

ARTICLE XVIII

RESIDENTIAL ACCESSORY USE REGULATIONS

SECTION 1800. GENERAL INTENT AND APPLICATION

It is the intent of these requirements that certain residential accessory uses be regulated for the purpose of protecting the public health, safety, and welfare. Any lot of ten (10) or more acres in a residential district shall be subject to Farm Standards for Non-Agricultural Districts, Article XIV of this Ordinance.

SECTION 1801. DETACHED PRIVATE GARAGES AND OTHER ACCESSORY BUILDINGS

1. GENERAL. When an existing or proposed dwelling in a non-agricultural zoning district is located within one hundred (100) feet or less from the street right-of-way line, no accessory building other than a detached private garage shall be permitted between the minimum building setback line as prescribed in Article XVII and the front wall of the dwelling.

DETACHED PRIVATE GARAGES. Detached private garages accessory to a dwelling shall be permitted in any zoning district provided the following requirements are met:

- A. One (1) detached private garage may be constructed on any residential lot. Said garage shall have a maximum capacity of three (3) cars and shall not exceed one thousand, two hundred (1,200) square feet of floor area.
- B. Maximum height - eighteen (18) feet. However, the height may be increased to no greater than twenty-four (24) feet provided that the required footage for the front, side, and rear yard setback is increased one (1) foot for each one (1) foot of additional building height.
- C. No temporary structure shall be permitted.
- D. No structure shall be permitted between the building setback line and the street right-of-way line.
- E. No structure shall be located within the minimum side yard of the prevailing district.
- F. No structure shall be located within ten (10) feet of the rear property line.

*This section amended.*

OTHER RESIDENTIAL ACCESSORY BUILDINGS - In addition to the construction of detached private garages as indicated above, other residential accessory buildings shall be permitted in any zoning district on any residential lot. The total square footage for all accessory buildings not used exclusively as a detached private garage shall not exceed one thousand, two hundred (1,200) square feet of floor area provided that the lot coverage requirement of the underlying zoning district is met. The following additional requirements shall apply:

*See ordinance #90.*

- A. Maximum height - eighteen (18) feet. However, the height may be increased to no greater than twenty-four (24) feet provided that the required footage for the front, side, and rear yard setback is increased one (1) foot for each one (1) foot of additional building height.
- B. No structure shall be within fifteen feet of any property line.
- C. No structure shall be permitted between the building setback line and the street right-of-way.
- D. Accessory storage sheds - the following regulations apply to unattached accessory storage sheds, provided that the shed does not exceed twelve feet by twenty-four feet (12' X 24') or not exceed two hundred and eighty-eight (288) square feet, and a height of eight (8) feet to the square.
  - (1) No accessory storage shed shall be located between the front wall of the principal building and the building setback line of the subject parcel.
  - (2) Minimum Side and Rear Yard Setbacks - four (4) feet.
  - (3) A residential lot of ten thousand (10,000) square feet or less may have one (1) shed in accordance with the above size and area requirements. No more than two (2) such sheds shall be permitted on any other residential lot. In addition, the total square footage of sheds on any lot shall not exceed six hundred (600) square feet, and the lot coverage requirements shall be maintained at all times.
- E. Detached residential accessory buildings having a maximum gross floor area of one hundred (100) square feet or less are permitted on lots containing multi-family dwellings provided that:
  - (1) they are located no closer to the front lot line than the rear wall of the principal building,
  - (2) they are located a minimum of three (3) feet from any side property line formed by a building party wall, and
  - (3) they conform with all other applicable setbacks.

4. AGRICULTURAL ACCESSORY BUILDINGS. Agricultural accessory buildings located on a farm of ten (10) or more acres shall be subject to the setback and height requirements of the respective underlying zoning district.

- C. Where required by the Zoning Officer in a buffer yard, a dense evergreen screen planting shall be provided.
- (1) Plant materials used in the screen planting shall at the time of planting be not less than five (5) feet in height and shall be planted not less than five (5) feet center to center. Material planted shall produce a complete visual screen within three (3) years. Materials used in the screen planting shall also serve as a barrier to visibility, airborne particles, glare, and noise.
  - (2) Screen plantings shall be required along the district boundaries of the HCLI - Highway Commercial/Light Industrial and the I - Industrial Districts to the AG - Agricultural, OS/C - Open Space/Conservation, R-1 - Residential, R-2 - Residential, and the CV - Churchtown Village Districts.
  - (3) Screen plantings shall be well maintained. Screen material that has died shall be promptly replaced with comparable material.
  - (4) Screen plantings shall be placed no closer than five (5) feet from a property or street right-of-way line at maturity.
- D. Prior to issuing a building permit, complete planting plans for buffer yards and screen planting (if required) shall be reviewed and approved by the Zoning Officer.
- E. BUFFER YARD WIDTHS
- (1) Twenty (20) foot minimum.
  - (2) Fifty (50) feet between zoning districts.
- F. The decision to require or not require a screen planting may be subject to the review of the Zoning Hearing Board upon appeal.

Section 1913  
Outdoor Solid Fuel Burning Appliances  
see Ordinance #90

CAERNARVON TOWNSHIP

Lancaster County, Pennsylvania

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ORDINANCE NO. 90

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AN ORDINANCE AMENDING CHAPTER 27 OF THE CAERNARVON TOWNSHIP CODE OF ORDINANCES KNOWN AS THE CAERNARVON TOWNSHIP ZONING ORDINANCE OF 1991 TO ADD DEFINITIONS FOR THE TERMS "BUILDING FOOTPRINT" AND "OUTDOOR SOLID FUEL BURNING APPLIANCES," REVISE SECTION 1801 ADDRESSING REQUIREMENTS FOR RESIDENTIAL ACCESSORY BUILDINGS, AND ADDING A NEW SECTION 1913 ADDRESSING REQUIREMENTS FOR OUTDOOR SOLID FUEL BURNING APPLIANCES.

WHEREAS the Board of Supervisors of Caernarvon Township, Lancaster County, Pennsylvania, finds that it is necessary to amend certain portions of the Caernarvon Township Zoning Ordinance to update, clarify, and establish new provisions for land use activities within the Township.

NOW, THEREFORE, the Board of Supervisors hereby enacts the following amendments to the Caernarvon Township Zoning Ordinance.

**Section 1. Part 2. Definitions.**

1. Add the following definitions in Section 201. In the appropriate alphabetical order:

*Building Footprint: The shape and orientation of the ground floor of a structure, measured from the outside dimensions of exterior walls at the finished grade. Cantilevered sections or overhanging eaves measuring eight (8) feet or less shall not be included in determining a building footprint when provided on no more than two (2) sides of the building.*

*Outdoor Solid Fuel Burning Appliance: Any equipment, device or apparatus which is installed, affixed or situated outdoors, and not situated within a building intended for habitation by humans or domestic animals, which is used for the primary purposed of combustion of fuel to produce heat for energy as a heating system or component thereof, which provides heat or hot water to the principal structure, to a structure used for human or animal habitation, or to any accessory uses or structures, include, but not limited to, greenhouses, conservatories, and swimming pools. For the purposes of this particular appliance, a chimney shall mean any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired outdoor heating appliance.*

**Section 2. Part 18. Residential Accessory Use Regulations.**

1. Revise Section 1801. as follows:

**SECTION 1801. RESIDENTIAL ACCESSORY BUILDINGS**

1. *GENERAL. When an existing or proposed dwelling in a non-agricultural zoning district is located within one hundred (100) feet or less from the street right-of-way line, no accessory building other than a detached private garage shall be permitted between the minimum building setback line as prescribed in Article XVII and the front wall of the dwelling.*
2. *In addition to the principal dwelling, each lot where the principal use is residential shall be entitled to accessory buildings. Exclusive of accessory storage sheds as provided for in Section 1801.8. below, each residential lot is permitted up to two (2) detached accessory buildings having total building footprint areas based upon the lot areas listed below. Building footprint areas of existing accessory buildings on such lots shall be included in the below footprint areas.*
  - A. *Lot areas of 65,000 square feet or less - 1,200 square feet of accessory building footprint area and/or floor area.*
  - B. *Lot areas of 65,001 square feet to 90,000 square feet - 1,800 square feet of accessory building footprint area and/or floor area.*
  - C. *Lot areas exceeding 90,000 square feet - 2,400 square feet of accessory building footprint area and/or floor area.*
3. *No accessory building shall be permitted between the building setback line and the street right-of-way line.*
4. *No accessory building shall be located within the side yard requirement of the prevailing zoning district.*
5. *No accessory building shall be located within fifteen (15) feet of the rear property line.*
6. *No accessory building shall exceed a height of eighteen (18) feet, provided that a maximum height of twenty-eight (28) feet is permitted when the required footage for the front, side and rear yard setback is increased one (1) foot for each additional one (1) foot of building height above eighteen (18) feet.*
7. *Horse and carriage barns that are constructed for the sole purpose of sheltering horses with or without the storing of carriages shall be subject to the requirements of Section 1802.D. of the Zoning Ordinance.*
8. *ACCESSORY STORAGE SHEDS - the following regulations apply to unattached accessory storage sheds, provided that the shed does not exceed twelve feet by twenty-four feet (12' X 24') or not exceed two hundred and eighty-eight (288) square feet, and a height of eight (8) feet to the square.*
  - A. *No accessory storage shed shall be located between the front wall of the*

- principal building and the building setback line of the subject parcel.*
- B. *Minimum Side and Rear Yard Setbacks - four (4) feet.*
  - C. *A residential lot of ten thousand (10,000) square feet or less may have one (1) shed in accordance with the above size and area requirements. No more than two (2) such sheds shall be permitted on any other residential lot. In addition, the total square footage of sheds on any lot shall not exceed six hundred (600) square feet, and the lot coverage requirements shall be maintained at all times.*
9. *Accessory storage sheds having a maximum gross floor area of one hundred (100) square feet or less are permitted on lots containing multi-family dwellings provided that:*
- A. *they are located no closer to the front lot line than the rear wall of the principal building,*
  - B. *they are located a minimum of three (3) feet from any side property line formed by a building party wall, and*
  - C. *they conform with all other applicable setbacks.*
10. *AGRICULTURAL ACCESSORY BUILDINGS. Agricultural accessory buildings located on a farm of ten (10) or more acres shall be subject to the setback and height requirements of the respective underlying zoning district.*
11. *DETACHED ACCESSORY BUILDINGS ON NONCONFORMING LOTS. On existing lots of record where the existing lot width is less than the minimum lot width required in the prevailing zoning district, the minimum distance between a detached accessory building and the side property line may be reduced by the same ratio as the existing lot width is to the minimum required lot width. (Example: on an existing fifty (50) foot wide lot located in a zoning district with an one hundred (100) foot minimum width, the minimum side setback would be 50/100, or fifty (50) percent of the normal minimum side yard.) In no case, however, shall this minimum distance be less than five (5) feet, unless otherwise provided for in this section.*

**Section 3. Part 19. General Regulations.**

1. Add a new Section 1913. as follows:

**SECTION 1913. OUTDOOR SOLID FUEL BURNING APPLIANCES.**

*Outdoor solid fuel burning appliances are permitted in all zoning districts provided that there is a minimum one hundred and fifty foot (150') setback from the abutting street centerline and all other property lines. The below criteria applies to all outdoor wood burning furnaces, boilers, and appliances within Caernarvon Township (hereinafter "furnaces").*

- 1. *Applicability.*
  - A. *The below criteria shall not apply to grilling or cooking using charcoal, wood,*

*propane or natural gas in cooking or grilling appliances.*

- B. The below criteria shall not apply to burning in a stove, furnace, fireplace or other heating device within a building or structure used for human or animal habitation.*
- C. The below criteria shall not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.*

*2. Materials that may not be burned.*

*A. Unless specific written approval has been obtained from the PA Department of Environmental Protection (DEP), the following materials may not be burned in the Township under any circumstances:*

- (1) Rubbish or garbage, including but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, demolition debris or other household or business wastes.*
- (2) Waste oil or other oil wastes except used oil burned in a heating device for energy recovery subject to DEP regulations.*
- (3) Asphalt and products containing asphalt.*
- (4) Treated wood, painted wood, and improperly seasoned wood, including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.*
- (5) Any plastic material, including, but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films, and containers.*
- (6) Rubber, including tires and synthetic rubber-like products.*
- (7) Any material that is not recommended for burning by the manufacturer of the furnace.*

*3. Regulations for existing outdoor furnaces.*

- A. All owners/operators of existing outdoor furnaces shall apply for a permit for the furnace in accordance with the permit requirements contained in Section 2204. herein, within sixty (60) days from the effective date of this Zoning Ordinance.*
- B. Any and all existing furnaces that do not comply with any of the herein provisions shall be registered as a non-conforming furnace.*

*4. Specific requirements for furnaces.*

- A. A furnace shall not be used to burn any of the prohibited materials listed in Section 1913.2. above.*
- B. All furnaces shall have a minimum chimney height of twenty (20) feet or the maximum height allowable by the manufacturer. If the chimney height is less than twenty (20) feet, the applicant shall provide the Township with documentation from the manufacturer confirming the restriction.*

- C. *All furnaces shall comply with the emissions standards as promulgated by the Environmental Protection Agency (EPA). All emission standards currently required by the EPA are adopted by reference, and as may be subsequently amended.*
- D. *All furnaces shall be installed, operated, and maintained in strict compliance with the manufacturers' instructions and guidelines for the furnace. In the event that a conflict arises between the manufacturer's instructions and regulations and the regulations contained herein, the stricter instructions or regulations shall apply.*
- E. *All ashes or waste may be disbursed on the property where the appliance is located. Any large accumulation of ashes or waste must be disposed of in a manner approved by Caernarvon Township and/or the DEP.*
- F. *All furnaces shall be used for the sole purpose of furnishing heat and/or hot water to a dwelling or other structure pursuant to a permit issued hereunder, including residential swimming pools on the site parcel.*
- G. *In the event that the furnace is damaged more than fifty percent (50%) , or it is physically deteriorated or decayed, the furnace must be removed and/or replaced with a new unit within sixty (60) days of the date that notice is received from Caernarvon Township. In such event, all provisions contained herein, including, but not limited to, permitting procedures shall be complied with.*

5. *Permits.*

- A. *No person shall install, start or maintain any furnace without first obtaining a zoning permit pursuant to the requirements of this Zoning Ordinance, and a building permit issued pursuant to the requirements of the Caernarvon Township Building Code, as may be applicable.*
- B. *Before permits can be issued hereunder, an inspection of the proposed installation shall be required. In addition, a site plan is required, drawn to scale, showing the location of the proposed appliance on the property, the location and height of all existing structures on the property, and the distances from the furnace to existing structures on the property and to all property lines. The manufacturers' specifications and instructions shall also be furnished as part of the permit application packet.*
- C. *A permit shall be issued only upon the applicant's demonstration of compliance with all procedures and requirements stated herein*
- D. *Any violation of any of the provisions contained herein shall be subject to the enforcement remedies stated in Article XXV of this Zoning Ordinance.*
- E. *Permit and inspection fees shall be based upon the fee schedule as adopted by the Caernarvon Township Board of Supervisors.*

6 *Liability. Any person utilizing or maintaining a furnace shall be responsible for all fire suppression costs, clean-up costs, repair and remediation costs, and any other liability resulting from damaged caused by fire or emissions from the unit.*

7. *Right of Entry. Any authorized officer, agent, employee or representative of the Caernarvon Township zoning and codes office who presents credentials may inspect any property for the*

*purpose of ascertaining compliance with the provisions of the aforesaid requirements. If access is denied, access shall be obtained pursuant to applicable laws of the Commonwealth of Pennsylvania.*

**Section 4.** The provisions of this ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

**Section 5.** All other sections, parts, and provision of Chapter 27 of the Code of Ordinances of Caernarvon Township shall remain in full force as heretofore enacted and amended.

**Section 6.** This Ordinance shall take effect and be in force as provided by law.

DULY ORDAINED the 1<sup>st</sup> day of March 2010, by the Board of Supervisors of the Township of Caernarvon, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF CAERNARVON  
Lancaster County, Pennsylvania

Attest: \_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Chairman, Board of Supervisors

\_\_\_\_\_  
Vice Chariman

\_\_\_\_\_  
Supervisor