

**SPRING GARDEN TOWNSHIP
York County, Pennsylvania**

ORDINANCE NO. 2023-07

**AN ORDINANCE AMENDING CHAPTER 310 OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF
SPRING GARDEN, WHICH CHAPTER IS ENTITLED "ZONING", BY THE AMENDMENT OF SECTION
310-12, ENTITLED "ACCESSORY USES AND STRUCTURES."**

The Spring Garden Township Board of Commissioners, York County, Pennsylvania, enacts and ordains as follows:

SECTION 1. Chapter 310, Section 310-12 of the Code of Ordinances of the Township of Spring Garden is hereby amended to read as follows:

§ 310-12. Accessory uses and structures.

- A. Accessory structures, attached. A permanent roofed accessory structure, attached to the principal building, is considered a part of the principal building for all regulatory purposes.
- B. Accessory structures, nonattached.
 - (1) New permanent roofed accessory structures, utility sheds and outdoor swimming pools, standing apart from the principal structure, are permitted in the general buildable area and inside the rear yards as long as they are at least five feet from any property line. Existing, permanent roofed accessory structures, utility sheds, and outdoor swimming pools that are proposed for repair or replacement may be exempted from this minimum five-foot setback requirement if the repaired or replaced structure is the same (footprint and height) as the prior existing structure and it is not set back less than the prior existing structure.
 - (2) For all other requirements, a nonattached structure is considered a part of the principal building.
- C. Fences and walls. The following provisions are for all fences and walls except a retaining wall or a wall of a building permitted under the terms of this article.
 - (1) No fence or wall shall be erected to a height of more than four feet in a front yard area. In the case of a corner lot, a fence exceeding four feet may be erected in the second front yard as defined in § 310-27C of this chapter, provided that such fence does not exceed four feet within the primary front yard area.
 - (2) No fence or wall shall exceed six feet in height in side and rear yards in R-1 or R-2 Residential Zones.
 - (3) No fence or wall shall exceed eight feet in height in side and rear yard areas in any nonresidential zone.
 - (4) Barbed wire and electrified fences are permitted in C or IP Zone only, and only if not prohibited by other laws regarding public safety.



- (5) All fences and walls may be located on the property line. Any space created between fence structures shall be maintained by the property owner.
 - (6) Recreation courts. Notwithstanding the height limitations set forth above, recreation courts, such as tennis, pickleball and basketball courts shall include an open mesh permanent fence no less than four feet and no more than 10 feet in height behind each baseline. Such fence shall extend parallel to said baseline at least 10 feet beyond the court's playing surface unless the entire court is enclosed. No recreational court shall be constructed in a front yard. All such fences located in any residential zone shall be setback at least fifteen (15') from any side yard or rear yard line.
- D. Home occupations. Whether as a permitted accessory use or a special exception use, all home occupations shall be subject to § 310-57, Home occupation or home profession.
- E. No-impact home-based business. A no-impact home-based business meeting the definition in § 310-3C shall be subject to the following requirements:
- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - (2) The business shall employ no employees other than family members residing in the dwelling.
 - (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - (5) The business activity may not use any equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - (6) The business activity may not generate any traffic, solid waste or sewage discharge in volume or type that is not normally associated with residential use in the neighborhood.
 - (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 - (8) The business may not involve any illegal activity.
 - (9) A use certificate shall be required to register the business activity.
- F. (Reserved)
- G. Family day-care homes.
- (1) A family day-care home may be permitted as an accessory use to a single-family dwelling.
 - (2) Four, five, or six children who are not related to the caregiver may receive child care in a family day-care home.
 - (3) All family day-care homes shall hold a family child-care home certificate of registration from the Pennsylvania Department of Public Welfare in order to legally operate.



(4) All family day-care homes shall conform to 55 Pa. Code, Chapter 3290, Family Child-Care Homes, as may be amended from time to time.

(5) A use certificate shall be required to register the business activity.

H. Garage and yard sales. Garage and yard sales may be permitted in the residential zoning districts and the A-O Zoning District in accordance with Chapter 158 of the Code of the Township of Spring Garden. Group or community yard sales held on a single, non-residential property require a Special Events permit and each participant selling items shall acquire a separate yard sale permit.

SECTION 2. All Ordinances that are inconsistent herewith are hereby repealed and amended only to the extent inconsistent herewith.

SECTION 3. This Ordinance shall become effective immediately.

ENACTED AND ORDAINED by the Board of Commissioners of Spring Garden Township at a meeting duly assembled this 8th day of November 2023.

Attest:

Secretary

SPRING GARDEN TOWNSHIP

BY: President



