited.

H. The owner of the vacation home rental shall conspicuously place a notice on the front door of the principal building indicating that it has been approved as a vacation home rental; listing these zoning provisions so that occupants have notice of the rules and regulations governing vacation home rentals; and containing the following information: (1) The name of the managing agency, agent, property manager, local contact, or owner of the unit, and a telephone number at which that party may be reached on a 24 hour basis. (2) The maximum number of occupants permitted to stay in the unit at any one time. (3) The maximum number of all vehicles allowed to be parked on the property and the requirement that all renter/guest parking must be on the property and not in any private, community or public right-of-way. (4) The number and location of on-site parking spaces and the parking rules for seasonal snow removal and emergency vehicle access (if any). (5) The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property except within 24 hours of the day designated for trash pick-up.

I. The owner of the vacation rental unit must register with the Borough Zoning Officer the names, addresses and contact numbers for all persons renting a unit at least one week prior to the rental.

54. Veterinarian Clinic or Animal Hospital.

A. An animal clinic or hospital shall maintain all activities within a completely enclosed soundproof building, and no objectionable odors shall be vented outside the building.

B. All buildings shall be located not less than 35 feet from any property line unless the setback is greater for the zoning district in which the building is to be located in which case the greater setback distance shall apply.

55. Warehouse and Distribution Facilities.

A. All materials shall be stored within a completely enclosed building and outdoor storage of any kind is prohibited.

B. Access drives shall be sufficient in width to accommodate the use, but in no event shall any access drive exceed 24 feet in width.

C. No activities including off-street parking shall be allowed within 150 feet of a property line abutting a district having residences as a principal permitted use.

D. All truck idling in excess of 15 minutes shall be prohibited.

56. Wind Farms and Major Solar Energy Systems.

A. The applicant shall prepare and submit a narrative and survey map, which includes: (1) an overview of the project; (2) the project location; (3) the approximate generating capacity of the wind farm or solar system; (4) the approximate number, representative types and height or range of heights of wind turbines or solar panels to be constructed, including their generating capacity, dimensions and respective manufacturers; (5) a description of accessory facilities; (6) a listing and map of the properties on which the proposed wind farm or solar system will be located, and the properties adjacent to where the wind farm or solar system will be located; (7) a site plan showing the planned location of each wind turbine or solar panel, lot lines, setback lines, access road and turnout locations, substation, electrical cabling from the wind farm to the substation, ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

B. The applicant shall demonstrate that to the extent applicable, the wind farm or solar system complies with the Pennsylvania Uniform Construction Code and the design conforms to applicable industry standards, including those of the American

National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.

C. Each of the proposed wind turbines shall be equipped with a redundant Braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.

D. All electrical components of the wind and/or solar farm shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

E. Wind turbines and solar panels shall be a non-obtrusive color such as white, off-white, gray or some color similar to the background of the proposed wind turbine or solar panel.

F. Wind turbines and solar panels shall not have lights, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

G. Wind turbines and solar panels shall not display advertising, other than an incidental insignia of the turbine manufacturer.

H. On-site transmission and power lines between wind turbines and solar panels shall, to the maximum extent practicable, be placed underground.

I. A clearly visible warning sign concerning voltage must be placed at the base of all at grade transformers and substations.

J. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of each guy wire and along each guy wire up to a height of 10 feet from the ground. The applicant shall also submit a working plan for the regular inspection of such guy wires and replacement of any needed flags, reflectors, or tape.

K. Wind turbines shall be designed and constructed to be non-climbable up to 15 feet above ground surface.

L. All access doors to wind turbines and electrical equipment shall be

locked or fenced, as appropriate, to prevent entry by non-authorized persons.

M. Wind turbines shall be set back from the nearest principal building on the lot upon which it is to be constructed a distance of not less than 50 feet or 1.5 times the wind turbine height, whichever is greater. The setback distance shall be measured from the closest point of the wind turbine base to the nearest point of the principal building.

N. Wind turbines shall be set back from an adjoining lot line a distance of not less than 50 feet or 1.5 times the wind turbine height, whichever is greater. The setback distance shall be measured from the closest point of the wind turbine base to the nearest point of the adjoining lot line.

O. Wind turbines shall be set back from the right-of-way of any street a distance of not less than 50 feet or 1.5 times the wind turbine height, whichever is greater. The setback distance shall be measured from the closest point of the wind turbine base to the nearest point of the street right-of-way.

P. The applicant shall be responsible for the prompt repair and maintenance of all roads used to transport equipment and parts for construction, operation or maintenance of the wind farm or solar system. The applicant shall prepare an engineering report with video that documents road conditions 30 days prior to construction and again within 30 days after construction is complete or as weather permits. Such reports shall be reviewed by the Borough engineer; any discrepancies shall be mediated by a third engineer selected by mutual acceptance of the applicant's and Borough's engineers. The applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads and the Borough may bond the road in compliance with state regulations.

Q. The applicant shall provide a copy of the project summary and site plan as required in 51(A) above to the Borough Emergency Management Coordinator. The applicant shall prepare and coordinate the implementation of an emergency response plan for the wind farm or solar system acceptable to the Borough Emergency Management Coordinator prior to the issuance of a zoning permit for the proposed use.

R. Audible sound from a wind farm and solar system shall not exceed 55 dBA, as measured at the following minimum distances. Methods for measuring and reporting acoustic emissions from the wind farm and solar system shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind turbine Generation Systems Volume I: First Tier. (1) A distance of not less than 50 feet or 1.5 times the wind turbine height, whichever is greater from the nearest principal

building of upon which the farm or system is to be located; (2) A distance of not less than 50 feet or 1.5 times the wind turbine height, whichever is greater from the adjoining lot line; and (3) A distance of not less than 50 feet or 1.5 times the wind turbine height, whichever is greater, from the right-of-way of any street.

S. The applicant shall make reasonable efforts to minimize shadow flicker and to avoid any disruption or loss of radio, telephone, television or similar signals. The applicant shall mitigate any such harm caused by the wind farm or solar system on any adjoining lot.

T. The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$2,000,000.00 per occurrence and \$2,000,000.00 in the aggregate. Certificates of insurance coverage shall be made available to the Borough each year until the wind farm or solar system is decommissioned.

U. The applicant shall be responsible for the decommissioning of the wind farm or solar system within six (6) months after the end of the useful life of the wind farm or solar system or useful life or nonuse of the individual wind turbines or solar panels. The wind farm and solar system or individual wind turbines and solar panels will presume to be at the end of its useful life if no electricity is generated for a continuous period of 356 days. Decommissioning shall include removal of wind turbines and solar panels, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). The estimates shall be submitted to the Borough after the first year of operation and every fifth year thereafter. The applicant shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided, that at no point shall decommissioning funds be less than 25% of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or lending institution authorized to conduct business within the Commonwealth and approved by the Borough. Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Borough. If the applicant fails to complete decommissioning within the six (6) month period prescribed by this Ordinance, then the landowner shall have three (3) months thereafter to complete decommissioning. If neither the applicant, nor the landowner complete decommissioning within the periods prescribed by this Ordinance, then the Borough

may take such measures as necessary to complete decommissioning. The Borough shall release the decommissioning funds when the applicant has demonstrated that decommissioning has been satisfactorily completed.



GRATZ BOROUGH • DAUPHIN COUNTY • PENNSYLVANIA
ZONING ORDINANCE

PART 7

Nonconformities

**PART 7
NONCONFORMITIES**

SECTION 701. CONTINUATION. Except as otherwise provided in this Ordinance, any lawful nonconforming use, structure, or lot which fails to conform to the requirements of this Ordinance shall be permitted to continue.

SECTION 702. ABANDONMENT. A nonconforming use shall be terminated and not permitted to resume if that nonconforming use is abandoned. A nonconforming use shall be considered abandoned when there occurs an intent by the owner of the nonconforming use to abandon that use, or cessation of the use or activity has been shown by an overt act, apparent act, or failure to act on the part of the user or owner of the nonconforming use for a period in excess of 12 months measured from the date of cessation or discontinuance. Once abandoned, the use shall not thereafter be reinstated and the structure, if any, shall not be reoccupied or used except in conformity with this Ordinance.

SECTION 703. ENLARGEMENT. Upon application for a special exception, the Zoning Hearing Board may approve the expansion or enlargement of a nonconforming use or structure provided that all of the following provisions are met:

1. The expansion or enlargement must be confined to the lot on which it is located at the effective date of this Ordinance. No expansion or enlargement to an adjoining lot shall be permitted, even if such lot was in the same ownership at the effective date of this Ordinance.
2. The enlargement will not replace a conforming use.
3. The nonconforming structure or use, after enlargement, shall comply with all of the dimensional, general and supplemental regulations applicable to the zoning district in which the structure or use is located.
4. The total of all such enlargements or expansions shall not exceed an additional 50% of the floor area or land area as it existed at the time the structure or use first became nonconforming.
5. The expansion may not create any new dimensional nonconformities or further increase existing dimensional nonconformities.
6. The appearance of the structure must be harmonious with the neighborhood, including, but not limited to landscaping, enclosures of principal and accessory uses,

height control, sign control, architectural control, maintenance in good condition of all improvements, and open spaces.

7. Buffers and screens consisting of fences, walls, plantings or open space shall be provided as may be necessary to adequately obstruct the view of neighboring residential properties.

8. No more than one enlargement may be permitted.

9. The specific criteria for the granting of a special exception have been met.

SECTION 704. CHANGE OF NONCONFORMING USE. Upon application for a special exception, the Zoning Hearing Board may approve the change from one nonconforming use to another nonconforming use provided that all of the following provisions are met:

1. The proposed use is at least equally compatible with the surrounding area as the original nonconforming use.

2. The proposed use shall not increase any existing dimensional nonconformities.

3. There is no increase in vehicular and pedestrian traffic generated by the proposed use and the proposed use will not cause any traffic problems, hazards, or congestion.

4. There is no increase in noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, vibration, lighting or electrical disturbances.

5. The hours of operation of the proposed use are not greater than the hours of operation of the existing nonconforming use.

6. The specific criteria for the granting of a special exception have been met.

SECTION 705. RESTORATION. A nonconforming structure that is partially damaged or entirely destroyed by natural or accidental causes not related to demolition or neglect may be rebuilt and occupied for the same use as before the destruction or damage, provided that the reconstructed structure shall not increase any dimensional nonconformity that existed before the destruction or damage. For this section to apply, the reconstruction of the nonconforming structure shall commence within 12 months from the time of damage or destruction to the structure and must be carried on without interruption.

SECTION 706. UNSAFE OR UNLAWFUL STRUCTURES. If a nonconforming structure becomes physically unsafe due to neglect or lack of maintenance and repairs, uninhabitable, or has been legally condemned under any applicable property maintenance or building code or ordinance, then the structure and its use shall be deemed terminated, the use shall cease and the structure shall not thereafter be restored, repaired, rebuilt, or used except in conformity with the provisions of this Ordinance.

SECTION 707. USE OF NONCONFORMING LOTS OF RECORD. A structure may be built on a lot of record existing as of the effective date of this Ordinance even though the lot does not meet the minimum requirements for lot area or lot width as established for the zoning district in which the lot is located. However, the structure must conform to all other dimensional requirements for that zoning district including setbacks and lot coverage. If two or more contiguous lots of record are in single ownership as of the effective date of this Ordinance and those lots do not meet the required minimum lot area or lot width, then the lots shall be considered to be an undivided lot and no portion of that lot shall be used or sold in a manner which further diminishes compliance with the dimensional requirements of the zoning district in which the lots are located.

SECTION 708. USES NOT CONSIDERED NONCONFORMING USES. Any use that is permitted by variance, special exception or conditional use under this or the previous Zoning Ordinance shall not be deemed a nonconforming use.

SECTION 709. REVERSION. No nonconformity, if once changed to conform to this Ordinance or changed to another nonconformity, shall be changed back again to a nonconformity or the previous nonconformity.

SECTION 710. REGISTRATION. The Zoning Officer or a property owner may initiate the process of registering a nonconformity. The Zoning Officer shall issue a Certificate of Nonconformity where the Zoning Officer finds that the nonconformity, although not in compliance with all applicable requirements of the zoning district in which the property is located, is lawful. All forms for the issuance of a Certificate of Nonconformity shall be supplied by the Borough, and any documents relied upon by the Zoning Officer in approving or denying the Certificate of Nonconformity shall be attached to the Certificate. The Zoning Officer shall prepare and maintain an accurate list of all certificates of nonconformities issued.

SECTION 711. NONCONFORMING SIGNS. An existing nonconforming sign related to a legally established use may be continued at its present dimensions and location, but shall not be enlarged, replaced, or changed without conforming to the dimensional requirements of Part 9 of this Ordinance. In all other instances, the provisions of this Ordinance governing nonconforming structures shall apply.

SECTION 712. REDUCTION. Any dimensional nonconformity may be reduced without Zoning Board approval and with the issuance of a permit by the Zoning Officer, provided that the demolition reduces the dimensional nonconformity even if it does not entirely eliminate the dimensional nonconformity.



GRATZ BOROUGH • DAUPHIN COUNTY • PENNSYLVANIA
ZONING ORDINANCE

PART 8

Parking and Loading

**PART 8
PARKING AND LOADING**

SECTION 801. OFF-STREET PARKING.

1. **Applicability.** Any structure or building constructed, converted, enlarged, or placed into use, or any new use of land commenced shall comply with the minimum off-street parking spaces as provided herein.

2. **Size of Off-Street Parking Spaces.** Each off-street parking space shall have an area of not less than 200 square feet, being 10 feet in width and 20 feet in length, exclusive of access drives or aisles appurtenant to the space and giving access to it.

3. **Required Spaces.** Each specific use shall have the minimum required amount of off-street parking as provided in the following Off-Street Parking Table:

TYPE OF USE	MINIMUM NUMBER OF SPACES REQUIRED
Residential Uses:	
Single-Family Dwelling Units	2 spaces for each dwelling unit
Two-Family Dwelling Units	2 spaces for each dwelling unit
Multi-Family Dwelling Units	3 space for each dwelling unit
Rooming or Boarding House	1 space for each bed
Group or Personal Care Homes	1.5 spaces for every guest sleeping room
Home Occupations	1 space plus 2 spaces for the dwelling unit
Other Residential Uses	1.5 space for every unit and use
Commercial Uses:	
Animal Kennels	1 space for every 10 animals, plus 1 space for each employee per shift
Auditoriums, Theatres or Other Places of Public Assembly	1 space for every 3 seats
Automobile or Truck Repairs or Services	4 spaces for each service bay
Automobile Wash	4 spaces for each wash bay
Automobile or Truck Sales	1 space for each 500 square feet of display area whether indoor or outdoor
Banks or Financial Institutions	1 space for each 200 square feet of total floor area
Clinics or Hospitals	5 spaces for every practitioner, plus 1 space for each employee

Convenience Stores	1 space for each 75 square feet of total floor area plus 2 paralleling spaces for each fuel dispensing location
TYPE OF USE	MINIMUM NUMBER OF SPACES REQUIRED
Commercial Uses:	
Drive-In/Thru Businesses	1 space for every 60 square feet of total floor area, plus 1 space for every 3 employees per shift.
Funeral Homes	1 space for every 50 square feet of total floor area
Hotels or Motels	1 space for each guest sleeping room, plus 1 space for each employee per shift
Night Clubs	1 space for every 2 seats or possible occupants, plus 1 space for each employee
Offices (General, Professional or Other)	1 space for every 300 square feet of total floor area
Personal and Retail Services	1 space for every 300 square feet of total floor area
Restaurants, Taverns and Brew Pubs	1 space for every 3 seats plus 1 space for each employee on the largest shift
Other Commercial Uses	1 space for every 400 square feet of total floor area
Industrial Uses:	
Heavy Industrial Uses	2 spaces for every 1,000 square feet of total floor area, plus 1 for every 2 employees per shift
Light Industrial Uses	1 space for every 1,000 square feet of total floor area, plus 1 space for every 3 employees per shift
Warehouses	1 space for every 2,000 square feet of total floor area, plus 1 space for every 2 employees per shift
Other Industrial Uses	2 spaces for every employee on the largest shift, or 1 space for every 1,000 square feet of total floor area, whichever is greater

Other Non-Residential Uses:	
Churches or Places of Worship	1 space for every 3 seats
Public Uses	1 space for every 100 square feet of total floor area
Public Utility Facilities	2 spaces for each facility, plus 1 space for each employee
Recreational Uses (Indoor or Outdoor)	1 space for every 4 possible occupants or spectator seats
Schools (Elementary/Secondary)	1 space for every 15 classroom seats
TYPE OF USE	MINIMUM NUMBER OF SPACES REQUIRED
Other Non-Residential Uses:	
Schools (Other)	1 space for every 5 classroom seats
Social Halls, Clubs and Lodges	1 space for every 100 square feet of total floor area

3. Any Use Not Addressed in the Table Above. All other uses not listed in the Off-Street Parking Table in Section 801(3) above shall provide off-street parking spaces to accommodate one space for the maximum number of persons regularly employed, having business or a resident, or one space for every 100 square feet of total floor area, whichever is greater.

4. Fractions of a Space. When the required off-street parking computation results in any fraction, the fraction shall be construed to require another additional off-street parking space.

5. Location of Off-Street Parking Areas. Off-street parking spaces for any type of use shall be located on the same lot as the principal use for which the accessory off-street parking spaces are required. Off-street parking spaces may also be permitted on an adjoining lot held under the same ownership provided that the lot to be used for off-street parking and the lot on which the principal use is located are in the same zoning district; and the lot to be used for off-street parking shall be not less than 300 feet to any lot line on which the principal structure is located.

6. Layout of Off-Street Parking Spaces. Off-street parking areas shall be permitted in any yard area. If the parking area is located in a side or front yard, then the off-street parking spaces shall be located not less than five (5) feet to the nearest point of the property line. Any non-residential off-street parking area when abutting a residentially zoned or used property, the off-street parking area shall be located not less than 15 feet from the residential property and screened under Section 419 of this Ordinance. All off-street parking areas shall be designed, constructed and used so that

all vehicular maneuvering is contained within the lot and no vehicle shall be permitted to back into or out onto any public right-of-way.

7. Construction and Lighting of Off-Street Parking Areas. All required parking areas and parking spaces shall be paved with a concrete or bituminous paving material, gravel or other dustless surface and shall be properly graded and drained to dispose of all surface water properly under the Stormwater Management Ordinance. All parking areas shall be arranged and marked for orderly and safe movements of vehicles and shall be adequately illuminated if designed for use by more than three (3) vehicles after dusk.

8. Handicap Parking Spaces. In addition to requirements of this Section, any person or business that owns, leases or operates a facility, which is open to the public or provides public accommodations including commercial facilities shall provide handicap parking spaces in accordance with state and federal laws and regulations.

9. Use of Certain Residential Areas in Calculation of Off-Street Parking Spaces. For single-family, two-family and multi-family dwelling units, parking areas in driveways and garages may be used in calculating the required number of off-street parking spaces.

SECTION 802. OFF-STREET LOADING SPACES.

1. Applicability. Any structure or building constructed, converted, enlarged, or placed into use, or any new use of land commenced shall comply with the minimum off-street loading spaces as provided herein.

2. Off-Street Loading Spaces Required. Every commercial, industrial or other non-residential building, which requires the receipt and distribution by vehicles of material or merchandise shall provide off-street loading space. Every off-street loading space shall be not less than 50 feet in depth, 12 feet in width, and provide an overhead clearance of not less than 14 feet. In no case shall a public right-of-way be used for the loading or unloading.

3. Minimum Number of Off-street Loading Spaces. Off-street Loading Spaces must be provided in accordance with the following Table:

TYPE OF USE:	MINIMUM NUMBER OF SPACES REQUIRED:
Commercial Uses	1 space for every 20,000 square feet of total floor area

Industrial or Warehouse Uses	1 space for every 10,000 square feet of total floor area
------------------------------	--

4. **Location and Layout of Off-Street Loading Spaces.** Off-street loading spaces shall not be permitted in any front yard area. Off-street loading spaced when abutting a residentially zoned or used property, shall be located not less than 25 feet from the residential property and screened under Section 419 of this Ordinance. All loading areas shall be designed, constructed and used so that all vehicular maneuvering is contained within the lot and no vehicle shall be permitted to back into or out of the public right-of-way.

5. **Paving of Off-Street Loading Spaces.** All off-street loading areas and spaces shall be paved with a concrete or bituminous paving material and shall be properly graded and drained to dispose of all surface water properly under the Stormwater Management Ordinance.

SECTION 803. ACCESS DRIVES.

1. **Access Drives Required.** There shall be adequate ingress or egress to all parking spaces and loading spaces by way of an access drive leading to the off-street parking and loading areas. Access drives to off-street parking and loading areas shall be limited to well defined locations.

2. **Number of Access Drives.** The number of access drives intersecting with a street may not exceed the equivalent of one two-way access drive per each 300 feet of lot frontage and no more than a total of two two-way access drive per lot frontage. The Borough may restrict access to right turn only ingress and egress to ensure safe and efficient movements. The Zoning Hearing Board may grant a variance for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists.

3. **Location and Layout of Off-Street Loading Spaces.** Access drives shall be located and designed so as to prevent the blocking of vehicles entering or exiting the lot; so as not to cross any street right-of-way; in such a manner that provides safe and adequate drainage; and to provide sight distances that do not obstruct one's vision.

4. **Paving of Access Drives.** All access drives (the entire length and width) shall be paved with a concrete or bituminous paving material.

5. Width of Driveway Aisles. The minimum width of aisles providing access to the parking spaces, with one-way traffic, varying with the angle of parking, shall be:

Angle of Parking	Minimum Aisle Width One-Way Traffic	Minimum Aisle Width Two-Way Traffic
45 degrees	14 feet	24 feet
60 degrees	18 feet	24 feet
90 degrees	20 feet	24 feet

6. Visibility at Intersections. A clear-sight triangle shall be provided at all street and driveway intersections. Nothing shall be erected, placed or allowed to grow in a manner which obscures vision above the height of 2.5 feet and below 10 feet, measured from the centerline grade of intersecting streets and driveways. At street intersections, an isosceles triangle shall be established for a distance of 20 feet at each side of the point of intersection of the street right-of-way lines. At driveway intersections with streets, an isosceles triangle shall be established for a distance of 20 feet at each side of the point of intersection of the street right-of-way line with the driveway edge of improved surface.

7. Slopes. Access drives shall not exceed a slope of 4% within 75 feet of the intersecting street centerline and 10% elsewhere.

8. Setbacks. All access drives shall be set back at least:

- A. 20 feet from the intersection of any street right-of-way lines;
- B. 20 feet from any other access drive located upon the same lot (measured from cartway edges);
- C. 15 feet from any side and rear lot lines except when a joint parking lot is shared by adjoining uses; and
- D. Where applicable, a proposed access drive located on one side of a street or alley shall be aligned so that it is directly across from another access drive or intersection on the opposite side of the street or alley.

9. Sight Obstructions Prohibited. No person shall park a vehicle or place or construct any structure on a lot or street in such a manner as to obstruct the sight or ability of another to safely enter or exit an access drive with a motor vehicle.



GRATZ BOROUGH • DAUPHIN COUNTY • PENNSYLVANIA
ZONING ORDINANCE

PART 9

Signs

**PART 9
SIGNS**

SECTION 901. DEFINITIONS. The following definitions shall apply to this Part 9:

1. Sign. A sign for purposes of this Part includes any object, structure, display, device, or part thereof, designed or intended to advertise, identify, or convey information to the public by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. The following shall not be considered signs for purposes of this Part:

- A. National or State Flags.
- B. Window displays or other signs erected inside a structure or that cannot be seen from outside a structure.
- C. Governmental signs and other signs required by a governmental agency authorized for a public purpose by law, statute, ordinance, regulation or policy.
- D. Athletic scoreboards provided that sponsor advertising on the sign does not exceed 25 percent of the surface area of the sign, or any other sign advertising a sponsor and erected in a public recreational facility such as the signs attached to the outfield fence in a baseball field.
- E. Warning signs, no trespassing signs, no parking signs, no towing signs, and other similar signs provided that they are constructed in accordance with State Law and do not exceed two (2) square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of four square feet.
- F. Parking lot directional signs containing no advertising either erected pursuant to an approved land development plan, or signs otherwise designating parking area entrances and exits limited to one sign for each entrance and exit and not exceeding four (4) square feet in gross surface area for each exposed face and not exceeding five (5) feet in height.
- G. Parking lot and loading zone instructional signs either erected pursuant to an approved land development plan, or signs otherwise identifying a parking lot area and not exceeding eight square feet in gross surface area for each exposed face nor exceeding an aggregate gross surface area of sixteen square feet, and not projecting higher than 10 feet for walls signs and seven feet for ground signs.

H. Memorial signs such as grave markers that are no commercial in nature and erected for the purpose of remembering a person or an event.

I. Name and address signs identifying the name and address of the owners or occupants, including those signs erected for 911 purposes provided that the signs do not exceed two square feet in gross surface area for each exposed face and having an aggregate gross surface area of four square feet.

J. Holiday signs, which are erected as a decoration to temporarily display a traditionally accepted civic, patriotic, or religious holiday related to observance of the civic, patriotic, or religious holiday.

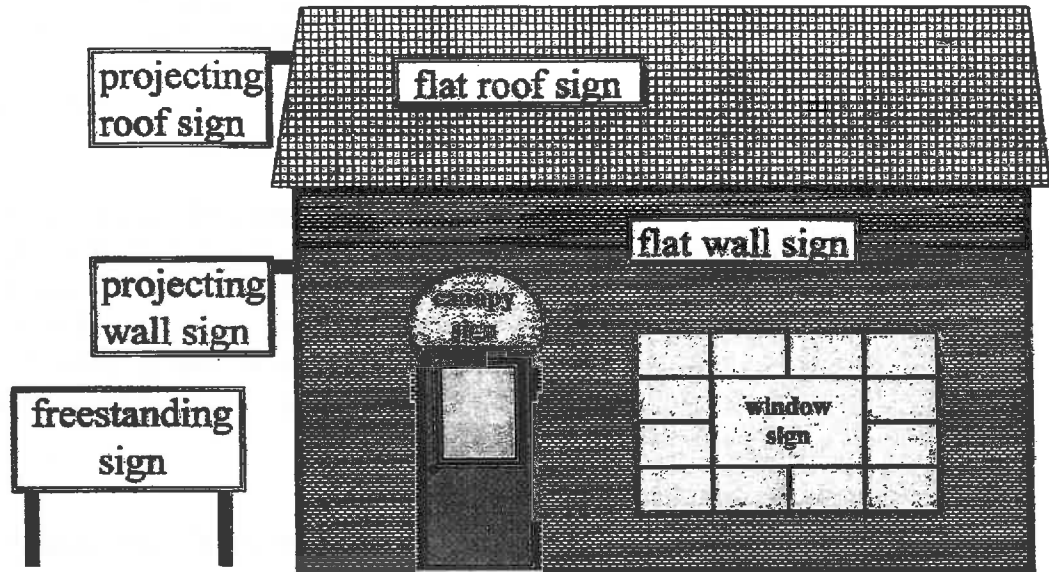
K. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies not exceeding two (2) square feet in gross surface area for each exposed face and not exceeding four (4) square feet in aggregate gross surface area.

L. Permanent, non-flashing signs, on gasoline pumps, vending machines, or other similar devices indicating only the contents of the device, the pricing of the contents, directional and instructional information as to the use of the device, and other similar non-advertising information not exceeding four (4) square feet in gross surface area for each exposed face and not exceeding an aggregate gross surface area of eight (8) square feet.

2. Sign Gross Surface Area. The gross surface area of a sign means the entire face of a sign, including the advertising surface and any framing, trim or molding, but not including any structural supports that do not contain lettering, wording, numerals, designs or symbols. Signs may contain several signs provided that they share the same structure or structural supports with the total sign area being the area of a common geometric form that could encompass all signs. The area for a sign either attached or painted on a wall or building is the smallest rectangle that includes all of the letters, words, numbers, designs and symbols.

3. Sign Types. Sign types are as illustrated on the diagram below.

SIGN TYPES DIAGRAM



The following list defines sign construction types:

A. Canopy Sign – means a sign that is incorporated into an awning or canopy that is attached to the building.

B. Flat Roof Sign – means a sign that has its longest axis along the same direction as the roof to which it is attached and does not project beyond the outside edges of the roof line in any direction.

C. Flat Wall Sign – means a sign that is attached to the wall of a building and whose face runs parallel to the wall to which it is attached and does not extend beyond the outside of the edges of the wall in any direction.

D. Freestanding Sign – means a sign that has a separate support structure and is not physically attached to a building.

E. Projecting Roof Sign – means a sign whose support structure is

attached to the roof of a building and whose face either runs generally perpendicular to the roof line or its underlying wall, or extends beyond the outside edges of the roof to which it is attached.

F. Projecting Wall Sign –means a sign whose support structure is attached to the wall of a building and whose face either runs generally perpendicular to the wall, or extends beyond the outside edges of the wall to which it is attached.

G. Window Sign –means a sign that is either located on the inside or outside surface of a window but whose message faces outward.

4. Sign Height. The height of a sign shall be measured from the average ground level beneath the sign to the highest point of the sign. The ground level shall be the lower of the ground level existing at the time of construction or the ground level existing prior to construction and prior to any earth disturbance at the site. This prior ground level may be established by any reliable source, including, without limitation, existing topographic maps, aerial photographs, photographs of the site, or affidavits of people who are personally familiar with the site.

5. Sign Types. The following list identifies the types of signs regulated by Part 9 of this Ordinance:

A. Billboard- A sign which communicates information concerning a subject, business, profession, activity, commodity, service, entertainment or development not related to, sold, offered, prepared or manufactured on the lot where the sign is located.

B. Business- A sign which communicates information concerning a business, profession, commodity, service, entertainment or development which is sold, offered, prepared, manufactured or conducted upon the zoning lot where the sign is located.

C. Construction- A temporary sign erected on property where construction is taking place, indicating the name of the person performing the construction, architectural, engineering, or inspection activities or services.

D. Directional or Informational- A sign containing no advertising material and limited to information and directions necessary for visitors entering or exiting a property, including signs marking entrances and exits, parking areas, circulation direction, restrooms and pick-up and delivery areas.

E. Event- A temporary sign advertising events such as picnics, carnivals, bazaars, game nights, arts and crafts and similar types of funding raising events, as well as, yard sales and political signs.

F. Institutional- A sign which identifies a use pertaining to a school, church, hospital, governmental service or other institution of a similar public or semi-public nature.

G. Name Plate or Identification- A sign which communicates the name address of an occupant or a permitted home occupation upon the lot on which the sign is located.

H. Real Estate- A temporary sign which advertises the sale, rental or development of the premises upon which the sign is located, or a permanent sign identifying the name of a subdivision of three (3) or more contiguous lots.

I. Shopping Center or Strip Mall- A group of not less than five (5) contiguous and different non-residential uses originally planned and developed as a single unit having a total floor area of not less than 20,000 square feet.

SECTION 902. PROHIBITED SIGNS. The following signs are prohibited in all zoning districts within the Borough:

A. Signs which are constructed, erected, placed or installed in such a manner so as to obstruct or distract motorists, or pose a threat to pedestrian or vehicular travel.

B. No signs shall be permitted that: (1) have spinners, reflectors, or similar materials displayed outside a building; (2) emit smoke, visible vapors, particles, sound, or odor; (3) are inflatable except those associated with exempt holiday decorations; or (4) contain an open flame in a way to attract attention.

C. Except for time and temperature indicators whose movement is either digital or analogue, signs shall not contain moving parts or use flashing, sequential or intermittent illumination. The source of light shall be steady and stationary.

D. No sign shall be constructed, placed, erected or maintained which either because of its illumination or location, poses a danger to vehicular or pedestrian traffic, or obstructs free ingress to or egress from any window, door, emergency exit, or fire escape.

E. No sign other than an official traffic sign may be erected within the right-of-way line of any street, including sidewalks and walkways, and public property unless the public property constitutes a traditional public forum such as the construction of a political sign near a public polling place at election time, or a public meeting site or street demonstration.

F. Signs which imitate, interfere with, or obstruct the view of an official traffic sign or signal is prohibited. In addition, any sign because of its design or location that may be confused with an official traffic sign or signal are also prohibited.

G. Off-premise advertising on an automobile, truck, or other vehicle is prohibited if that vehicle is parked for no other purpose than to advertise for a period of three or more consecutive days, or more than one day for any thirty day period per year, or the vehicle is otherwise being used primarily for displaying such sign, and the vehicle is parked in or visible from a public right-of-way.

H. Portable and wheeled signs.

I. A frame or sandwich board and sidewalk, or curb signs.

J. Banners, pennants, streamers, balloons, and gas filled signs or figures.

K. Projecting signs which are attached to a building and project more than 15 inches beyond the wall surface of the building to which the sign is attached.

L. Signs which are attached to a tree or utility pole unless the owner of the telephone pole agrees to the attachment. No sign shall be painted, pasted, nailed, stapled, or otherwise attached to utility poles, trees, fences, fire hydrants, or in an unauthorized manner to walls or other signs.

M. No sign shall be placed so as to obstruct ventilation or light from a building.

N. No sign shall include statements, words, or pictures that are considered to be vulgar, obscene, or pornographic. No sign shall depict "specified anatomical areas" or "specified sexual activities", both as defined herein.

O. Any nonconforming prohibited sign may continue to exist, but shall not be relocated, repaired or replaced except in conformity with this Part.

SECTION 903. SIGN REGULATIONS.

1. **Specific Provisions.** Except as otherwise provided in this Ordinance, signs may be erected, constructed, placed or maintained only when in compliance with the following general provisions of this Ordinance:

A. **Lighting.** The source of light shall be steady and stationary. Signs with lighting must be constructed, placed, erected or maintained so that light is shielded or directed away from public rights-of-ways and adjoining properties. No sign or window display shall include a revolving beam or beacon of light resembling an emergency vehicle or facility. Signs incorporating LCD, LED, plasma, CRT, pixelated lights, or other animated or video-like displays and projected displays shall be limited to the I-1 and B-2 Zoning Districts and shall comply with the following requirements: (1) Such signs shall employ sufficient size lettering and symbols for immediate recognition by motorists; (2) Such signs shall display simple and static messages for immediate recognition by motorists. Messages shall be complete in each display cycle and shall not require viewers to see multiple display cycles to derive its meaning; (3) Such signs shall use instantaneous transitions from one message display cycle to the next with no blank-outs, scrolling, fading, streaming, zooming, flashing or any other animated effect to facilitate immediate recognition by motorists; (4) All properties utilizing a dynamic message display sign must remove all exterior promotional banners, sandwich board signs, and may not use any temporary signage; and (5) Each message display cycle shall comply with the following minimum time standards: total sign area with up to 64 square feet: 17 seconds; total sign area with between 64; and 300 square feet: 28 seconds.

B. **Event Signs.** All temporary event signs may be erected and maintained for a period not to exceed 30 days prior to the special purpose, occasion or event and shall be removed by the property owner or person erecting, placing or maintaining the sign within seven days following the completion or conclusion of the purpose, occasion or event, or within three days following the date when the circumstances leading to their erection no longer apply. However, there shall be no time limit on when a political sign may be posted, but political signs must still be removed within seven (7) days following the election for which the sign was erected. Event signs erected on private property must be located at least 10 feet from another sign.

C. **Other Laws.** In the event that the Pennsylvania Highway Beautification Program or another law or regulation has a more restrictive regulation governing signs, then the more restrictive regulation shall apply. No sign shall advertise

activities or products that are illegal under Federal, State, or local municipal laws or regulations.

D. **Building Codes.** All signs must be erected in accordance with the applicable construction and electrical codes, when applicable under those codes.

E. **Heights Generally.** No sign shall be higher than the height limitation imposed by this Part. No person shall artificially increase the maximum height of a sign by altering the grade at the base of the sign by any means. Wall signs may be at any height on the wall to which they are attached, except that they may not extend higher than the top of the wall. Roof signs may extend no more than five (5) feet above the lowest point where they are attached to the building and may not extend above the highest point of the roof.

F. **Sign Construction Materials and Surroundings.** All signs shall be constructed of durable materials, maintained in good condition, and secured in a safe manner. The areas surrounding all signs shall be maintained in a neat, clean, and attractive condition.

G. **Setbacks for Billboards.** Billboards shall not be located within 150 feet from any residential structure and street intersection; and shall have a minimum spacing of 1,000 feet between any such signs.

H. **Setbacks for Free Standing Signs.** All free standing signs shall located within a lot line and outside of a public right-of-way.

I. **Corner Lots.** When one sign is permitted and the sign is to be erected on a corner lot, a second sign shall be permitted of equal size so that each sign may face a street. Where two signs are permitted this special rule for corner lots shall not apply in that it is not the intent of this Section to allow three signs on a lot.

2. Zoning Permit Required; Exceptions.

A. **Zoning Permit Required.** Except as otherwise provided in Section 903(2)(B) below, all signs shall be considered a structure for which a zoning permit shall be required. In addition to the signs specifically subject to this Part, the following shall also constitute a sign subject to this Part: (1) any advertising painted upon or displayed upon a building or structure; and (2) any signs that are located on the inside of a window shall be counted as a sign if they are legible from an adjoining road or adjoining property.

B. Exceptions to Sign Requirements. Any sign not considered a sign under the definition of a sign in Section 901 of this Part shall not require a zoning permit. In addition, the following signs shall meet the requirements of this Article, but shall be exempt from requiring a zoning permit: (1) Special Event Signs; (2) Construction Signs; (3) Real Estate Signs; (4) Window Signs; and (5) Advertising signs painted on a building or structure.

3. No Regulation of Content. This Part shall not be read to include, content-based restrictions.

4. Districts Permitted. The construction, erection, reconstruction, alteration, placement or installation of permitted signs shall be governed by the Table below. The following sign types are permitted where indicated and NP signifies that the sign type is not permitted:

Sign Type	Permitted Zone	Maximum Number of Signs	Maximum Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Wall, Window or Roof Signs	Maximum Projection from Wall
Billboard	B-2 and I-1	1 per lot	300 sq. ft.	25 ft.	NP	NP
Business	B-1, B-2, and I-1	2 per lot	32 sq. ft. with no more than 6 wall or window signs	20 ft.	Top of the wall for a wall sign, or below the highest point of the roof for a roof sign	4 ft.
Construction	All Zones	1 per lot	16 sq. ft. for residential zones and 32 sq. ft. non-residential zones	8 ft.	Top of the wall for a wall sign. Roof signs NP	2 ft.
Directional or Informational	All Zones	4 per use	2 sq. ft. per sign unless not legible from a street than no more than 8 sq. ft.	5 ft.	Top of the wall for a wall sign, or below the highest point of the roof for a roof sign	2 ft.

Sign Type	Permitted Zone	Maximum Number of Signs	Maximum Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Wall, Window or Roof Signs	Maximum Projection from Wall
Institutional	All Zones	1 per principal building	32 sq. ft. or 64 sq. ft. each exposed side	15 ft.	Top of the wall for a wall sign, or below the highest point of the roof for a roof sign	4 ft.
Name Plate or Identification	All Zones	1 per dwelling unit	6 sq. ft.	8 ft.	8 ft.	NP
Real Estate	All Zones	1 per lot or principal use	12 sq. ft. for residential zones and 32 sq. ft. for non-residential zones	8 ft.	Top of the wall for a wall sign, or below the highest point of the roof for a roof sign	2 ft.
Shopping Center or Strip Mall	B-2	1 per lot with unlimited wall or window signs	200 sq. ft.	30 ft.	Top of the wall for a wall sign, or below the highest point of the roof for a roof sign	4 ft.
Special Event	All Zones	None	16 sq. ft.	10 ft.	Top of the wall for a wall sign. Roof signs NP.	2 ft.



GRATZ BOROUGH • DAUPHIN COUNTY • PENNSYLVANIA
ZONING ORDINANCE

PART 10

**Enforcement and
Administration**

**PART 10
ENFORCEMENT AND ADMINISTRATION**

SECTION 1001. ZONING OFFICER.

1. **Appointment and Qualifications.** The Zoning Officer shall be appointed by Borough Council. Council may designate others to assist the Zoning Officer, who will serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the Borough, but may hold other appointed offices provided those offices do not conflict with his or her duties as Zoning Officer. The Zoning Officer shall meet qualifications established by Council, which shall at minimum include a working knowledge of municipal zoning.

2. **Powers and Duties of the Zoning Officer.** The powers and duties of the Zoning Officer shall include the following:

A. **Administering and enforcing the provisions of this Ordinance in accordance with their literal terms.** In performing these duties the Zoning Officer shall not have the power to permit any construction, alteration or any use or change of use to land or structures, which does not conform to the applicable provisions of this Ordinance.

B. **Receiving and reviewing all types of zoning applications and approving or denying zoning permits and certificates of zoning compliance under this Ordinance.**

C. **Keeping records of all applications, permits, certificates, complaints, enforcement actions, investigations, and decisions of the Zoning Hearing Board in the Zoning Office located within the Borough Building.** All of the zoning records are the property of the Borough and must be available for public inspection and copying when authorized by the Pennsylvania Right to Know Law.

D. **Conducting property inspections to assure compliance with this Ordinance.**

E. **Maintaining the Official Zoning Map and Zoning Ordinance, including any amendments.**

F. **Notifying the Zoning Hearing Board of scheduled zoning hearings, including assisting the secretary or solicitor in advertising the zoning hearings.**

G. **Making certain that each property subject to a zoning hearing is conspicuously posted not less than seven (7) days prior to the zoning hearing.**

H. Attending and participating in proceedings before the Zoning Hearing Board and furnishing such facts, records and any other information that may be necessary to assist the Zoning Hearing Board in rendering its decisions.

I. Reviewing and reporting on subdivision and land development plans for compliance with this Ordinance prior to Planning Commission's review and Council's approval of those plans.

J. Inspecting and registering nonconformities upon request of a landowner, at the discretion of the Zoning Officer, or at the direction of Borough Council.

k. Assisting appointed and elected local officials, police, codes and the general public with zoning information and providing zoning information on specific requests.

I. Maintaining an up-to-date Zoning Ordinance and Official Zoning Map, including all amendments to the Zoning Ordinance and Map and making them available to the public upon proper request and payment of appropriate fees for copies.

M. Rendering a preliminary opinion under Section 916.2. of the MPC.

N. Investigating complaints of alleged violations of this Ordinance and taking actions upon those complaints within the duties of the Zoning Officer. Complaints shall be acted upon within 30 days and a complainant shall be notified by the Zoning Officer of the action taken in regards to that complaint within that 30 days.

O. Prosecuting violations of this Ordinance by instituting civil enforcement proceedings as a means of enforcement when anyone violates any of the provisions of this Ordinance, and any conditions placed upon the approval of special exceptions, variances and conditional uses or any other approvals or permits authorized under this Ordinance.

P. Doing all things necessary or directed by Borough Council to administer and enforce this Ordinance.

SECTION 1002. ZONING PERMITS.

1. Zoning Permit Required. A zoning permit issued by the Zoning Officer shall be required by a landowner prior to using or changing the use of land, buildings or structures, or demolishing, altering, erecting, constructing, moving, placing, or expanding any building or structure. However, a zoning permit shall not be required for

repairs or maintenance of any structure or land provided such repairs or maintenance do not change the use or the exterior dimensions of the structure, or otherwise violate the provisions of this Ordinance.

2. Zoning Permit Applications. All zoning permit applications shall be made in writing by the landowner, the authorized agent of the landowner, or any person having an equitable interest in the property with the permission of the landowner. Zoning permit applications shall be on a form provided by the Borough and shall include the following information:

A. The name and address of the applicant, and the landowner if different than the applicant.

B. The address of the property and a description of its location.

C. The names and addresses of all adjoining landowners, including those located immediately across a street from the property that is the subject of the application.

D. A site plan drawn to scale and showing the actual dimensions and shape of the property including existing and proposed access drives, roads and streets identifying them by name; the location and dimensions of all existing and proposed structures, buildings and signs, parking and loading facilities, with existing features being clearly distinguished from proposed features; the exact size and location of existing and proposed uses of land, with existing uses being clearly distinguished from proposed uses; the location of any existing and proposed utilities; and any other information required by the Zoning Officer in order to ensure compliance with this Ordinance.

3. Authority to Make Application. The legal or beneficial owner or owners of land being those identified as grantee(s) on a recorded deed to the land shall be the only one authorized to make a zoning application. However, a holder of an option or contract to purchase the land or the lessee of land may also apply for a zoning permit provided that the owner of the land also joins in the signing of the permit application.

4. Time Period for Processing Applications. All zoning permit applications shall be approved or denied by the Zoning Officer within 30 days from the date of receipt of a fully completed application. An application shall be deemed complete for purposes of this section when the application has been received by the Zoning Officer, fully completed and accompanied by a site plan and the applicable fee.

5. Expiration of Zoning Permit. A zoning permit shall expire one year

from the date of issuance. However, a zoning permit may be extended by the Zoning Officer every three months for a period not to exceed an additional year upon the request of the applicant for good cause. Once a permit has expired, the applicant or landowner must reapply for another zoning permit and the Zoning Officer may approve or deny the application under the Ordinance in effect at the time of the new application.

6. **Revocation of Zoning Permit.** The Zoning Officer may revoke or rescind a zoning permit issued under this Ordinance when:

A. The permit was issued in error under this Ordinance.

B. The application or plan on which the permit or approval was based contains false statements, misrepresentations of fact, or misleading information.

C. There exists a violation of any condition imposed by the Zoning Hearing Board as part of its written decision.

D. Just or good cause exists under this Ordinance or applicable law.

7. **Reconsideration of Zoning Permit Application Previously Denied.** An applicant whose request for a zoning permit has been denied by the Zoning Officer may make a later application for a zoning permit, provided all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to make a new review of the application if all the deficiencies of the prior application have not been corrected.

8. **Issuance of Zoning Permit Upon Approval by Zoning Hearing Board or Borough Council.** Although initially denied by determination of the Zoning Officer, the Zoning Officer must issue a zoning permit once the use, structure or building has been subsequently approved by special exception or variance by the Zoning Hearing Board or conditional use by Borough Council as the case may be. A zoning permit shall be issued within thirty (30) days of issuance of a written decision approving the application by either the Zoning Hearing Board or Borough Council. Should an aggrieved party or person appeal the written decision, any work performed shall be at the applicant's own risk should the decision be reversed on a subsequent appeal to the Court of Common Pleas or an appellate court.

9. **Compliance with Zoning Permit.** All work or uses for which a zoning permit has been issued shall conform to the approved application and site plans.

10. **Display of Zoning Permit.** All approved zoning permits shall be conspicuously (a manner in which a reasonable person would not believe they were

trespassing while viewing the permit) displayed on the property during construction, renovation, reconstruction, or the conduct of other site improvements for which a zoning permit is required. Such permit display shall occur within seven (7) days of the permit issuance, or prior to the commencement of actual work on the property, whichever occurs first. Such permit display shall be continuous until completion of work or until the issuance of a certificate of zoning compliance, if one is required, has occurred.

11. Inspections. By making a zoning permit application, the applicant and landowner authorize the Zoning Officer or other Borough officials to inspect the land, structures, and buildings (interior and exterior) for which a zoning permit has been issued to ensure compliance with this Ordinance.

SECTION 1003. CERTIFICATE OF ZONING COMPLIANCE.

1. Certificate of Zoning Compliance Required. A zoning certificate issued by the Zoning Officer certifying compliance with this Ordinance shall be required by a landowner prior to a new use or change of use of land and buildings and the construction or placement of buildings, such as dwelling units, garages, and additions. However, a certificate of zoning compliance shall not be required for repairs to or construction or placement of accessory structures such as fences, decks, porches, signs, and swimming pools, and buildings less than 400 square feet in total floor area.

2. Certificate of Zoning Compliance Applications. All applications for certificates evidencing zoning compliance shall be made in writing on forms prescribed by the Borough. All applications shall include the information necessary for the Zoning Officer to ascertain compliance with this Ordinance.

3. Time Limitation. Applications for zoning certificates shall be made by the landowner or an authorized agent for the landowner prior to occupying or using any building or land for which a zoning certificate is required. Upon the making of an application for a zoning certificate, the Zoning Officer shall have 30 days from receipt of the application to approve or deny it. A zoning certificate may only be approved by the Zoning Officer when he or she has determined that the activity complies with this Ordinance.

SECTION 1004. TEMPORARY PERMITS.

1. Zoning Permit Required. A zoning permit shall be required for all temporary uses of structures or land. The Zoning Officer shall issue a zoning permit for any temporary use or structure, including short-term special events or retail sales held on private property with or without the use of a structure such as a tent, trailer or food truck provided that all of the following are met:

- A. The use is permitted in the zoning district where it is to be located;
- B. The use, structure, or vehicle meets the dimensional regulations of the zoning district where it is to be located;
- C. The use will not adversely affect or interfere with the use and quiet enjoyment of adjoining or surrounding properties; and
- D. The use does not cause undue congestion or traffic hazards, or otherwise interfere with vehicular and pedestrian travel and parking and loading facilities.

2. Time Limitation. A zoning permit for a temporary structure or use shall be issued by the Zoning Officer for a period not to exceed 30 days per year, except that a zoning permit for a special event shall be for a period of no more than seven (7) days.

SECTION 1005. INFORMATION SUBMISSION REQUIREMENTS.

1. Public Records.

A. By making a submission under this Ordinance, the applicant acknowledges and agrees that all documents and other information submitted to the Borough under this Ordinance constitute public records within the meaning of the Pennsylvania Right to Know Law, Act 3 of 2008, as amended, and are therefore subject to review and reproduction upon request in accordance with that Law and applicable Borough ordinances and resolutions.

B. To the extent that any such documents or information are not deemed public records and are subject to protection pursuant to Federal or State copyright laws, or Common Law copyright protection, the applicant (agents, employees and consultants) by filing documents with the Borough under this Ordinance, shall be deemed to have waived all copyright protection as relates to review, analysis, criticism, or approval of the application by the Borough and all of its agents, servants, employees, officials, and consultants, and the public at large.

C. The applicant hereby agrees to indemnify and hold harmless the Borough and all of its agents, servants, employees, officials, and consultants of any and all claims including losses and attorney fees related to violations of the copyright, or copyright infringement claims.

2. Good Faith Submission.

A. Upon the filing of an application for review under this Ordinance, the applicant shall exercise good faith and promptly address or otherwise respond substantively to the review comments and requirements of the Borough and its professional consultants and appointed and elected officials.

B. It is the duty of the applicant to move the application to completion in a prompt, timely, and diligent manner so as to enable formal action by the Zoning Officer, Borough Council and the Zoning Hearing Board, depending on the application, and to comply with all conditions of approval imposed by the Zoning Officer, the Zoning Hearing Board or Borough Council, as the case may be.

C. The Zoning Officer, Borough Council, or the Zoning Hearing Board, depending on the application, are not obligated to accept an applicant's offer of a time extension for application review or grant a continuance of any hearing, meeting or review.

3. **Unsworn Falsification to Authorities.** All statements, whether written or oral, to the Borough in the course of the review of the application under this Ordinance shall be true and correct to the best of the knowledge, information and belief of the applicant or the applicant's agents and consultants, and with the understanding that any false statement is subject to the penalties of 18 Pa. C.S.A. Section 4804, relating to "Unsworn Falsification to Authorities.

SECTION 1006. VIOLATIONS. Failure of a landowner to secure a zoning permit or certificate of zoning compliance or pay the fee for either permit prior to using or changing the use of land, buildings or structures, or demolishing, altering, erecting, constructing, moving, placing, or expanding any building or structure; or prior to the using or changing the use of land or buildings (except for accessory structures and buildings less than 400 square feet in total floor area in case of a certificate of Zoning Compliance), shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake actions contrary to the provisions of the Ordinance, and any conditions of special exceptions, variances and conditional uses. Each day that a violation continues shall constitute a separate offense.

SECTION 1007. ENFORCEMENT PROCEDURES.

1. **Enforcement Notice.** If it appears to the Zoning Officer that a violation of this Ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by issuing an enforcement notice to the owner of record of the parcel of land on which the violation has occurred, to any person who has filed a written request to receive violation

notices regarding the parcel of land, and to any other person requested in writing by the owner of record. The enforcement notice shall state at least the following:

A. The name of the owner of record and any other person against whom the Borough intends to take action.

B. The location and address of the property in violation.

C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable sections of this Ordinance.

D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within 30 days from date of the issuance of the notice.

F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with a description of the sanctions that will result if the violation is not corrected.

2. **Order of Proof.** In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting evidence first.

3. **Refund of Filing Fee in Certain Instances.** Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board or any court in a subsequent appeal rules in the appealing party's favor.

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

5. Jurisdiction. The District Justice shall have initial jurisdiction over proceedings brought under this Section of the Ordinance.

6. Enforcement Remedies. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable thereof in a civil enforcement proceedings commenced by the Borough or the Zoning Officer, shall pay a judgment of not more than \$500.00 dollars, plus all court costs, including reasonable attorney fees incurred by the Borough as a result of said proceedings. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determined that there has been a violation further determines that there has been a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation. In such cases, there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Borough.

7. Stay. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem find pending a final adjudication of the violation and judgment.

8. Private Enforcement Actions. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Borough the right to commence any action for enforcement under this Ordinance.

SECTION 1008. FEES. Borough Council shall adopt a schedule of fees, charges and expenses for applications, permits, certificates, appeals to the Zoning Hearing Board, amendments to the Zoning Ordinance and Zoning Map, and any other matters relating to the administration of this Ordinance. The Borough fee schedule shall be available for public inspection and shall be adopted and may be amended from time to time by resolution of Borough Council. No application or appeal shall be considered filed until all related fees, charges and expenses have been paid in full.

SECTION 1009. AMENDMENTS TO ZONING ORDINANCE OR MAP.

1. Amendments to the Zoning Ordinance and Zoning Map. The provisions of this Ordinance and the Zoning Districts on the Zoning Map, may from time to time be amended by Borough Council in accordance with the provisions as set forth in the Pennsylvania Municipalities Planning Code, Act 247, as amended. An amendment may be initiated by the Borough Planning Commission, Borough Council, or by a petition to Borough Council by an interested party. The Borough is under no obligation to consider any zoning amendment other than a curative amendment

2. Curative Amendments.

A. Initiated by Landowner. A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he or she has an interest, may submit a curative amendment to Borough Council with a written request that the challenge and proposed amendment to cure the alleged defect, be heard and decided by Borough Council in accordance with the provisions as set forth in the Pennsylvania Municipalities Planning Code, Act 247, as amended.

B. Initiated by Municipality. If Borough Council determines this Ordinance or the Zoning Map, or any portion thereof, is substantially invalid, it shall declare such by a formal action and propose to prepare a curative amendment to overcome such invalidity in accordance with the provisions as set forth in the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 1010. ZONING HEARING BOARD.

1. Membership of Board. The Zoning Hearing Board shall consist of three (3) residents of the Borough appointed by Borough Council. The existing terms of office shall continue, with terms of office being three (3) years and so fixed that the term of office of one member shall expire each year. Members of the Zoning Board shall hold no other office in the Borough.

2. Alternate Members. Borough Council may appoint an alternate member to the Zoning Board in accordance with the provisions as set forth in the Pennsylvania Municipalities Planning Code, Act 247, as amended.

3. Removal of Members. Any zoning board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for any other just cause by a majority vote of the Borough Council, taken after the member has received 15 days

advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

4. Organization of Board.

A. Election of Officers. The Zoning Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.

B. Quorum/Hearing Officer. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Board. The Zoning Board, however, may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Zoning Board. If by any reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Zoning Board shall designate as many alternate members of the board to sit on the Zoning Board as may be needed to provide a quorum. Any alternate member of the Zoning Board shall continue to serve on the Zoning Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Zoning Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case by case basis in rotation according to declining seniority among all alternates.

C. By-laws/Records. The Zoning Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and the laws of the Commonwealth. The Zoning Board shall keep full public records of its business, which records shall be the property of the Borough, and the Board Chairperson or its Secretary shall submit an annual report of its activities to the Board of Council.

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

6. Hearings. The Zoning Board shall conduct hearings and render decisions in accordance with the following:

A. Notice of Hearings. Public notice shall be given and written notice shall be given to the applicant, the zoning officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing. The posting may be performed by the applicant provided that an affidavit of posting is submitted to the Zoning Board at the commencement of the hearing. The applicant shall mail written notice of the hearing to adjoining property owners and provide proof of mailing at the time of the hearing.

B. Fees for Hearings. Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Board. Fees for said hearings may include compensation for the secretary and board members, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

C. Time Periods for Hearings. The first hearing before the Zoning Board or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Zoning Board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his, her or its case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Zoning Board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. The applicant may, upon request, be granted additional hearings to complete his, her or its case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Borough, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.

D. Conduct of Hearings. The hearings shall be conducted by the Zoning Board or the Zoning Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Board; however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Zoning Board and accept the decision or findings of the hearing officer as final.

E. Parties to the Hearings. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the Board. The Zoning Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Board for that purpose.

F. Oaths/Subpoenas. The chairman or acting chairman of the Zoning Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

G. Right to Representation/Evidence/Argument. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

H. Rules of Evidence. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

I. Stenographic Record and Transcript Fees. The Zoning Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Board. The cost of the original transcript shall be paid by the Zoning Board if the transcript is ordered by the Zoning Board or hearing officer or shall be paid by the person appealing from the decision of the Zoning Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

J. Communications and Site Visits. The Zoning Board or the hearing officer shall not communicate, directly or indirectly, with any party or his or her representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

K. Time Periods for Hearings, Decisions and Findings. The Zoning Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the

last hearing before the Zoning Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons thereof. Conclusions based on any provisions of this Ordinance shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Zoning Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Zoning Board prior to final decision or entry of findings, and the Zoning Board's decision shall be entered no later than 30 days after the report of the hearing officer. Except for substantive challenges to the validity of the Ordinance under Section 916 of the Pennsylvania Municipalities Planning Code, where the Zoning Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in subsection (C) above, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Board to meet or render a decision as hereinabove provided, the Zoning Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in subsection (A) of this section. If the Zoning Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

L. Mailing, Copies and Notice of Decisions. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him, her or it not later than the day following its date. To all other persons who have filed their name and address with the Zoning Board not later than the last day of the hearing, the Zoning Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

SECTION 1011. MEDIATION OPTION.

1. Parties to zoning hearing proceedings under this Part may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Board, in no case shall the Zoning Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, the procedures in this Part once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

2. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Any municipality offering the mediation option shall assure that, in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

A. Funding mediation.

B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.

C. Completing mediation, including time limits for such completion.

D. Suspending time limits otherwise authorized in this act, provided there is written consent by the mediating parties, and by an applicant or municipal decision making body if either is not a party to the mediation.

E. Identifying all parties and affording them the opportunity to participate.

F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the other sections of this act.

3. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

SECTION 1012. JURISDICTION OF THE ZONING HEARING BOARD. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

1. Substantive challenges to the validity of any land use ordinance, except for those brought before Borough Council such as in the case of a landowner curative amendment.

2. Challenges to the validity of any land use ordinance, based upon procedural questions or alleged defects in the process of enactment or adoption. Challenges based upon procedural questions or alleged defects shall be raised by an appeal to the

Zoning Board within 30 days after the effective date of the Ordinance subject to the appeal.

3. Appeals from the determination of the Zoning Officer, including but not limited to, the granting or denial of any permit, or failure to act on an application, the issuance of any cease and desist order, the revocation of a zoning permit or building permit or the registration or refusal to register any nonconforming use, structure or lot.

4. Appeals from a determination by the Zoning Officer with reference to the administration of any flood plain provision or regulation within any land use ordinance.

5. Applications for variances from the terms of this Ordinance.

6. Applications for special exceptions under this Ordinance.

7. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management not related to development which is classified as a subdivision, land development, or a planned residential development.

SECTION 1013. VARIANCES.

1. Provisions for Granting Variances. The Zoning Board shall hear requests for variances if it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. All applications for variances shall be on forms proscribed by the Borough and shall require preliminary application to the Zoning Officer. The Zoning Board may grant a variance, provided that all of the following findings are made where relevant in a given case:

A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

C. That such unnecessary hardship has not been created by the appellant.

D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

2. **Referral to Planning Commission.** The Zoning Board prior to deciding a use variance application shall refer that application to the Borough Planning Commission for review and recommendation to the Board.

3. **Reasonable Conditions and Safeguards.** In granting any variance, the Zoning Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 1014. SPECIAL EXCEPTIONS.

1. **Additional Information Required.** In addition to the required site plan and information to accompany a zoning permit application under Section 1002(2) above each special exception application shall include the following:

A. Ground floor plans and elevations of proposed structures;

B. A scaled drawing (site plan) of the site, including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and

C. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

2. **Provisions for Granting Special Exceptions.** When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with provisions of this Ordinance. All applications for special exceptions shall be on forms proscribed by the Borough and shall require preliminary application to the Zoning Officer. The Zoning Board shall grant

approval only upon the determination that all applicable standards, criteria and provisions within this Ordinance, including the following have been met:

A. Public services and facilities such as water supply, sewage disposal, storm drainage, and fire and police protection are adequate for the proposed use and development.

B. Existing and future streets and access to the subject property shall be adequate for emergency services while avoiding undue congestion, and providing for the safety and convenience of pedestrian and vehicular traffic.

C. The relationship of the proposed use and development to other uses and activities existing or planned in the vicinity shall be harmonious in terms of their location and site relative to the proposed operation, and the nature and intensity of the use.

D. The relationship of the proposed use and development to other activities existing or planned in the vicinity shall be harmonious in terms of the character and height of buildings, walls, and fences so that the use, development, and value of adjacent property is not impaired.

E. The proposed use and development shall not be more objectionable in its operations in terms of noise, fumes, odors, vibration, or lights than would be the operations of any permitted use in the zoning district.

F. The proposed use and development shall not be injurious to the public health, safety, welfare and morals.

G. That the specific standards set forth for each particular use for which a special exception may be granted have been met.

3. Referral to Planning Commission. The Zoning Board prior to deciding a special exception application may refer that application to the Borough Planning Commission for review and recommendation to the Board.

4. Reasonable Conditions and Safeguards. In granting special exception approval, the Zoning Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

SECTION 1015. CONDITIONAL USES.

1. Additional Information Required. In addition to the required site plan and information to accompany a zoning permit application under Section 1002(2) above each conditional use application shall include the following:

A. Ground floor plans and elevations of proposed structures;

B. A scaled drawing (site plan) of the site, including finished topography with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance; and

C. A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this Ordinance.

2. Provisions for Granting Conditional Uses. When conditional uses are allowed by this Ordinance, Borough Council shall hear and decide requests for such conditional uses under Section 1010(6) of this Ordinance. All applications for conditional uses shall be on forms proscribed by the Borough and shall require preliminary application to the Zoning Officer. Borough Council shall grant approval only upon the determination that all applicable standards, criteria and provisions within this Ordinance, including the following have been met:

A. Public services and facilities such as water supply, sewage disposal, storm drainage, and fire and police protection are adequate for the proposed use and development.

B. Existing and future streets and access to the subject property shall be adequate for emergency services while avoiding undue congestion, and providing for the safety and convenience of pedestrian and vehicular traffic.

C. The relationship of the proposed use and development to other uses and activities existing or planned in the vicinity shall be harmonious in terms of their location and site relative to the proposed operation, and the nature and intensity of the use.

D. The relationship of the proposed use and development to other activities existing or planned in the vicinity shall be harmonious in terms of the character and height of buildings, walls, and fences so that the use, development, and value of adjacent property is not impaired.

E. The proposed use and development shall not be more objectionable in its operations in terms of noise, fumes, odors, vibration, or lights than would be the operations of any permitted use in the zoning district.

F. The proposed use and development shall not be injurious to the public health, safety, welfare and morals.

G. That the specific standards set forth for each particular use for which a special exception may be granted have been met.

3. Other Studies or Reports. Borough Council may require the applicant of a conditional use to submit an environmental impact statement or traffic study prepared by a licensed professional engineer within the Commonwealth of Pennsylvania. The purpose of the environmental impact statement is to disclose the environmental impacts of the proposed conditional use. The environmental impact statement shall require a plan and written narrative that reviews soil types, surface waters, ground water, topography, water supply, solid waste, air quality, noise, ground cover and potential impacts the proposed use will have on the environment and the physical features of the property and its surroundings. The purpose of the traffic study is to determine what impacts the proposed conditional use will have on both vehicular and pedestrian travel in the area. The traffic study must consider whether the proposed use will create unsafe or dangerous traffic conditions while studying existing streets, proposed access to the property, and traffic patterns to determine whether the property will be adequate to accommodate anticipated traffic volumes while avoiding undue congestion and providing for the safety and convenience of vehicular and pedestrian traffic.

4. Referral to Planning Commission. Prior to Borough Council deciding a conditional use application, it may refer that application to the Borough Planning Commission for review and recommendation to Council.

5. Reasonable Conditions and Safeguards. In granting conditional use approval, Borough Council may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

6. Hearings. Hearings are to be held under Section 1010(6) above.

SECTION 1016. INITIAL DETERMINATIONS BY ZONING OFFICER. An application for a variance, special exception or conditional use shall not be considered by the applicable Board until the applicant has submitted a zoning permit application and site plan to the Zoning Officer and the Zoning Officer has denied the application.

SECTION 1017. APPEALS TO THE BOARD. Appeals before the applicable board may be filed with that board in writing by the affected landowner or by an aggrieved person or party. The board shall not accept appeals or applications or proceed with any hearings from any tenant or equitable owner of a property without the express written consent of the landowner

SECTION 1018. APPEALS TO COURT. The procedures set forth in Article X-A of the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall constitute the exclusive mode for securing review of any decision rendered under this Ordinance.

1. **Jurisdiction and Venue on Appeal and Time for Appeal.** All appeals from all land use decisions rendered pursuant to Part 10 shall be taken to the Court of Common Pleas of Dauphin County within 30 days from the date of mailing the decision, or in the case of a deemed decision, within 30 days after the date upon which notice of said deemed decision is given as set forth in section 1008(K) above.

2. **Appeals to Court; Commencement; and Stay of Proceedings.**

A. Land use appeals shall be entered as of course by the Prothonotary upon the filing of a land use appeal notice which concisely sets forth the grounds on which the appellant relies. The appeal notice need not be verified. The land use appeal notice shall be accompanied by a true copy thereof.

B. Upon filing of a land use appeal, the Prothonotary shall forthwith, as of course, send to Borough Council, the Zoning Board or agency whose decision or action has been appealed, by registered or certified mail, the copy of the land use appeal notice, together with a writ of certiorari commanding Borough Council or the Zoning Board, within 20 days after receipt thereof, to certify to the Court its entire record in the matter in which the land use appeal has been taken, or a true and complete copy thereof, including any transcript of testimony in existence and available to Borough Council or Zoning Board at the time it received the writ of certiorari.

C. If the appellant is a person other than the landowner of the land directly involved in the decision or action appealed from, the appellant, within seven days after the land use appeal is filed, shall serve a true copy of the land use appeal notice by mailing said notice to the landowner or his attorney at his last known address. For identification of such landowner, the appellant may rely upon the record of the municipality and, in the event of good faith mistakes as to such identity, may make such service nunc pro tunc by leave of Court.

D. The filing of an appeal in Court under this section shall not stay the action appealed from, but the appellants may petition the Court for a stay. If the

appellants are persons who are seeking to prevent a use or development of the land of another, whether or not a stay is sought by them, the landowner whose use or development is in question may petition the Court to order the appellants to post bond as a condition to proceeding with the appeal. After the petition for posting a bond is presented, the Court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the landowners to prove the appeal is frivolous. After consideration of all evidence presented, if the Court determines that the appeal is frivolous, it shall grant the petition for posting a bond. The right to petition the Court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him, her or it if an appeal is taken from a final decision of the Court. The question of the amount of the bond shall be within the sound discretion of the Court. An order denying a petition for bond shall be interlocutory. An order directing the respondent to the petition for posting a bond to post a bond shall be interlocutory. If an appeal is taken by a respondent to the petition for posting a bond from an order of the Court dismissing a land use appeal for refusal to post a bond, such responding party, upon motion of petitioner and, after hearing in the Court having jurisdiction of land use appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by petitioner.

3. Intervention. Within the 30 days first following the filing of a land use appeal, if the appeal is from a board or agency of a municipality, the municipality and any owner or tenant of property directly involved in the action appealed from may intervene as of course by filing a notice of intervention, accompanied by proof of service of the same, upon each appellant or each appellant's counsel of record. All other intervention shall be governed by the Pennsylvania Rules of Civil Procedure.

4. Hearing and Argument of Land Use Appeal. If, upon motion, it is shown that proper consideration of the land use appeal requires the presentation of additional evidence, a judge of the Court may hold a hearing to receive additional evidence, may remand the case to the body, agency or officer whose decision or order has been brought up for review, or may refer the case to a referee to receive additional evidence, provided that appeals brought before the Court pursuant to section 916.1 of the Pennsylvania Municipalities Planning Code governing substantive challenges to the validity of this Ordinance shall not be remanded for further hearings before anybody, agency or officer of the municipality. If the record below includes findings of fact made by the governing body, board or agency whose decision or action is brought up for review and the Court does not take additional evidence or appoint a referee to take additional evidence, the findings of the governing body, board or agency shall not be disturbed by the court if supported by substantial evidence. If the record does not include findings of fact or if additional evidence is taken by the Court or by a referee, the Court shall make its own findings of fact based on the record below as supplemented by the additional evidence, if any.

5. Judicial Relief.

A. In a land use appeal, the Court shall have power to declare an ordinance or map invalid and set aside or modify any action, decision or order of the governing body, agency or officer of the municipality brought up on appeal.

B. If the Court finds that an ordinance or map, or a decision or order there under, which has been brought up for review unlawfully prevents or restricts a development or use which has been described by the landowner through plans and other materials submitted to the governing body, agency or officer of the municipality whose action or failure to act is in question on the appeal, it may order the described development or use approved as to all elements or it may order it approved as to some elements and refer other elements to the governing body, agency or officer having jurisdiction thereof for further proceedings, including the adoption of alternative restrictions, in accordance with the court's opinion and order.

C. Upon motion any of the parties or upon motion by the Court, the judge of the Court may hold a hearing or hearings to receive additional evidence or employ experts to aid the court to frame an appropriate order. If the Court employs an expert, the report or evidence of such expert shall be available to any party and he or she shall be subject to examination or cross-examination by any party. He or she shall be paid reasonable compensation for his or her services which may be assessed against any or all of the parties as determined by the Court. The Court shall retain jurisdiction of the appeal during the pendency of any such further proceedings and may, upon motion of the landowner, issue such supplementary orders as it deems necessary to protect the rights of the landowner as declared in its opinion and order.

D. The fact that the plans and other materials are not in a form or are not accompanied by other submissions which are required for final approval of the development or use in question or for the issuance of permits shall not prevent the court from granting the definitive relief authorized. The Court may act upon preliminary or sketch plans by framing its decree to take into account the need for further submissions before final approval is granted.

GRATZ BOROUGH OFFICIAL ZONING MAP

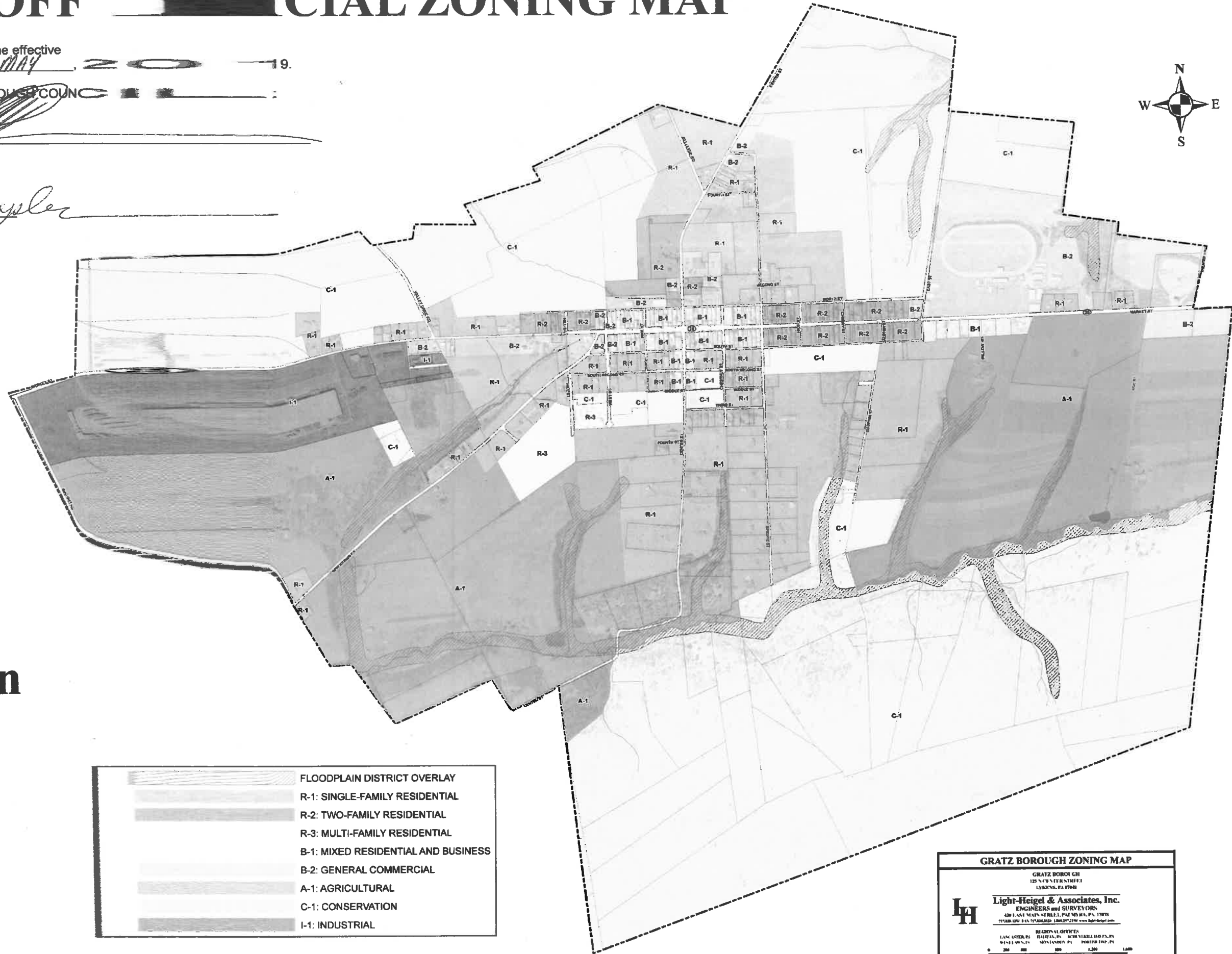
SECTION 112. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its date of adoption, being this 16th day of MAY, 2019.

TEST: GRATZ BOROUGH COUNCIL:

Secretary: *[Signature]*

By: *[Signature]*
President

PROVED BY THE MAYOR: *Thomas P. Hepler*



**OFFICIAL
Date of Adoption
May 16th, 2019**

	FLOODPLAIN DISTRICT OVERLAY
	R-1: SINGLE-FAMILY RESIDENTIAL
	R-2: TWO-FAMILY RESIDENTIAL
	R-3: MULTI-FAMILY RESIDENTIAL
	B-1: MIXED RESIDENTIAL AND BUSINESS
	B-2: GENERAL COMMERCIAL
	A-1: AGRICULTURAL
	C-1: CONSERVATION
	I-1: INDUSTRIAL

GRATZ BOROUGH ZONING MAP

GRATZ BOROUGH
125 N. VETERAN STREET
LAKESIDE, PA 17048

Light-Heigel & Associates, Inc.
ENGINEERS and SURVEYORS
430 LANSY AVENUE, SUITE 200, PAOLI, PA 17051
TEL: 717.533.1111 FAX: 717.533.1112 www.light-heigel.com

REGIONAL OFFICES
LANCASTER, PA | HARRISBURG, PA | SCHUYLKILL COUNTY, PA
PHILADELPHIA, PA | PITTSBURGH, PA | PORT JEFFERSON, PA

Scale: 0 200 400 600 800 1,000 Feet

DATE: 10/04/2019
SCALE: 1" = 400'

DRW. NO. 15421
M.D.L. 1/01

© 2019 LIGHT-HEIGEL & ASSOCIATES, INC.