

**ORDINANCE NO 2016-05**

**AN ORDINANCE OF THE BOROUGH OF GREENCASTLE, FRANKLIN COUNTY, PENNSYLVANIA AMENDING CHAPTER 205, “ZONING”, ARTICLE II, “ESTABLISHMENT OF DISTRICTS”, SECTION 205-2, “LIST OF DISTRICTS” TO ADD “(MX) MIXED-USE DISTRICT” AND “(INS) INSTITUTIONAL DISTRICT”, ARTICLE III, “DISTRICT USE REGULATIONS”, ARTICLE IV, “LOT AREA AND RELATED REGULATIONS”, AND ARTICLE V “SIGN REGULATIONS” OF THE CODE OF THE BOROUGH OF GREENCASTLE**

**WHEREAS**, the Borough of Greencastle desires to amend Chapter 205, Section 205-2 entitled “List of Districts” to add additional districts for mixed use and institutions, as well as amend Article III entitled “District Use Regulations”, amend Article IV entitled “Lot Area and Related Regulations” and amend Article V entitled “Sign Regulations”; to add regulations for the new districts; and

**WHEREAS**, the Council of the Borough of Greencastle deems it in the best interest, and for the general welfare of the citizens and residents of the Borough to add additional zoning districts to Chapter 205, of the Code of the Borough of Greencastle.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Mayor and Borough Council of the Borough of Greencastle, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

**SECTION I:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article II thereof, entitled “Establishment of Districts”, Section 205-2 thereof, entitled “List of Districts”. is hereby amended by adding the following:

- (MX) Mixed-Use District
- (INS) Institutional District

**SECTION II:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article III thereof, entitled “District Use Regulations”, is hereby amended by removing from the General Residential District (R-2), Section 205-7(B)(1) “membership club” as a special exception, with Outdoor recreational facilities remaining as a special exception use.

**SECTION III:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article III thereof, entitled “District Use Regulations”, is hereby amended by modifying Section 205-8(A)(2) to read as follows:

- (2) Retail businesses (e.g., convenience stores, groceries, apparel, etc., and including Tavern/Bar and Restaurant)

**SECTION IV:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article III thereof, entitled “District Use Regulations”, is hereby amended by removing from the General Residential District (R-2), Section 205-7(B)(2) “eleemosynary institutions” and “nursing homes” as special exceptions, with day-care centers remaining as a special exception use.

**SECTION V:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article III thereof, entitled “District Use Regulations”, is hereby amended by adding an additional permitted use in the Highway Commercial (HC) District, with a new Section 205-10(A)(13) setting forth “Nursing Home” as a permitted use therein.

**SECTION VI:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article III thereof, entitled “District Use Regulations”, is hereby amended by adding a new subsection 205-12.1, entitled “(MX) Mixed Use District.”, which shall read as follows:

**Section 205-12.1 (MX) Mixed Use District.**

The mixed-use district’s purpose is to encourage multiple functions within the same building or the same general area through either: combining different uses in the same building or combining complementary single-use buildings on a parcel, to encourage pedestrian activity and traffic efficiency, with resources, such as parking, shared by the complementary uses.

**A. Permitted Uses**

- (1) Single-family attached dwellings.
- (2) Multi-family dwellings.
- (3) Mixed Commercial/Residential Structures.
- (4) Retail/Restaurant.
- (5) On-site production with on-site retail or restaurant use.
- (6) Multi-purpose venue.
- (7) Business incubators which may house multiple uses including retail, services, and light manufacturing.
- (8) Professional office.
- (9) Art gallery.
- (10) Craftsman/artisan studio.
- (11) Copy shop/business service.
- (12) Commercial school.
- (13) Veterinarian.
- (14) Theatre (indoor) (excluding Adult Motion Picture Theater).
- (15) Clubhouse (private).
- (16) Commercial recreation (indoor).
- (17) No impact home based business.
- (18) Museum.

- (19) Multiple occupancy buildings.
- (20) Accessory uses including community garden, outdoor café/dining, and automated banking facility.
- (21) Essential Services
- (22) Arts & Learning Center
- (23) Assisted Living Residence
- (24) Shopping Center (Town)

B. Special Exceptions.

- (1) University/college.
- (2) School (public or private).
- (3) Hotel.
- (4) Bed and breakfast.
- (5) Continuing care retirement facility.
- (6) Vocational School

C. Notwithstanding the limitation of 205-5(D.), in the Mixed Use District more than one principal use may exist on a single parcel or tract of land.

**SECTION VII:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article III thereof, entitled “District Use Regulations”, is hereby amended by adding a new subsection 205-12.2, entitled “(INS) Institutional Use District.”, which shall read as follows:

A. Permitted Uses.

- (1) Commercial school.
- (2) University/college.
- (3) School (public or private).
- (4) Vocational School
- (5) Community center.
- (6) Museum.
- (7) Park, playground and other non-commercial outdoor recreational use.
- (8) Library.
- (9) Essential Services.
- (10) Hospital.
- (11) Urgent Care Facility.
- (12) Nursing Home.
- (13) Accessory uses including community garden.

B. Special Exceptions.

- (1) Bed and breakfast.

**SECTION VIII:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article IV, subsection 205-13, entitled “Single-family detached dwellings.”, is hereby amended to remove reference to off-street parking spaces per dwelling unit, to modify the title to “Single-family detached dwellings and mobile homes (not in a mobile home park)”, and the first sentence thereof shall be modified to read as follows:

Lot area and related regulations for single-family detached dwellings and mobile homes (not in a mobile home park) are as follows:

**SECTION IX:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article IV, subsection 205-14, entitled “Single-family semidetached dwellings.”, is hereby amended to remove reference to off-street parking spaces per dwelling unit.

**SECTION X:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article IV, subsection 205-15, entitled “Two-family detached dwellings.”, is hereby amended to remove reference to off-street parking spaces per dwelling unit.

**SECTION XI:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article IV, subsection 205-16, entitled “Attached dwelling residences.” is hereby amended to remove reference to off-street parking spaces per dwelling unit.

**SECTION XII:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article IV, subsection 205-17, entitled “Multiple dwelling residences.” is hereby amended to remove reference to off-street parking spaces per dwelling unit.

**SECTION XIII:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article IV, subsection 205-18, entitled “Multiple occupancy buildings.” is hereby amended by adding a new subsection C. to read as follows:

C. As permitted in the (MX) Mixed Use District. Any commercial use component must be a commercial use permitted in the MX District.

**SECTION XIV:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article IV, subsection 205-19, entitled “Detached commercial and industrial uses.”, is hereby amended in its entirety to read as follows:

A. Lot area and related regulations for detached commercial and industrial uses are as follows:

	<b>Community Commercial District</b>	<b>Community Commercial II and Highway Commercial Districts</b>	<b>Industrial District</b>
<b>Minimums:</b>			
Lot size	—	15,000 sq. ft.	20,000 sq. ft.
Lot width	—	80 ft.	100 ft.

	<b>Community Commercial District</b>	<b>Community Commercial II and Highway Commercial Districts</b>	<b>Industrial District</b>
<b>Minimums:</b>			
Lot depth	—	150 ft.	150 ft.
Front yard	—	35 ft.	35 ft.
Side yard	—	15 ft.	20 ft.
Rear yard	—	25 ft.	30 ft.
<b>Maximums:</b>			
Building height	40 ft.	40 ft.	50 ft.
Lot coverage	80%	80%	80%

Notes:

<sup>1</sup>Hotels or motels which only have overnight guest rooms and administrative offices for the operation of the hotel or motel shall only be required to provide one off-street parking space for each overnight guest room and one off-street parking space for each employee.

- B. Any commercial or industrial use which is adjacent to a residential district or existing residence shall be screened along the adjacent property line as defined in this chapter.

**SECTION XV:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article IV, entitled “Lot Area and Related Regulations.”, is hereby amended by adding a new subsection 205-19.1, entitled “Mixed Use District.”, which shall read as follows:

- A. Lot area and related regulations for all uses in the Mixed Use District (regardless of contrary regulations for other primary uses set forth in other sections) are as follows:

**Minimums:**

Lot size	20,000 sq. ft.
Lot width	80 ft.
Lot depth	150 ft.

**Setbacks for Residential Dwelling Structures (excluding multi-family dwellings) and Mixed Commercial / Residential Structures:**

Front yard	15 ft.
Side yard	7 ft.
Rear yard	20 ft.

**Setbacks for Non-residential and multi-family residential structures:**

Front yard	35 ft.
Side yard	15 ft.

Rear yard	25 ft.
Distance between buildings on same lot or tract	20 ft.

**Maximums:**

Building height	45 ft.
Lot coverage	65%

- B. Any commercial or multiple occupancy use that includes a commercial component use which is adjacent to a residential district shall be screened along the adjacent property line as defined in this chapter. All new residential uses in the Mixed Use District shall be screened from adjacent lots, unless the adjacent lot is located in the R-1 or R-2 District.

**SECTION XVI:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article IV, entitled “Lot Area and Related Regulations.”, is hereby amended by adding a new subsection 205-19.2, entitled “Institutional District.”, which shall read as follows:

- A. Lot area and related regulations for all uses in the Institutional District (regardless of contrary regulations for other primary uses set forth in other sections) are as follows:

**Minimums:**

Lot size	80,000 sq. ft.
Lot width	80 ft.
Lot depth	150 ft.

**Setbacks:**

Front yard	35 ft.
Side yard	15 ft.
Rear yard	25 ft.
Distance between buildings on same lot or tract	20 ft.

**Maximums:**

Building height	60 ft.
Lot coverage	65%

- B. Any use in the Institutional District shall be screened from adjacent properties as “screening” is defined in this chapter.

**SECTION XVII:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article V, subsection 205-25, entitled “Parking Regulations.”, is hereby amended so that subsection A. thereof reads as follows:

A. Parking requirements. Accessory off-street parking spaces shall be provided in accordance with the table set forth below and elsewhere in this chapter.

Single-Family Dwelling	Detached	2 per dwelling unit
Single-Family dwellings	semidetached	2 per dwelling unit
Two-family detached dwellings		4
Attached dwelling residences		2 per dwelling unit
Multiple dwelling residences		2 per dwelling unit
Multiple occupancy buildings		2 per dwelling unit and 1 space for each 200 sq. ft. of floor area <sup>1</sup>
Detached Commercial buildings		1 space for each 200 sq. ft. of floor area <sup>2</sup>
Detached Industrial buildings		1 space for each employee on maximum shift

In the (CC) Community Commercial District off street parking spaces are not required, but are encouraged.

In the (MX) Mixed Use District, all parking must be on the interior of the lot, with all structures fronting on adjacent streets. On corner lots, parking may be located on interior side yards, provided that screening of at least 10 feet in width separates the street from the parking area (not including sidewalks).

---

<sup>1</sup> Hotels or motels which only have overnight guest rooms and administrative offices for the operation of the hotel or motel shall only be required to provide one off-street parking space for each overnight guest room and one off-street parking space for each employee

<sup>2</sup> Id.

Shared Parking

In the Mixed Use District, multifamily dwellings and Detached Commercial Uses may share parking spaces to meet the requirements of this Section, with the total parking requirement being reduced by 35% provided that: 1) the uses are located on the same lot and 2) the commercial uses do not have hours of operation between 9 p.m. and 7 a.m.

In the Mixed Use District, Mixed Commercial / Residential uses may share parking spaces to meet the requirements of this Section, with the total parking requirement being reduced by 35% of the total parking requirements for the Mixed Commercial Residential uses.

Uses not specifically addressed

In the event that a use is not specifically addressed in this Section, the Zoning Officer shall determine what enumerated use and parking requirement is more analogous to the proposed use, and use the respective parking requirement for the proposed use.

**SECTION XVIII:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article V, subsection 205-25, entitled “Parking Regulations.”, is hereby amended so that subsection G. thereof reads as follows:

G. Screening and Setback of Parking Areas.

1. For multifamily, industrial uses, and any use in the Highway Commercial District and Community Commercial II District, no parking area shall be closer than 10 feet to the multiple dwelling, industrial building, or Highway Commercial or Community Commercial II principle structure, or to the side or rear lot line of the lot on which the respective use is situated.
2. For Mixed Commercial / Residential structures in the Mixed Use District (MX) parking areas shall not be closer than 5 feet to the Mixed Commercial / Residential structure.
3. For multifamily, industrial uses, any use in the Highway Commercial District or Community Commercial II District, and any use in the Mixed Use District, the parking shall be screened from adjoining lots with a minimum five foot planting strip.
4. Parking areas shall be physically separated from any public cartway by a minimum of a five foot planting strip (certain districts may have more stringent screening requirements which are applicable) and in no case shall parking areas be designed to require or encourage vehicles to back into the public street.



**SECTION XIX:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article V, subsection 205-27, entitled “Sign regulations.”, subsection E thereof, shall be amended so that the first sentence reads as follows:

E. Signs permitted in (HC) Highway Commercial, (I) Industrial, (CC-II) Community Commercial – II, and (MX) Mixed Use Districts.

**SECTION XX:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article V, subsection 205-27, entitled “Sign regulations.”, subsection E(1)(a)[1] thereof, shall be amended so that the first sentence reads as follows:

E. In the (HC) Highway Commercial, (I) Industrial, (CC-II) Community Commercial – II, and (MX) Mixed Use Districts, not more than one sign attached to and parallel with the premises facing each street shall be permitted.

**SECTION XXI:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article V, subsection 205-27, entitled “Sign regulations.”, subsection E(1)(a)[2] thereof, shall be amended to read as follows:

[2] In the (HC) Highway Commercial District and the (MX) Mixed Use District:

[a] In the (HC) Highway Commercial District, for a single use housed in a single building with at least 500 lineal feet of frontage upon a street, no more than:

[i] Two business identification signs attached to and parallel with the premises facing each street shall be permitted not to exceed 96 square feet each; and

[ii] Additional service identification signs, provided that the total signage of the two business identification signs and the service identifications signs together do not exceed 5% of the surface area of the front of the building.

[b] For any other use (single uses with less than 500 lineal feet of frontage or any multiple use lot, not including shopping centers) in the (HC) Highway Commercial or (MX) Mixed Use Zones, not more than one sign attached to and parallel with the premises facing each street shall be permitted. The size of such sign shall not exceed 96 square feet or 10% of the surface area in total of the surface area of the front of the building.

**SECTION XXII:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article V, subsection 205-27, entitled “Sign regulations.”, subsection E(3) thereof, shall be amended so that the first sentence reads as follows:

- (3) Sandwich board signs shall be permitted in the (CC-II) Community Commercial – II, (HC) Highway Commercial and (MX) Mixed Use Districts, and not in the (I) Industrial District, subject to the following:

**SECTION XXIII:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article V, subsection 205-27, entitled “Sign regulations.”, subsection F thereof, shall be amended to read as follows:

- F. Information kiosk signs are permitted in the (CC) Community Commercial, (CC-II) Community Commercial - II, (HC) Highway Commercial, (INS) Institutional, and (MX) Mixed Use Districts.

**SECTION XXIV:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article V, subsection 205-28, entitled “Lighting Requirements.”, shall be amended so that the first sentence reads as follows:

The following standards shall apply to the design and operation of outdoor lights (for example, artificial illuminating devices, installed or portable, used for floodlighting, general illumination, or security) for multifamily dwellings, commercial uses, all uses permitted in the Mixed Use District, all uses permitted in the Institutional District, and industrial uses:

**SECTION XXV:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article V, subsection 205-56, entitled “Definitions.”, shall be amended to add the following defined terms:

**ADULT DAYCARE:** An establishment offering care or supervision of special needs adults in lieu of care or supervision by family members, elderly persons (generally sixty-two years of age and older), mentally disabled, and/or physically handicapped persons who need such daily assistance because of their physical or cognitive disability or disease. This use shall not include persons who need oversight because of criminal and/or violent behavior. The use shall involve typical stays of less than a total of sixty (60) hours per week per person.

**ART GALLERY:** An establishment primarily engaged in the display and retail sales of original and limited edition art works.

**ARTS & LEARNING CENTER:** A functionally unique facility with a specific focus and purpose to encourage life-long learning and provide services in the community for all age groups and to provide facilities such as studio space, gallery space, venues for learning and performance, offices, workshop areas, educational facilities, tools and technical equipment. An arts and learning center shall be a non-profit organization geared toward exposing, generating and making accessible life-long learning opportunities to individuals with the building containing a minimum of 10,000 square feet in gross floor area and provides space to non-profit community service companies involved in art

making, education and life-long learning. The use may include offices for other community non-profit organizations, government agencies and community groups. This use shall not include residential uses or any type of "treatment center". Services may include full education and art courses, programs, exhibits and demonstrations, workshops from/for professional community organizations, educational/arts activities and tutoring.

**ASSISTED LIVING RESIDENCE:** An assisted living residence as defined in Pennsylvania Code Title 55, Chapter 2800.4, as amended from time to time.

**AUTOMATED BANKING FACILITY:** An establishment that contains automated devices performing banking or financial functions which are operated by the consumer or patron primarily for those who remain in their vehicle, but may also be operated by those customers walking up to the device. This use does not include "bank".

**BANK:** A financial institution that accepts deposits and provides credit to the public. Routine interactions/activities with customers and/or patrons including savings/deposits, investments, loans, money exchange, etc. A bank may also provide financial counseling, planning, and services related to money management, and includes those establishments considered savings and loans and credit unions.

**BAR/TAVERN:** See "Tavern/Bar" definition

**CHILD DAY CARE CENTER:** A use involving the supervised care of children outside their home, which use may include preschool or educational activities that supplement state required education, however, an authorized Home Day Care use shall not constitute a Child Day Care Center.

**CLUB, PRIVATE:** An organization catering exclusively to members and their guests and not the general public. Private clubs shall include, but not be limited to: educational, fraternal, service, political organizations, labor unions, and social and athletic clubs. A private club does not include activities that are not for the primary benefit and participation of its members.

**COMMUNITY CENTER:** An establishment used for non-commercial recreational, social, educational, and cultural activities, open to the public or a designated part of the public, owned or operated by a public or non-profit group or agency.

**COMMUNITY GARDEN:** An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops (flowers) for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be used collectively by members of the group and may include common areas maintained and used by group members.

**CONTINUING CARE RETIREMENT FACILITY:** An age-restricted development or establishment that provides a continuum of accommodations and care, from independent living to long-term skilled nursing care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and/or entrance fee. This use does not include the “retirement community” or “assisted living residence” use, although such uses may be a component of the continuing care retirement facility use.

**CONVENIENCE STORE:** An establishment primarily engaged in the retail sale of frequently or recurring goods for household consumption, prepackaged food and beverages, foods prepared on site, magazines, lottery tickets, tobacco products, and limited household supplies. The use also may include the on-site consumption of food and beverages, as well as the retail sale of fuel for passenger vehicles, oil, grease, auto accessories, propane, kerosene and automatic car washing facilities. This use does not include “retail business” use.

**CONVENTION/CONFERENCE CENTER:** See Multi-purpose venue.

**COPY SHOP/BUSINESS SERVICE:** An establishment primarily engaged in providing custom printing, photocopying, faxing, mailing, courier service and/or other similar business and office support services, along with accessory sales of materials and items related to copying and mailing.

**CRAFTSMAN/ARTISAN STUDIO:** An establishment primarily engaged in the on-site production, display and sale of goods created on-site by hand manufacturing generally involving only the use of hand tools and/or other domestic mechanical equipment. Typical uses include painting and other media-art, ceramics, fabric crafts, candle-making, and jewelry manufacturing. All such production and storage associated with this use shall occur within a completely enclosed building.

**DAYCARE:** See Definition of “Child Day Care Center”, “Home Child Day Care”, and “Adult Daycare” as applicable.

**GROUP HOME:** A dwelling inhabited by not more than six (6) handicapped persons (as handicapped is defined by the Federal Fair Housing Act as amended from time to time). This definition does not include persons occupying a hotel, motel, bed and breakfast, halfway house, boarding house, treatment center or institution. This use involves persons functioning as a common household unit, providing non-routine support services and oversight to persons who need such assistance to avoid being placed in an institution because of physical, mental, or developmental disability, or old age, or individuals who meet the definition of “handicap” as defined by applicable federal law. This use does not involve the on-site medical treatment or on site care provided by a medical professional including a registered nurse.

**HALFWAY HOUSE:** A non-institutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The halfway house operates under the rules and regulations of the Pennsylvania Department of Health, Department of Corrections or similar authorities. The residents are provided full-time supervision and counseling on employment, vocations, finances and community living.

**HOME CHILD DAY CARE:** A use involving the care of no more than six children (excluding children living in the home and related to the care-giver by blood, marriage, or legal adoption), located only in a single-family detached dwelling in which the care-giver resides.

**INCUBATOR, BUSINESS:** An organization designed to accelerate the growth and success of entrepreneurial companies through an array of business support resources and services that could include physical space, capital, coaching, common services, and networking connections.

**MIXED COMMERCIAL / RESIDENTIAL STRUCTURES:** A structure housing commercial enterprises exclusively on the first floor and residential uses on the second and higher floors as permitted within the applicable zoning district and planned, constructed and managed as a total entity.

**MULTI-PURPOSE VENUE:** An area or structure involving indoor or outdoor seating or space for live performances, sports events, cultural events, meetings, or conventions (including but not limited to consumer trade shows, association conferences and meetings).

**MUSEUM:** An establishment where objects of artistic, historical or scientific importance or interest are kept, studied, and displayed.

**NO IMPACT HOME BASED BUSINESS:** Refer to “No-Impact Home-Based Business” Section 107 of the Pennsylvania Municipalities Planning Code, as amended from time to time.

**NURSING HOME:** A facility that provides skilled or intermediate nursing care, which is: professionally supervised nursing care and related medical and other health services provided for a period exceeding 24 hours to an individual not in need of hospitalization, but whose needs are above the level of room and board and can only be met in a long-term care nursing facility on an inpatient basis because of age, illness, disease, injury, convalescence or physical or mental infirmity. The term includes the provision of inpatient services that are needed on a daily basis by the resident, ordered by and provided under the direction of a physician, and which require the skills of professional

personnel, such as, registered nurses, licensed practical nurses, physical therapists, occupational therapists, speech pathologists or audiologists.

**ON SITE PRODUCTION:** The particular action or process of manufacturing components or raw materials at the same particular site/locale.

**OUTDOOR CAFÉ/DINING:** An accessory use to a restaurant, tavern/bar, or other similar establishment that includes an outdoor seating component.

**PARK, PLAYGROUND, AND OTHER NON-COMMERCIAL OUTDOOR RECREATIONAL USES:** A use of land, which may include accessory buildings and structures, for active and/or passive outdoor recreation for the purpose of pleasure, leisure, fellowship, or exercise, commonly involving a sporting activity, camping, hiking, jogging, bicycling, swimming, picnicking, and other related activities which is open to the public. A park may include amenities such as ballfields, tennis courts, trails, playground equipment, restrooms, picnic tables, cooking grills, and similar facilities. For purposes of this Chapter, parks shall not include uses that are considered to be commercial recreational uses.

**PARKING, OFF-STREET:** A temporary storage (surface or structure) for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated right-of-way, and is located upon the same lot as a principal use or, in the case of joint parking, within close proximity.

**PARKING, ON-STREET:** A temporary storage (surface) for a motor vehicle within a dedicated right-of-way, excluding alleys.

**PARKING, SHARED:** Joint use of a parking area on a single lot by more than one (1) use.

**RECREATION, COMMERCIAL:** An establishment operated as a gainful business, open to the public, for the purpose of leisure time activities, public recreation or entertainment, but not limited to, gymnasium, health and fitness club, skating rink, tennis courts, assembly hall, arena, swimming pool, bowling alley, etc. when operated within a completely enclosed building or structure or outdoors. This use includes, "health club or health spa".

**RESTAURANT:** An establishment that provides food and drink to patrons and that routinely involves the consumption of at least a portion of on premise food and/or drink. A restaurant may include the accessory sale of alcoholic beverages, and carry-out and delivery services.

**RETAIL BUSINESS:** An establishment which sells goods or merchandise to the general public for personal and household consumption and provides accessory repair services

for goods or merchandise that is similar to that which is sold on the premises and render services incidental to the sale of such goods.

**RETIREMENT COMMUNITY:** A planned development designed to meet the needs of, and exclusively for, the residence of senior citizens. This use does not include uses such as “continuing care retirement facility”, “nursing home” or “assisted living residence”.

**SCHOOL, COMMERCIAL:** Any school conducted for profit for such instruction as business, art, drama, music, handicraft, dancing, or other similar type low impact uses conducted within a completely enclosed building.

**SCHOOL, PUBLIC OR PRIVATE:** Any public, sectarian, or private non-profit establishment approved by the Commonwealth of Pennsylvania offering formal academic instruction and services for state-required or largely state-funded programs at the kindergarten, elementary, and secondary levels. This term shall not include those uses considered commercial schools.

**SCHOOL, VOCATIONAL:** Same as public or private school except that the primary activity is training in a trade or vocation, which may be conducted wholly or partially outside of an enclosed structure. This term shall not include those uses considered commercial schools.

**SHOPPING CENTER (General):** Any combination of business, non-residential establishments, and other related establishments that are permitted within the applicable zoning district, in a single building or in separate buildings that are planned, constructed, and managed as a total entity. All general shopping centers shall be located in a complex that is planned, designed, developed, owned or managed as a single unity with internal vehicle circulation (public or private) off-street parking and loading provided on the property. Provisions for goods delivery separated from customer access, pedestrian access, aesthetic considerations and protection from the elements and landscaping and signage in accordance with an approved land development plan and complying with the Borough of Greencastle Ordinances.

**SHOPPING CENTER (Town):** This definition is specific to the Mixed Use and Community Commercial District. All town shopping centers shall be located within a single building or in a complex that is planned, designed, developed, owned or managed as a single unit. Provisions shall be made for coordinated goods delivery, pedestrian access, aesthetic considerations, landscaping and signage. Refer to “Mixed Use/Residential Structures” definition.

**SIGHT DISTANCE:** The length of road visible to the driver of a vehicle at any given point in the road when viewing is unobstructed by traffic.

**TAVERN/BAR:** An establishment which serves primarily alcoholic beverages for mostly immediate on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board, but may also include the incidental sale of food. Taverns and bars shall not be construed to be a sexually oriented business and/or related use as defined within this Chapter.

**THEATRE, INDOOR:** An establishment with a building or portion thereof devoted to the showing of movie pictures or theatrical productions on a commercial basis. This use does not include “Adult Motion-Picture Theatre”.

**TREATMENT CENTER:** A use, other than a prison or a hospital, providing housing for three (3) or more unrelated person or outpatient services to persons who need specialized housing, treatment and/or counseling because of: Criminal rehab (halfway house); current addiction to alcohol or a controlled substance that was used in an illegal manner; and/or a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

**UNIVERSITY/COLLEGE:** An educational establishment, authorized by the Commonwealth of Pennsylvania as such to award associate, baccalaureate or higher degrees, including principal uses for classrooms, libraries, auditoriums, gymnasiums, stadiums, administrative offices, dormitories and dining facilities, boarding houses, maintenance and operating facilities as well as ancillary uses (i.e. research facilities, retail services and businesses) that support student, faculty and staff needs.

**VETERINARY OFFICE:** An establishment used primarily for the treatment, by a veterinarian, of small animals and household pets and the outpatient treatment of large animals. No outdoor keeping or boarding of animals is permitted.

**SECTION XXVI:** Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Article V, subsection 205-56, entitled “Definitions.”, shall be amended by removing the existing definition of “Shopping Center” and by modifying the definitions set forth below in the manner set forth below:

**BED AND BREAKFAST:** An owner-occupied or manager-occupied establishment within a single family detached dwelling, providing temporary, overnight lodging accommodations in sleeping rooms/units for transient guests and related meal service for compensation. Bed and breakfast may also host accommodations for private events (i. e. weddings and small gatherings). Temporary, overnight lodging occurs within individual sleeping rooms/units which do not contain cooking facilities.

**BUILDING SETBACK LINE:** The required horizontal distance between a required setback line and an abutting lot line or street right-of-way line, as applicable.

(1) **SETBACK, FRONT:** The distance between the street right-of-way line and the required front setback line. Corner lots shall have two (2) front setbacks. Lots



encompassing a whole block (public streets on three sides of the lot, with or without an alley in the rear) shall have three (3) front yards.

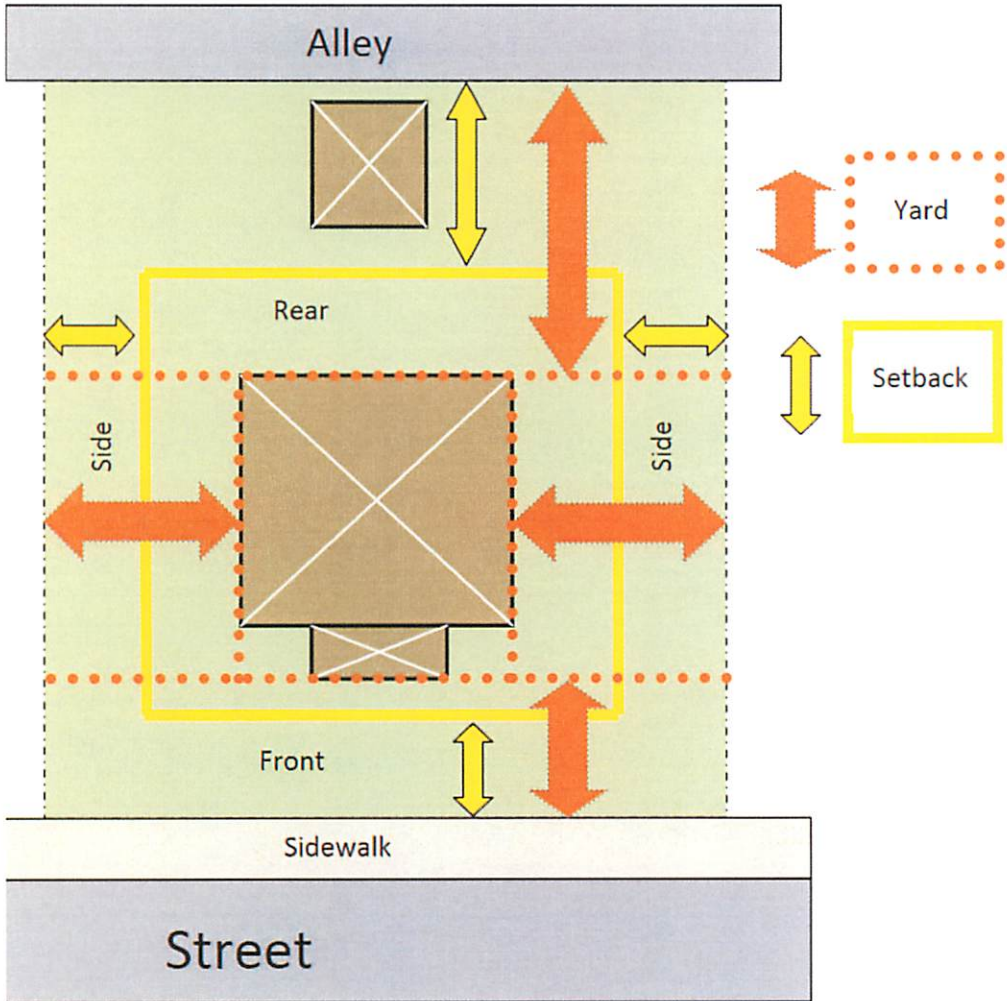
See Setback Figure 1 below for Typical Setbacks and Yards, Interior Lots and Setback Figure 2 below for Typical Setbacks and Yards, Corner Lots. See Setback Figure 3 below for Typical Setbacks and Yards, Whole Block Lots.

(2) SETBACK, REAR: The distance between the rear lot line and the required rear setback line. Corner lots shall have one (1) rear setback. Lots encompassing a whole block (public streets on three sides of the lot, with or without an alley in the rear) shall have 1 rear setback adjacent to the alley or the lot line not adjacent to a street.

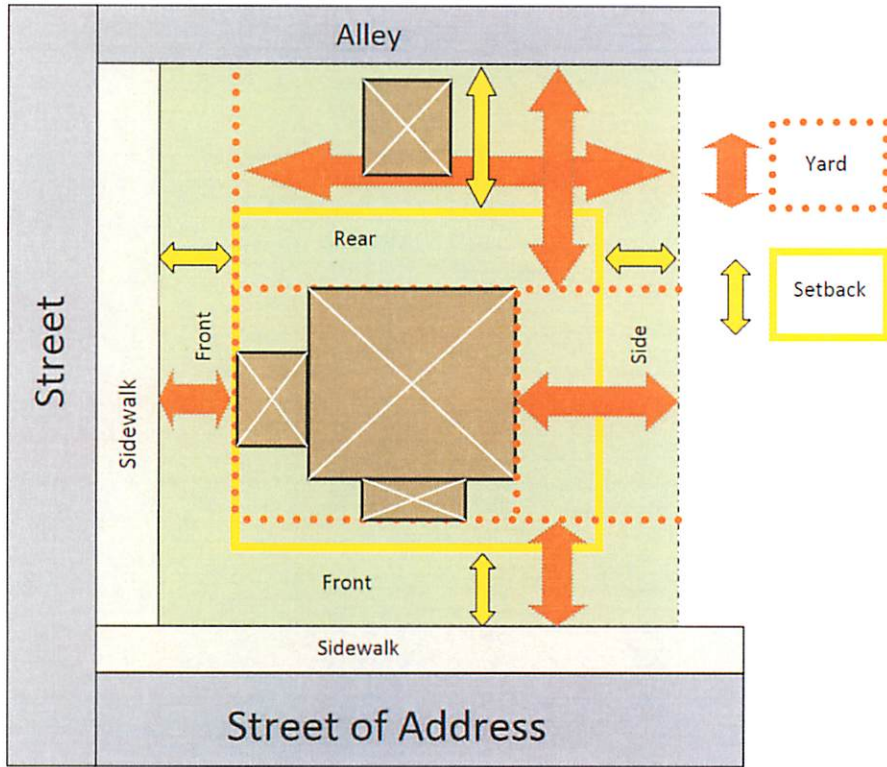
See Setback Figure 1 below for Typical Setbacks and Yards, Interior Lots and Setback Figure 2 below for Typical Setbacks and Yards, Corner Lots. See Setback Figure 3 below for Typical Setbacks and Yards, Whole Block Lots.

(3) SETBACK, SIDE: The distance between the side lot line and the required side setback line. Corner lots shall have one (1) side setback. Lots encompassing a whole block (public streets on three sides of the lot, with or without an alley in the rear) shall have no side yards.

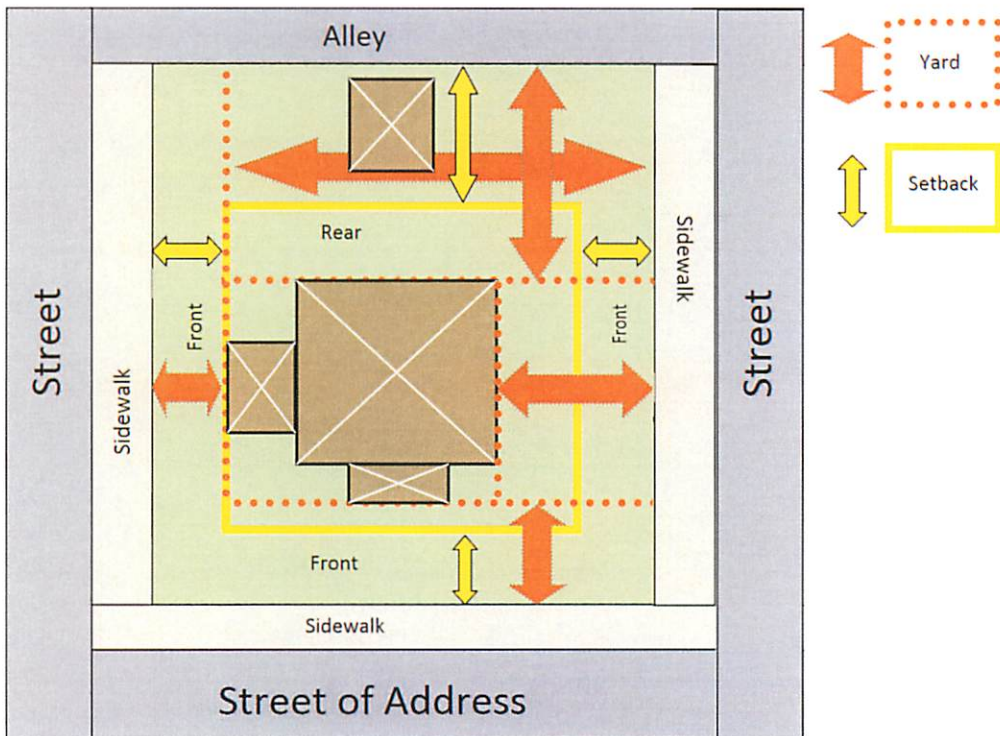
See Setback Figure 1 below for Typical Setbacks and Yards, Interior Lots and Setback Figure 2 below for Typical Setbacks and Yards, Corner Lots. See Setback Figure 3 below for Typical Setbacks and Yards, Whole Block Lots.



SETBACK FIGURE 1



SETBACK FIGURE 2



SETBACK FIGURE 3

**HOSPITAL:** A building or portion thereof used on a 24 hour basis for the medical, psychiatric, obstetrical, or surgical treatment of inpatients who are incapable of self-preservation which facility is licensed by the Commonwealth of Pennsylvania as a hospital facility. The term “hospital” shall not include any facility which houses the criminally insane or provides treatment for persons actively charged with or serving a sentence after being convicted as a felony.

**HOTEL:** An establishment providing temporary, overnight lodging accommodations for transient guests for compensation, in sleeping rooms/units that each has separate access to a common interior corridor and which may provide additional supporting services (i.e. restaurants, meeting rooms, recreation facilities, and living quarters for a resident manager or proprietor). This use does not include “motel”.

**MOTEL:** An establishment providing temporary, overnight lodging accommodations for transient guests for compensation, in sleeping rooms/units that each has separate access directly to the outside and which may provide such additional supporting services as restaurants, recreation facilities, and living quarters for the resident manager or proprietor. This use does not include “hotel”.

**MULTIPLE OCCUPANCY BUILDING:** A building used for more than one commercial use or combination commercial-residential use. This term does not include Mixed Commercial / Residential Structures.

**PROFESSIONAL OFFICE:** An establishment in which one (1) or more persons are employed in the management, direction or conducting of business/commerce and whose staff/employees serve clients who seek advice and consultation regarding business/commerce. A business office may include the administrative, corporate or professional offices for profit, non-profit or charitable organizations, but also includes contractors (office only, not including stock yards or tool storage areas), real estate, stock and bond brokers, accountants, adjusters, appraisers, utility companies, attorneys, clergy, teachers, architects, engineers, landscape architects, planners, interior designers, insurance agents, and similar office-oriented uses.

**SCREENING:** A barrier between adjacent properties, uses, and/or zoning districts composed of a mixture of landscaping, trees, berms, shrubs, fences, walls and/or other similar type materials that is intended to mitigate negative impacts such as noise, visual, airborne issues of the more intense/dense uses and/or zoning district on the less intense/dense use and/or zoning district. Screening shall be continuously maintained as long as the use requiring the screening is located at the property. Maintenance shall include, as applicable, repairing, replacing, reconstructing, trimming, pruning, painting and other maintenance activities as necessary. Said screening shall meet the specific

requirements of the Subdivision and Land Development Ordinance and any criteria set forth in this Chapter.

**SECTION XXVII: REPEALER.** All provisions of previous Ordinances of the Borough of Greencastle which are contrary to this Ordinance are expressly repealed.

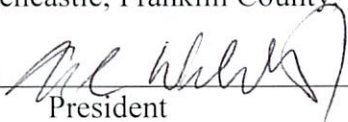
**SECTION XXVIII: SAVINGS CLAUSE.** In all other respects, Chapter 205 of the Code Borough of Greencastle shall remain as previously enacted and ordained.

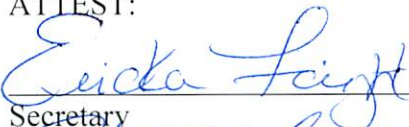
**SECTION XXIX: SEVERABILITY.** The provisions of this Ordinance are severable and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentences.


**SECTION XXX: EFFECTIVE DATE.** This Ordinance shall take effect immediately.

ENACTED, ORDAINED, AND APPROVED this 5<sup>th</sup> day of December, 2016.

Borough Council of the Borough of Greencastle, Franklin County, Pennsylvania

By:   
President

ATTEST:  
  
Secretary

  
Mayor of the Borough of Greencastle