

CARROLL VALLEY BOROUGH  
ADAMS COUNTY,  
PENNSYLVANIA

Ordinance No. 4-2023

**AN ORDINANCE OF THE BOROUGH OF CARROLL VALLEY AMENDING CHAPTER 27 OF THE BOROUGH OF CARROLL VALLEY CODE OF ORDINANCES TO: MODIFY REGULATIONS PERTAINING TO PLACEMENT OF ACCESSORY STRUCTURES ON RESIDENTIAL LOTS; TO REQUIRE PERMITS FOR HOME OCCUPATIONS AND NO-IMPACT HOME-BASED BUSINESSES; AND TO REAFFIRM CHAPTER 27 AS AMENDED; AND SET FORTH AN EFFECTIVE DATE.**

**WHEREAS**, Article VI of the Pennsylvania Municipalities Planning Code (“MPC”) entitled ‘Zoning’ 53 P.S. §10601 et seq., authorizes the Borough to enact, amend and repeal Zoning Ordinances within the Borough; and

**WHEREAS**, Section 609 of the MPC, 53 P.S. §10609, sets forth the procedures for zoning ordinance amendments; and

**WHEREAS**, the Borough of Carroll Valley Zoning Ordinance codified as Chapter 27 of the Borough of Carroll Valley Code of Ordinances, was amended on May 10, 2022 (the “Zoning Ordinance”); and

**WHEREAS**, Borough Council for the Carroll Valley Borough deems it to be in the best interest and general welfare of the citizens and residents of the Borough to update and amend certain provisions of the Zoning Ordinance.

**NOW THEREFORE BE IT ENACTED AND ORDAINED**, by the Council of the Borough of Carroll Valley, Adams County, Pennsylvania, that the Zoning Ordinance is hereby amended as follows:

**SECTION 1.** Section 1405 of Chapter 27 of the Code of Ordinances is hereby amended with the following:

Accessory buildings shall be permitted in accordance with Section 1912 herein, along with the following criteria.

- A. Accessory buildings or structures shall only be authorized as an accessory to a principal building. Any parcel not containing a primary structure is not permitted to have an accessory building or accessory structure.
- B. Accessory buildings not permanently affixed to the land via footer/foundation and less than or equal to three hundred (300) square feet in size shall be located no closer than ten (10) feet to any side or rear property line and are not permitted within the front yard.
- C. Accessory buildings not permanently affixed to the land via footer/foundation and greater than three hundred (300) square feet in size shall be subject to the applicable setback requirements of the underlying zoning district and are not permitted within the front yard.
- D. Accessory buildings permanently affixed to the land via footer/foundation and less than or equal to three hundred (300) square feet in size shall be located no closer than ten (10) feet to any side or rear property line and are not permitted within the front yard.
- E. Accessory buildings permanently affixed to the land via footer/foundation and greater than three hundred (300) square feet in size shall be subject to the applicable setback

requirements of the underlying zoning district and may be located within the front yard.

- F. Regardless of size, no accessory structure can be located within the front yard area between the primary structure and the public street.
- G. All accessory buildings shall be subject to the building height standard of the underlying zoning district.

**SECTION 2.** Section 1501.P of Chapter 27 of the Code of Ordinances is hereby amended by adding the following:

6. Permit Required.

- A. Requests for a Home Occupation Permit shall be made to the Zoning Officer (i) identifying how the proposed use constitutes a Home Occupation; and (ii) identifying the applicant's plan for complying with the criteria set forth in this Section and all other applicable ordinances. The applicant shall agree by signature on the permit to the terms of the permit.
- B. If the Zoning Officer issues a permit, such permit shall be valid for a period of 2 years provided that the permittee maintains compliance with all criteria for a Home Occupation Permit. Any permit issued pursuant to this Section must be renewed every 2 years and is non-transferable. The permit may be revoked by the Zoning Officer upon 30 days' notice if permittee fails to meet the criteria for a home occupation permit.
- C. An applicant shall pay any application fee in accordance with Section 1913 herein.

**SECTION 3.** Section 1501.U of Chapter 27 of the Code of Ordinances is hereby amended by adding the following:

9. Permit Required.

- A. Requests for a No-Impact Home Based Business Permit shall be made to the Zoning Officer (i) identifying how the proposed use constitutes a No-Impact Home Based Business; and (ii) identifying the applicant's plan for complying with the criteria set forth in this Section and all other applicable ordinances. The applicant shall agree by signature on the permit to the terms of the permit.
- B. If the Zoning Officer issues a permit, such permit shall be valid for a period of 2 years provided that the permittee maintains compliance with all criteria for a No-Impact Home-Based Business Permit. Any permit issued pursuant to this Section must be renewed every 2 years and is non-transferable. The permit may be revoked by the Zoning Officer upon 30 days' notice if permittee fails to meet the criteria for a No-Impact Home-Based Business permit.
- C. An applicant shall pay any application fee in accordance with Section 1913 herein.

**SECTION 4. REPEALER.**

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as same affects this Ordinance.

**SECTION 5. SEVERABILITY.**

In any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Carroll Valley Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall become effective upon the earliest date provided by law.

ORDAINED AND ENACTED as an Ordinance of the Borough of Carroll Valley this 10<sup>th</sup> day of October 2023.

**BOROUGH OF CARROLL VALLEY,  
ADAMS COUNTY, PENNSYLVANIA**

**ATTEST:**

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Richard Mathews, Council President

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Gayle R. Marthers, Borough Secretary

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Ronald J. Harris, Mayor