

**GREENE TOWNSHIP
FRANKLIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-3

AN ORDINANCE OF GREENE TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 105 – “ZONING” OF THE CODE OF THE TOWNSHIP OF GREENE TO ALLOW ADDITIONAL PERMITTED MEDICAL USES IN THE TRANSITIONAL COMMERCIAL DISTRICT AND TO ALLOW THE ZONING HEARING BOARD, UPON APPLICATION, TO PERMIT A USE OF LAND AS A SPECIAL EXCEPTION IN THE HIGHWAY COMMERCIAL DISTRICT, LIGHT INDUSTRIAL DISTRICT, AND HEAVY INDUSTRIAL DISTRICT, SUBJECT TO CERTAIN CRITERIA.

WHEREAS, the Board of Supervisors of the Township, as a governing body, is empowered to amend its Zoning Ordinance pursuant to the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10609; and

WHEREAS, Chapter 105, entitled “Zoning,” of the Code of the Township of Greene (the “Code”), at Article III thereof, entitled “District Use Regulations,” provides for specific uses of land which are permitted, either by right or by conditional use (collectively, the “Permitted Uses”), in each respective zoning district of the Township of Greene (the “Township”); and

WHEREAS, the Board of Supervisors has determined that adding additional permitted medical uses in the Transitional Commercial District is in the interest of the health, safety, and welfare of the citizens and the residents of the Township; and

WHEREAS, the Code currently provides that any use of land not permitted by Chapter 105 shall be deemed to be prohibited; and

WHEREAS, the Board of Supervisors has determined that is virtually impossible to identify every specific use of land which is compatible with the intent of each respectable zoning district and, as such, desires to add provisions to the Code which allow the Township Zoning Hearing Board, upon application, to permit a use of land as a special exception in the Highway Commercial District, Light Industrial District, and Heavy Industrial District, subject to certain criteria, where such use is not specifically regulated by Chapter 105 and is compatible with the Permitted Uses and intent of the applicable zoning district; and

WHEREAS, the Board of Supervisors deems it in the best interest and for the general welfare of the citizens and residents of the Township to amend the Township’s Zoning Ordinance.

BE IT HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Greene Township, Franklin County, Pennsylvania, as follows:

Section 1. Recitals. The above recitals are incorporated herein.

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Section 2. Amendments to the Zoning Ordinance. Chapter 105, "Zoning," of the Code of the Township of Greene is hereby amended by deleting the ~~stricken~~ text and adding the underlined text as follows:

A. Article II, "Establishments of Districts," §105-5, "Effect of establishment of districts":

"E. Any use not permitted by this chapter shall be deemed to be prohibited, except as permitted by §§ 105-10.C, 105-11.D, or 105-12.D and § 105-57.1 of this chapter as a special exception. Any list of prohibited uses contained in any section of this chapter shall not be deemed to be an all-inclusive list but has been included for the purpose of clarity and emphasis, and to illustrate, by example, some of the uses frequently proposed that are deemed undesirable and incompatible and thus prohibited."

B. Article III, "District Use Regulations," Section 105-9.1, "Transitional Commercial District":

"A.(10) Medical and dental clinics and laboratories, including ~~outpatient-only~~ health care clinics for urgent care/ambulatory care services. Said facilities may include professional offices, medical offices and laboratories involving the diagnosis, treatment, and care of humans, ambulatory surgery facilities; micro-hospitals; tele-emergency departments; and outpatient emergency departments including any and all support services normally related thereto. Clinics as described above shall not include a health care facility as defined by this chapter, but may be included as a component of a health care facility campus as regulated by § 105-9.1.B(2)."

"C.(2) Except as otherwise specifically provided in this § **105-9.1**, none of the uses described as permitted uses, ~~or as conditional uses,~~ or as special exception uses in the areas zoned Highway Commercial, Light Industrial and Heavy Industrial shall be permitted ~~as permitted uses or conditional uses herein.~~"

C. Article III, "District Use Regulations," Section 105-10, "Highway Commercial District":

~~C. Use Standards. The following use standards are applicable to all permitted uses and conditional uses in a Highway Commercial District:~~

~~(1) Landscaping and screening shall be provided as defined in § **85-40.1** of the Township Code.~~

~~(2) Any illumination or floodlighting shall be arranged so there will be no glare of lights upon a residence, street or residential district.~~

- ~~(3) No driveway entrance or exits shall be located within 75 feet of an intersecting street measured from the point of intersection of the center line. Where this intersection involves streets of two different classifications, this separation distance shall be increased by the amount any required right-of-way exceeds 50 feet.~~
- ~~(4) Loading areas or bays shall not be located in the front yard of the building or in any required yard adjacent to a residential district or an existing residence or which faces a street.~~

"C. Special Exception uses (additional requirements are in Section 105.57.1)

- (1) Residential uses not otherwise provided for.
- (a) Whenever a residential use is neither specifically permitted nor prohibited by this chapter, an application shall be referred by the Zoning Officer to the Zoning Hearing Board to hear and decide such request as a special exception. Authority to permit or deny the proposed use shall be subject to the following standards in addition to those outlined in Section 105-57.1.
- [1] The proposed use is similar to or compatible with permitted uses in the HC zone.
- [2] The proposed use is not permitted in any other zone under the terms of this chapter.
- [3] The use is proposed in a manner that complies with all applicable requirements imposed upon other uses that most closely reflect the likely impacts to be generated by the proposed use.
- [4] The proposed use complies with all other applicable sections of this chapter and other Township ordinances.
- [5] The proposed use does not conflict with the general purposes and intent of this chapter.
- [6] The proposed use would not be detrimental to the public health, safety, and welfare of the neighborhood.
- (b) The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and all other applicable regulations contained in this chapter including, but not limited to, those general special exception criteria and filing requirements found in Section 105-57.1.

D. Use Standards. The following use standards are applicable to all permitted uses, conditional uses, and special exception uses in a Highway Commercial District:

- (1) Landscaping and screening shall be provided as defined in § 85-40.1 of the Township Code.
- (2) Any illumination or floodlighting shall be arranged so there will be no glare of lights upon a residence, street or residential district.
- (3) No driveway entrance or exits shall be located within 75 feet of an intersecting street measured from the point of intersection of the center line. Where this intersection involves streets of two different classifications, this separation distance shall be increased by the amount any required right-of-way exceeds 50 feet.
- (4) Loading areas or bays shall not be located in the front yard of the building or in any required yard adjacent to a residential district or an existing residence or which faces a street."

D. Article III, "District Use Regulations," Section 105-11, "Light Industrial District (LI)":

~~C.(18) If not specifically listed in § 105-11B or C, documentation shall be presented to demonstrate similarity to one or more of the these uses listed above and compliance with the performance standards enumerated herein.~~

~~D. — Documentation required. To determine whether or not the proposed use is a permitted use, if not specifically listed in § 105-11B, or if it is listed as a conditional use in § 105-11C, a detailed site plan with accompanying documentation shall be submitted to the Township Zoning Officer, who will distribute copies of the plan to all the review agencies mentioned in Chapter 85, Subdivision and Land Development. Based upon their remarks and recommendations, the Township Supervisors shall make an objective determination within 30 days of the hearing. This decision shall be furnished, in writing, not later than 10 days after the decision is rendered, to the person, persons or corporation requesting certification of the use in this District. Once this is done, an official application for subdivision and land development plan approval or a land use or building permit, whichever is applicable, can be completed and processed. The information required shall be as follows:~~

- ~~(1) — Sketch plan showing all property dimensions, existing locations of all buildings, structures, right-of-way, easements, driveways, off street parking facilities; utility lines, poles and appurtenances; entrances and exits on the site, and within 100 feet of the property; proposed locations, and dimensions of proposed buildings, structures, walkways, buffer zones, parking areas, loading areas, storage areas, signs, sanitary sewer facilities, stormwater management facilities, water supply, waste disposal provisions, curbs, landscaping, exterior lighting;~~

~~existing and proposed physical features such as water bodies, water course, grades, woods, trees, soils, rock outcrops, subsurface formations, ecological habitats, vistas; all adjoining properties and uses within 200 feet of the site to include their historical, architectural and archaeological significance.~~

- ~~(2) Statement explaining the suitability of the site for development, and its compatibility and demand for the intended use of the type proposed in the particular location proposed; furthermore, its accessibility and availability of community facilities and services should be included, as well as the proposed project's impact on the Township Comprehensive Plan, planned capital improvements or proposed development regulations.~~
- ~~(3) Description of existing and proposed machinery, processes and products.~~
- ~~(4) Specifications for the mechanisms and techniques used or to be used in restricting emission of any dangerous and objectionable elements, and in measurement of the potential emission if any is anticipated.~~
- ~~(5) Inventory and analysis of water quantity requirements and water yields and quality; traffic counts, road capacities, circulation patterns and considerations; market information; and, any other data that may be required.~~
- ~~(6) Designation of applicable local, commonwealth, and federal approvals and permits required, and compliance with same and the following performance standards:~~

"D. Special exception uses (additional requirements are in Section 105-57.1)

- (1) Non-residential uses not otherwise provided for.
 - (a) Whenever a non-residential use is neither specifically permitted nor prohibited by this chapter, an application shall be referred by the Zoning Officer to the Zoning Hearing Board to hear and decide such request as a special exception. Authority to permit or deny the proposed use shall be subject to the following standards in addition to those outlined in Section 105-57.1.
 - [1] The proposed use is similar to or compatible with permitted uses in the LI zone.
 - [2] The proposed use is not permitted in any other zone under the terms of this chapter.
 - [3] The use is proposed in a manner that complies with all applicable requirements imposed upon other uses that most closely reflect the likely impacts to be generated by the proposed use.

[4] The proposed use complies with all other applicable sections of this chapter and other Township ordinances.

[5] The proposed use does not conflict with the general purposes and intent of this chapter.

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

(b) The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and all other applicable regulations contained in this chapter including, but not limited to, those general special exception criteria and filing requirements found in Section 105-57.1.

E. Performance Standards. All permitted uses, ~~and conditional uses,~~ and special exception uses shall meet or exceed all of the following requirements:"

"F.(2) The uses listed in Subsection C(4) directly above are subject to the standards and criteria below, in addition to the requirements of ~~Subsections D and~~ Subsection E:"

E. Article III, "District Use Regulations," Section 105-12, "Heavy Industrial District (HI)":

"C.(3) A building may be erected, used or occupied and a lot may be used or occupied for any use not specifically listed in § 105-12B as a special exception for review by the Zoning Hearing Board if sufficient documentation is presented for review by the Supervisors in accordance with all provisions and procedures of § 105-11D, which demonstrates to the Supervisors similarity to one or more of the permitted uses above and compliance with the performance and use standards enumerated in §§ 105-11E and F and ~~105-12D~~ 105-12E."

~~D. — Performance Standards:~~

~~(1) All permitted uses and conditional uses in a Heavy Industrial District, which are not permitted uses or conditional uses in a Light Industrial District or are not permitted uses or conditional uses in a Highway Commercial District shall meet or exceed all of the following requirements:~~

~~(a) Buffer zone:~~

~~{1} The buffer zone shall be measured from the District boundary line or a property line or right-of-way line, if not consistent with the District boundary line.~~

~~{2} A minimum buffer zone of 200 feet in width shall be provided along any common property line with a residential use or district (AR, R-1 and R-2 Districts).~~

~~{3} The buffer zone shall be maintained and kept clean of debris, rubbish, weeds and other unsightly features.~~

~~{4} No building, structure or physical improvements shall be permitted in the buffer zone, except:~~

~~{a} An access drive;~~

~~{b} A stormwater management facility;~~

~~{c} Off Street parking (in accordance with the requirements of § 105-29); and~~

~~{d} A permitted sign.~~

~~{5} No less than the exterior half of the buffer area shall be planted and maintained with grass or ground cover, massed evergreens, and deciduous trees and shrubs per the vegetative screening requirements of § 85-40.1B(2) of the Township Code.~~

~~(b) The performance standards contained in § 105-11E(2) through (11).~~

~~(2) All permitted uses and conditional uses which are permitted in a Heavy Industrial District, which are permitted uses or conditional uses in a Light Industrial District or are permitted uses or conditional uses in a Highway Commercial District shall meet or exceed all of the performance standards which are applicable to those uses in § 105-11E and F.~~

"D. Special exception uses (additional requirements are in Section 105-57.1)

(1) Non-residential uses not otherwise provided for.

(a) Whenever a non-residential use is neither specifically permitted nor prohibited by this chapter, an application shall be referred by the Zoning Officer to the Zoning Hearing Board to hear and decide such request as a special exception. Authority to permit or deny the proposed use shall be subject to the following standards in addition to those outlined in Section 105-57.1.

[1] The proposed use is similar to or compatible with permitted uses in the HI zone.

[2] The proposed use is not permitted in any other zone under the terms of this chapter.

- [3] The use is proposed in a manner that complies with all applicable requirements imposed upon other uses that most closely reflect the likely impacts to be generated by the proposed use.
- [4] The proposed use complies with all other applicable sections of this chapter and other Township ordinances.
- [5] The proposed use does not conflict with the general purposes and intent of this chapter.
- [6] The proposed use would not be detrimental to the public health, safety and welfare of the neighborhood.
- (b) The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and all other applicable regulations contained in this chapter including, but not limited to, those general special exception criteria and filing requirements found in Section 105-57.1.

E. Performance Standards:

- (1) All permitted uses, conditional uses, and special exception uses in the Heavy Industrial District, which are not permitted uses, conditional uses, or special exception uses in a Light Industrial District or are not permitted uses, conditional uses, or special exception uses in a Highway Commercial District shall meet or exceed all of the following requirements:
 - (a) Buffer zone:
 - [1] The buffer zone shall be measured from the District boundary line or a property line or right-of-way line, if not consistent with the District boundary line.
 - [2] A minimum buffer zone of 200 feet in width shall be provided along any common property line with a residential use or district (AR, R-1 and R-2 Districts).
 - [3] The buffer zone shall be maintained and kept clean of debris, rubbish weeds and other unsightly features.
 - [4] No building, structure or physical improvements shall be permitted in the buffer zone, except:
 - [a] An access drive;
 - [b] A stormwater management facility;

[c] Off-Street parking (in accordance with the requirements of § 105-29); and

[d] A permitted sign.

[5] No less than the exterior half of the buffer area shall be planted and maintained with grass or ground cover, massed evergreens, and deciduous trees and shrubs per the vegetative screening requirements of § 85-40.1B(2) of the Township Code.

(b) The performance standards contained in § 105-11E(2) through (11).

(2) All permitted uses, conditional uses, and special exception uses which are permitted in a Heavy Industrial District, which are permitted uses, conditional uses, or special exception uses in a Light Industrial District or are permitted uses, conditional uses, or special exception uses in a Highway Commercial District shall meet or exceed all of the performance standards which are applicable to those uses in § 105-11E and F.”

F. Article V, “Supplementary Regulations,” Section 105-26, “Height regulations”:

“**B.** Chimneys, flues, towers, spires, cupola domes, pole masts, antennas, barns, and silos shall be exempt from height limitations of this chapter provided their location is not in the required yard. The exemption provided in this subsection shall not be applicable to personal wireless or cellular telecommunication facilities as regulated in §§ ~~105-11C, D~~ and **F** and § 105-12C of this chapter.”

G. Article V, “Supplementary Regulations,” Section 105-37.1, “Specific criteria for certain industrial uses”:

“**A.(11)(c)** A note shall be placed on the land development plan indicating the applicant’s understanding of the Township’s industrial performance standards (i.e., drainage, electricity, glare, radioactivity, vibration, fire and explosion hazards, traffic control, storage of explosives, storage of flammable substances, waste disposal, noise, odor, dust, fumes, vapor, gas and smoke) as outlined in §§ **105-11E, ~~105-12D~~ 105-12E** and **105-36** of the Township Zoning Ordinance and other applicable sections of the Township Code, and its agreement to meet the applicable standards.”

H. Article IX, “Zoning Hearing Board,” Section 105-57, “Zoning Hearing Board’s power and functions”:

“The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in accordance with Article IX of the Pennsylvania Municipalities Planning Code. The Zoning Hearing Board shall have no authority to hear an application for nor to grant a variance that would authorize a use of

property not otherwise permitted in the zoning district in which the property is located. In this context, a use permitted as a conditional use or a special exception use shall be considered a permitted use, but shall only be allowed by full compliance with the applicable conditional use or special exception process and criteria.”

I. Article IX, “Zoning Hearing Board,” Section 105-57.1, “Special exception uses”:

“§ 105-57.1 Special exception uses.

In any instance where the Zoning Hearing Board is required to consider a special exception use in accordance with the provisions of this chapter, said special exception use shall be subject to the following standards and criteria. The applicant shall demonstrate by credible evidence, compliance with these criteria, and those criteria specified elsewhere in this chapter for the use in question.

A. Filing requirements. In addition to the required permit information each special exception application shall include the following:

- (1) Architectural floor plans and elevations of proposed structures;
- (2) Owner’s name, address, and County tax parcel identifier of all adjoining properties including those directly across a public right-of-way;
- (3) A scaled site plan of the property showing existing conditions, proposed development, and finished topography with sufficient detail to demonstrate compliance with all applicable provisions of this chapter; and
- (3) A written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of this chapter.

B. Procedure. The application shall be provided to the Township Planning Commission for review and comment. A copy shall also be provided to the Township Board of Supervisors for its information. A notice of the hearing shall be posted on the affected premises by the Township Zoning Officer no less than seven (7) days prior to the hearing date.

C. General criteria. Each applicant must demonstrate compliance with the following:

- (1) The proposed use shall be consistent with the purpose and intent of the Zoning Ordinance;

- (2) The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
- (3) The proposed use will not substantially change the character of the subject property's neighborhood in a negative manner;
- (4) Adequate public facilities are available to serve the proposed use (e.g., schools, fire, police and ambulance protection, sewer, water and other utilities, vehicular access, etc.);
- (5) For development within the Flood Hazard District, that the application complies with those requirements found in Section 105-14 of this chapter;
- (6) The proposed use shall comply with those criteria specifically listed in Article III and all other applicable regulations of this chapter; and
- (7) The proposed use will not substantially impair the integrity of the Township's Comprehensive Plan.

D. Conditions. The Zoning Hearing Board, in approving special exception applications, may attach conditions considered necessary to protect the public welfare and the criteria listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer, and failure to comply with such conditions shall constitute a violation of this chapter and be subject to the penalties described in Article VIII.

E. Site plan approval. Any site plan presented in support of the special exception use pursuant to § 105-57.1 shall become an official part of the record for said special exception. Approval of any special exception use will also bind the use in accordance with the submitted site plan. Any subsequent change to the use on the subject property not reflected on the originally approved site plan shall require the obtainment of another special exception approval.

F. Time limitation. An approved special exception use shall be bound by the time limitations listed in § 105-50.G of this chapter."

J. Article XIII, "Definitions," § 105-64, "Definitions":

"AMBULATORY SURGERY FACILITY

A medical facility operated exclusively for the purpose of providing surgical services to patients who do not require hospitalization and expected duration of services does not exceed 24 hours.

MICRO-HOSPITAL

An acute care hospital that offers emergency services and maintains facilities for at least ten (10) inpatient beds with a narrow scope of inpatient acute care services, such as no surgical services. Inpatient beds must be maintained with appropriate physical resources and staff with appropriate personnel to meet the needs of patients, ensuring at least one physician and one registered nurse are always on-site as needed to meet the needs of admitted patients and patients on observation status.

NON-RESIDENTIAL USE

The primary use of a property, structure, or portion thereof for other than residential use including, but not limited to, agricultural, commercial, industrial, institutional, and public use.

OUTPATIENT EMERGENCY DEPARTMENT

An outpatient location of a hospital that offers only emergency services and is not located on the grounds of the main licensed hospital. The term does not include independent, freestanding emergency departments that are not outpatient locations under the license of a hospital.

RESIDENTIAL USE

Use in a structure, portion of a structure, or on a property which is a person's permanent principal residence, and wherein the primary use is the provision of living accommodations for individuals or families. This term shall not include use in motor homes, travel trailers, other recreational vehicles, or transient accommodations.

TELE-EMERGENCY DEPARTMENT

Also known as Tele-Eds. An emergency department in an acute care or critical access hospital that is staffed by Advance Practice Providers 24 hours per day / 7 days per week (24/7) with a physician available at all times through telecommunications but not physically present in the emergency department."

Section 3. All ordinances, or parts thereof, of the Township of Greene inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. In all other respects, the ordinances of the Township of Greene shall remain as previously enacted and ordained.

Section 5. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

Section 6. This Ordinance shall be effective five (5) days after enactment.

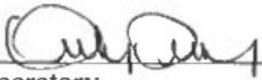
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DULY ENACTED AND ORDAINED this 10th day of October, 2023, by the Board of Supervisors of Greene Township, Franklin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

**BOARD OF SUPERVISORS
GREENE TOWNSHIP**


Secretary


Todd E. Burns


Travis L. Brookens


Shawn M. Corwell

APPROVED this 10th day of October, 2023

CERTIFICATION/ATTESTATION

I, Lindsay N. Loney, Township Secretary, hereby certify and attest that the foregoing ordinance was advertised in the *Public Opinion* on September 4 and 12, 2023, a newspaper of general circulation in the Municipality and was duly enacted and approved as set forth at a Regular Public Meeting of the Board of Supervisors held on October 10, 2023.



Lindsay N. Loney, Township Secretary

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