

**BOROUGH OF GREENCASTLE
FRANKLIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2008-008

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF GREENCASTLE, FRANKLIN COUNTY, PENNSYLVANIA ADOPTED BY ORDINANCE 2005-7 AND THEREAFTER AMENDED, AMENDING SECTIONS 205.7, (R-2) GENERAL RESIDENTIAL DISTRICT; SECTION 205-8, (CC) COMMUNITY COMMERCIAL DISTRICT; SECTION 205-21, ACCESSORY BUILDINGS; SECTION 205-10 HIGHWAY COMMERCIAL; AND SECTION 205-55, DEFINITIONS.

Be it enacted and 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:

SECTION 1. Section 205-7 (R-2) General Residential District of the Zoning Ordinance is amended as follows:

Section A. Permitted Uses is amended to read:

A. Permitted Uses.

- (1) Single-family detached dwellings.
- (2) Single-family semidetached dwellings.
- (3) Two-family detached dwellings.
- (4) Attached dwellings.
- (5) Multifamily dwellings.
- (6) Conversions of existing residences to a two-or-more-family dwelling subject to the following:
 - a. A minimum of two off-street parking spaces shall be provided on the same lot for each additional dwelling unit created.
 - b. Each dwelling unit shall have private bath and toilet facilities.
- (7) A site development plan shall be required for all residential uses when three or more dwelling units are proposed (Uses 4, 5 and 6 above).
- (8) Churches.
- (9) Essential services.
- (10) Accessory uses.

Section B. Special exceptions is amended by adding as follows:

(4) Bed-and-Breakfast.

- (a) No more than four rental units shall be provided, and no more than four persons may occupy one rental unit.
- (b) At least one bathroom shall be provided for use by guests.
- (c) There shall be no use of show windows or any type of display or advertising visible from outside the premises, except for a single non-illuminated sign no larger than two square feet in size.
- (d) A preexisting residence shall retain a residential appearance and character.

- (e) The use shall be operated only by persons who reside within the bed-and-breakfast and by a maximum of one nonresident employee.
- (f) There shall be no separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight.
- (g) The maximum, uninterrupted length of stay at a bed-and-breakfast shall be 14 days.
- (h) The use of any amenities provided by the bed-and-breakfast, such as swimming pool or tennis court, shall be restricted in use to the guests and permanent residents of the establishment.
- (i) A minimum of one off-street parking space shall be provided on the same lot for each rental unit.
- (j) The Bed-and-Breakfast facilities may be used as the location for weddings up to 5 times a calendar year.

SECTION 2. Section 205-8 Community Commercial District of the Zoning Ordinance is amended to read as follows:

Paragraph B is added as follows:

B. Special Exceptions

(1) Boardinghouse, subject to the following conditions:

- (a) Minimum lot area: one-half acre.
- (b) Minimum setback from all lot lines: 25 feet.
- (c) Minimum lot width: 150 feet.
- (d) Maximum density: eight rental units per acre.
- (e) Each rental unit shall be limited to a maximum of two persons each.
- (f) Interior space: a minimum of 300 square feet of interior floor space per rental unit.
- (g) The owner or the owner's legal representative must reside at the boarding house.
- (h) Signs shall be limited to two signs with a maximum of two square feet each and shall comply with all other provisions of § 205-27.
- (i) Minimum of one (1) bathroom for each rental floor of the Boardinghouse.

SECTION 3: Section 205-10 (HC) Highway Commercial District is amended as follows:

A. Permitted Uses is amended as follows:

- (11). Tattoo Establishment

SECTION 4. Section 205-21 Accessory Buildings of the Zoning Ordinance is amended as follows:

The section Title, is changed to read: Section 205-21 Accessory Buildings and Structures.

A new section (J) is added to read:

J. Fences and walls.

- (1) Unless otherwise stated, fences and walls shall be allowed in all districts.

(2) The sight distance requirements of Article VIII of the Borough of Greencastle Subdivision and Land Development Ordinance shall be satisfied.

(3) Fences.

- (a) Fences may be located in side or rear yards.
- (b) Notwithstanding the provisions of Paragraph (a) above, for multi-frontage residential properties, a non-opaque fence of up to six feet in height is permitted in the front yard along a side elevation of the building provided the fence is no closer to the street right-of-way than the building or the building setback line, whichever is closer to the right-of-way.
- (c) In all other districts, fences shall have a maximum height of 12 feet.
- (d) A fence of up to 10 feet may be allowed in a rear yard in any district for the sole purpose of enclosing a court for tennis or similar sports.
- (e) A fence shall not be required to comply with accessory structure setbacks.
- (f) A fence may be erected in a location wherever clearly necessary to ensure safety of persons at the top of a retaining wall.
- (g) For commercial or industrial businesses with garden centers and outside storage which share one common wall with the principal use, a fence equal in height to the height of the common wall shall be permitted for the remaining three sides of the garden center or outside storage area.
- (h) Fences which are accessory to a residential use may be erected within that unimproved portion of a street right-of-way which is not being used for vehicular or pedestrian travel, stormwater facilities, utilities or other public uses, provided such fences do not obstruct sight distances and provided further, such fences shall be removed, at the owner's sole expense, promptly upon notice from the Borough. Any fence not timely removed may be removed by the Borough, and the cost of removal shall be assessed as a lien against the property.

(4) Walls.

- (a) Engineering and retaining walls necessary to hold back slopes are exempted from the regulations of this section and are permitted by right as needed in all districts.
- (b) Any walls should be architecturally compatible with the structure and the landscape.
- (c) Any wall in the front yard of a use and parallel to the street in a residential district shall be a special exception, permitted only if compatible with the character of the area.
- (d) Where adjacent to a street, walls may be one foot in height for every two feet they are set back from a property line, up to a maximum height of six feet.

SECTION 5. Section 205-56. Definitions are amended as follows:

The definition of a "BUILDING" is amended to read as follows:

BUILDING — Any combination of materials forming any construction, except where entirely underground, so as to permit the use of the ground above same as if no building was present; the term "building" shall include the term "structure" as well as the following:

A. Signs.

B. Radio and television receiving and transmitting towers, except for such antennae installed on the roof of a building and extending not more than 20 feet above the highest level of

the roof of such building.

C. Porches, outdoor bins and other similar structures.

The definition of a "BED-AND-BREAKFAST" is added as follows:

BED-AND-BREAKFAST — The use and occupancy of a single-family detached or semidetached dwelling for accommodating transient guests for rent within the other requirements of this chapter.

The definition of "BOARDING HOUSE" is amended to read as follows:

BOARDINGHOUSE — A residential use in which individual room(s) that do not meet the definition of a dwelling unit are rented for habitation routinely for periods of seven consecutive days or longer and that does not meet the definition of a hotel, motel, bed-and-breakfast use, group home or nursing home. A boardinghouse may either involve or not involve the providing of meals only to residents.

The definition of "FENCE" is added 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, plastic/PVC, wire mesh, chain-link aluminum and/or plastic inserts. 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.

The definition of "TATTOO ESTABLISHMENT" is added as follows:

TATTOO ESTABLISHMENT – Refers to any location where tattooing (method of placing designs, letter, scrolls, figures, symbols or any other marks upon or under the skin of a human with ink or any other substance, resulting in the coloration of the skin by aid of needles or any other instrument designed to touch or puncture the skin) is engaged in or where the business of tattooing is conducted or any part thereof. For purposes of this Section, "Tattoo Parlor" falls within this definition.

The definition of "WALL" is added as follows:

WALL- A man-made barrier consisting primarily of brick, concrete or cinderblock placed or arranged as a line of demarcation to separate or to 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 for a fence. The term wall does not include engineering retaining walls, which are permitted uses as needed in all districts nor does it include barriers of landscaped materials including hedges. (See definition of "fence.")

SECTION 6: REPEALER: All provisions of previous ordinances of the Borough of Greencastle, or parts thereof, which are contrary or inconsistent to this Ordinance, are expressly repealed.

SECTION 7: SAVINGS CLAUSE: In all other respects, the Borough of Greencastle shall remain as previously enacted and ordained.

SECTION 8: EFFECTIVE DATE: This Ordinance shall take effect immediately after its enactment, being December 1, 2008.

ENACTED AND ORDAINED this 1st day of December, 2008 by the Council of the Borough of Greencastle, Franklin County, Pennsylvania.

ATTEST:

/s/ Kenneth W. Womack
Kenneth W. Womack, Secretary

/s/ Charles R. Eckstine
Charles R. Eckstine, President

/s/ Robert E. Eberly
Robert E. Eberly, Mayor

“ I hereby certify that the above Ordinance was duly adopted on December 1, 2008 at a Regular meeting of the Mayor and Borough Council, and that the adoption of the Ordinance was advertised in the Echo Pilot October 29, 2008, and entered in the Borough Ordinance Book on December 02, 2008.

/s/ Kenneth W. Womack
Kenneth W. Womack, Borough Secretary