

ORDINANCE NO 2015-04

**AN ORDINANCE OF THE BOROUGH OF GREENCASTLE, FRANKLIN COUNTY,
PENNSYLVANIA AMENDING CHAPTER 205, ENTITLED "ZONING", OF THE
CODE OF THE BOROUGH OF GREENCASTLE**

WHEREAS, pursuant to its powers under laws of the Commonwealth of Pennsylvania, the general supervision of the affairs of the Borough of Greencastle, Commonwealth of Pennsylvania, is in the hands of its Borough Council; and

WHEREAS, said Borough Council deems it to be in the best interest of the public health, safety, and welfare to amend Chapter 205 of the Code of the Borough of Greencastle.

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

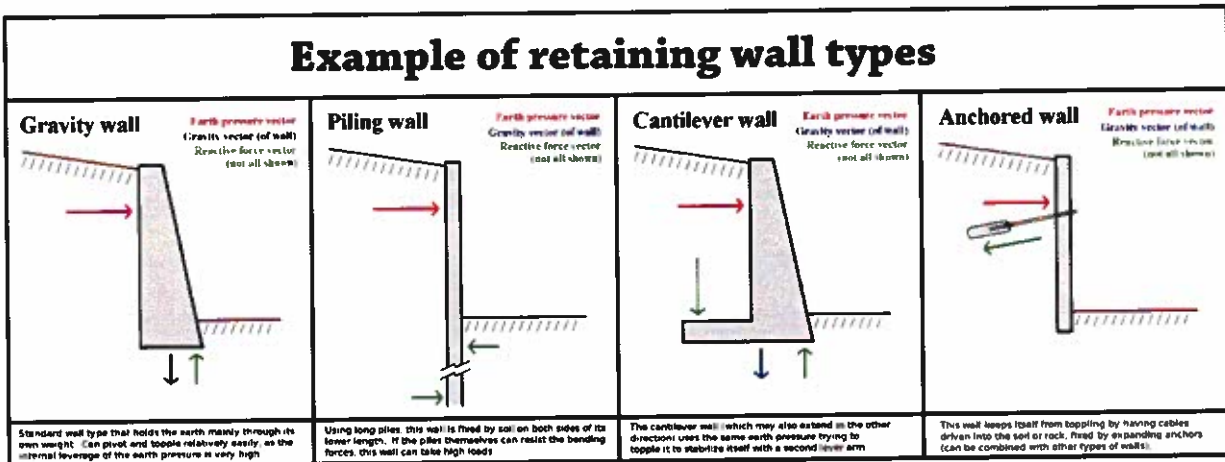
SECTION I: Chapter 205 of the Code of the Borough of Greencastle, entitled "Zoning", Section 56 thereof, entitled "Definitions", is hereby amended to add the following definitions:

PAWNBROKER

Any person who (1) engages in the business of lending money on the deposit or pledge of personal property, other than chosen in action, securities, or written evidence of indebtedness; or (2) purchases personal property with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price; or (3) lends money upon goods, wares, or merchandise pledged, stored, or deposited as collateral security.

RETAINING WALL

A man-made structure constructed primarily of brick, block, or stone that is designed and constructed to resist the lateral pressure of soil where there is a desired change in ground elevation that exceeds the horizontal plane to which soil can be piled without slumping. The elevation of the top of the retaining wall shall not exceed the elevation of the soil being retained by the retaining wall by more than one foot. The following figure depicts examples of retaining wall types:



SECTION II: Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Section 56 thereof, entitled “Definitions”, is hereby amended by modifying the definition of “Wall” to read as follows:

WALL

A man-made barrier consisting primarily of brick, concrete, or cinder block placed or arranged as a line of demarcation to separate or enclose different areas or uses, but not including such barriers four feet or less in height whose primary purpose is to serve as the base or foundation of a fence. The term “wall” does not include retaining wall nor does it include barriers of landscaped materials, including hedges.

SECTION III: Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Section 56 thereof, entitled “Definitions”, is hereby amended by modifying the definition of “Fence” to read as follows:

FENCE

A man-made barrier placed or arranged as a line of demarcation between lots or to enclose a lot, or portion thereof, that is constructed of wood, composite, plastic/PVC, wire mesh, chain-link aluminum and/or plastic inserts, or any other material which is designed and marketed as a material suitable for fence construction. Man-made barriers constructed principally of other materials, including, but not limited to, brick, concrete or cinder block, shall be considered a wall. However walls that are not more than four feet in height may serve as the base or foundation for a fence, in which case the total height of the wall and the fence shall not exceed the maximum height of a fence. The term “wall” does not include engineering retaining walls, which are permitted uses as needed in all

districts. The terms “fence” and “wall” do not include barriers of landscaped materials, including hedges.

SECTION IV: Chapter 205 of the Code of the Borough of Greencastle, entitled “Zoning”, Section 21 thereof, entitled “Accessory buildings and structures”, subsection J., entitled “Fences and Walls” is amended by changing the title to “Fences, Walls, and Retaining Walls” and the contents thereof are replaced in their entirety with the following:

1. Fences

a. Unless otherwise stated, fences are permitted uses in all districts, subject to the following:

i. Fences may be located in the front, side, or rear yard.

1. In the R-1, R-2, RM, CC, and CC-II Districts, fences located in the front yard shall not exceed four feet in height.

a. On a corner lot located in the R-1, R-2, RM, CC, and CC-II Districts, the fence height shall be limited to four feet on both front yards.

2. Barbed wire fences shall not be permitted in any district other than in the (I) Industrial and (HC) Highway Commercial Districts. Barbed wire shall not be permitted in the front yard in any district other than the (I) Industrial District.

3. Chain link fences or a pattern similar (including but not limited to chicken wire, galvanized garden fencing, etc.) to that of a chain link fence shall not be permitted in the front yard in any district other than the (I) Industrial and (HC) Highway Commercial Districts. For any chain link fences located in the (I) Industrial or (HC) Highway Commercial Districts vegetative material of sufficient height and density on the exterior of the fence or chain link fence privacy slats to conceal the chain link fence from the view of the adjoining lots must be provided in conjunction with any chain link fence which fronts upon a street or shares a lot line with any lot located in a district other than (I) Industrial and (HC) Highway Commercial. Any chain link fence



subsection c. below.

- c. Any applicant for a zoning permit to construct a fence bears sole responsibility for the accurate representation of any property lines and in the event information presented by the applicant is incorrect, the applicant shall bear all liability for the correction of the error.

2. Walls

- a. Unless otherwise stated, walls are permitted uses in all districts, subject to the following:

- i. Walls may be located in the front, side, or rear yard.

1. In the R-1, R-2, RM, CC and CC-II Districts, walls located in the front yard shall not exceed four feet in height and must be set back one foot from the property line for every foot or portion thereof of the wall's height, subject to subsection b. below. For example, if the proposed wall is three and one half feet in height, it must be set back four feet from the front lot line. There shall be no required setback for walls in a side or rear yard.

- a. On a corner lot in the R-1, R-2, RM, CC, and CC-II Districts, the wall height shall be limited to four feet on both front yards.

2. Barbed wire shall not be permitted to be combined with walls in any district other than in the (I) Industrial and (HC) Highway Commercial Districts. Barbed wire shall not be permitted in the front yard in any district other than the (I) Industrial District.

- ii. Walls shall have a maximum height of six feet except in the (I) Industrial and (HC) Highway Commercial Districts, where the maximum height shall be limited to eight (8) feet.

- iii. No wall shall be constructed in a location which interferes with the minimum sight distance required by the Pennsylvania Department of Transportation Publication 13M, Highway Design Manual, as amended and supplemented from time to time.

- iv. No wall shall be located within a public access or public utility easement or right of way unless the applicant has written permission of the person who has been granted the public access or public utility easement. If the Borough or applicable utility needs access to the easement or right of way the portion of wall obstructing the easement or right of way shall be removed by the property owner at their sole cost and expense.
 - v. The exterior of all walls must be finished with brick, stone, or other decorative block or decorative concrete product and must be architecturally compatible with the primary use structure and surrounding landscape. Concrete masonry blocks (alone, painted, stained or treated) shall not be considered a “finished wall.”
 - vi. The finished side of the wall must face the exterior of the lot, so that any exposed pillars, columns, or supports face the interior of the lot unless the wall is designed in a manner in which both sides are equally finished or smooth. Simply put, the “attractive” side of the wall must face outward.
 - vii. Any wall located in a front yard of a property without existing sidewalks may have to be removed or relocated at the property owner’s sole cost and expense if sidewalks are required at the property.
- b. Any applicant for a zoning permit to construct a wall bears sole responsibility for the accurate representation of any property lines and in the event information presented by the applicant is incorrect, the applicant shall bear all liability for the correction of the error.

3. Retaining Walls

- a. Unless otherwise stated, retaining walls are permitted uses in all districts, subject to the following:
 - i. Retaining walls may be located in the front, side, or rear yard.
 - ii. No retaining wall shall be constructed in a location which interferes with the minimum sight distance required by the Pennsylvania Department of Transportation Publication 13M, Highway Design Manual, as amended and supplemented from time to time.

- iii. No retaining wall shall be located within a public access or public utility easement or right of way unless the applicant has written permission of the person who has been granted the public access or public utility easement. If the Borough or applicable utility needs access to the easement or right of way the portion of retaining wall obstructing the easement or right of way shall be removed by the property owner at their sole cost and expense.
 - iv. Retaining walls must be finished with brick, stone, or other decorative block or concrete product and must be architecturally compatible with the primary use structure and surrounding landscape.
- b. Retaining walls may be placed on the applicant's side of the property line, subject to subsection c. below.
 - c. Any applicant for a zoning permit to construct a retaining wall bears sole responsibility for the accurate representation of any property lines and in the event information presented by the applicant is incorrect, the applicant shall bear all liability for the correction of the error. An applicant to construct a retaining wall bears sole responsibility to ensure that the proposed retaining wall is properly engineered and designed to serve the purpose for which it is intended.

SECTION V: Chapter 205 of the Code of the Borough of Greencastle, entitled "Zoning", Section 10 thereof, entitled "(HC) Highway Commercial District", subsection A., entitled "Permitted Uses" is amended by adding a new section "(12)" to read as follows:

(12) Pawnbroker. The pawnbroker use shall not be a permitted use in any other district.

SECTION VI: 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 VII: SAVINGS CLAUSE. In all other respects, the Code of the Borough of Greencastle shall remain as previously enacted and ordained.

SECTION VIII: EFFECTIVE DATE. This Ordinance shall be effective immediately upon adoption and shall remain in force until modified, amended or rescinded by the Borough of Greencastle, Franklin County, Pennsylvania.

ENACTED AND ADOPTED by the Borough Council of the Borough of Greencastle this 3rd
day of August, 2015.

ATTEST:

Ericka Faight
Borough of Greencastle, Secretary

COUNCIL OF THE BOROUGH OF
GREENCASTLE

By: Charles R. Eckstein
Council President

Robert E. Shry
Mayor of the Borough of Greencastle