

ORDINANCE NO. 377

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CONCORD, BY AMENDING CHAPTER 210 ZONING, ARTICLE I, SECTION 210-4 DEFINITIONS TO EXPAND THE DEFINITIONS OF ACCESSORY BUILDING, ACCESSORY STRUCTURE, ACCESSORY USE, GARAGE-PRIVATE, GARAGE-PUBLIC, AND TO ADD THERETO AND DEFINE THE FOLLOWING TERMS: ATTACHED, DETACHED, STRUCTURE AND SURVEY; AND TO AMEND ARTICLE XXXV ACCESSORY BUILDINGS, SECTION 210-291 DEFINITIONS BY ADDING THERETO AND DEFINING THE FOLLOWING TERMS:

HALF-BATHROOM, FULL-USE BATHROOM AND LOFT AND BY REPEALING AND REPLACING SECTION 210-292 ACCESSORY BUILDINGS ON RESIDENTIAL PROPERTIES, AND SECTION 210-293 GARAGES AND OTHER ACCESSORY BUILDINGS IN THEIR ENTIRETY; AND ADDING A NEW SECTION 210-294 PLAYSETS, RECREATION AND ATHLETIC EQUIPMENT, ANTENNAS, ENCLOSURES AND SIMILAR STRUCTURES IN RESIDENTIAL DISTRICTS.

Section 1: The Council of Concord Township, Delaware County, desirous of preserving and protecting the quality of life and safety of the citizens of Concord, hereby amends the following provisions of Article I and Article XXXV of the Code of Concord Township, Chapter 210 Zoning, to read as follows:

ARTICLE I Purpose, Objectives and Definitions

§210-4. Definitions

A. Unless otherwise expressly stated, the following words shall, for the purpose of this chapter, have the meanings herein indicated:

ACCESSORY BUILDING -An attached and/or detached building subordinate to the principal permitted building on a lot and used for purposes customarily incidental to those of the principal permitted building. This definition includes Private Garage for all purposes herein.

ACCESSORY STRUCTURE-An attached and/or detached structure located on the same lot with the principal permitted building or structure, but subordinate or incidental to such building or structure.

ACCESSORY USE-A use conducted on the same lot with the principal permitted use, but subordinate and incidental to such use.

PRIVATE GARAGE (See "garage, private")-A building designed or used primarily for shelter or storage of vehicles or boats, personally owned by the occupant of the principal building, but not airplanes, or aircraft, located on the same building site as a single family or duplex residence. This definition shall also include carports used primarily for the storage of vehicles or boats, but not airplanes or aircraft. Where any business involving any vehicles or boats, such as those being equipped for operation, repaired, kept, or otherwise dealt with for remuneration, hire or sale, the term "private garage" does not apply. The term "garage" shall not include agricultural buildings. Garages shall be designated as "attached" when they share the principal building's roof and wall structures. Attached garages may also provide entry into the principal building.

ATTACHED-An accessory structure, building, carport, or garage is attached when it shares a common roof and one or more structural walls with the principal permitted building.

DETACHED -An accessory structure, building, carport, or garage is detached when it does not share a common roof and one or more structural walls with the principal permitted building. Connections such as breezeways, decks, roof, walkways, and the like shall not constitute attachment.

STRUCTURE- Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SURVEY-A written report by a licensed surveyor that sets forth the exact form, boundaries, topographical features, location and position of existing and proposed improvements on a parcel of real estate.

ARTICLE XXXV Accessory Buildings

§ 210-290. Accessory buildings in residential districts.

The following regulations shall be observed in all residential districts in Concord Township, including the R-1, R-2, R2-D, R-3, R-4, R-A Residential, R-AH Residential, R-MHD, R-PRD-1, R-PRD-2 and R-PRD-3 districts where applicable.

§ 210-291. Definitions

As used in this article, the following terms shall have the meanings indicated:

HALF-BATHROOM: A room containing a lavatory sink and a toilet.

FULL-USE BATHROOM: A room containing a shower and/or tub along with a lavatory sink and toilet.

LOFT: An intermediate platform area between the main floor and the roof/ceiling area, typically converted for storage, open to the floor below, reachable from within by a ladder or stairs, which serves as an extra floor area in a high-ceilinged structure.

§ 210-292. Accessory Buildings or Structures in residential districts.

- A. All proposed accessory buildings or structures shall be in keeping with the character of the primary residence and the surrounding neighborhood.
- B. No accessory building or structure of any kind, other than as permitted in § 210-293, shall exceed one story or the height of the existing residence, and in no event be greater than fifteen (15) feet high.
- C. A survey shall be required as part of any application for the construction, restoration, or modification of an accessory building greater than two hundred and fifty (250) sq. ft.
- D. No accessory building on a property of less than three (3) acres shall exceed seven hundred and fifty (750) sq. ft. in area.
- E. No accessory building or structure shall be erected or placed within a front yard, and all such structures or buildings shall be at least ten (10) feet farther back from the front street line than the rear most portion of the main residence, which shall also include attached decks.

- F. Not more than one detached accessory building shall be located on any property of less than three (3) acres.
- G. In no event shall the sum total of the base floor area of any accessory buildings, including detached garages, exceed seventy five percent (75%) of the first-floor area of the primary residence.

§ 210-293. Private Garages in residential districts.

- A. All proposed garages shall be in keeping with the character of the primary residence and the surrounding neighborhood.
- B. No private garage or other accessory structure or building shall be erected or placed within a front yard, and all such structures or buildings shall be at least ten (10) feet farther back from the front street line than the rearmost portion of the main residence which shall also include attached decks.
- C. A garage door shall not exceed eight (8) feet in height and sixteen (16) feet in width.
- D. Private garages may not exceed one story or twelve (12) feet in height from the floor/slab to the highest point of the roof for flat roofs, or to the deck of mansard roofs. The following height limitations shall apply to gable, hip mansard, and gambrel roofs:
 - (1) A private garage with a total width of eighteen (18) feet or less shall not exceed fifteen (15) feet in height as measured from the floor/slab to the top of the ridge.
 - (2) A private garage with a width exceeding eighteen (18) feet shall be permitted to increase the height of the garage up to a maximum of eighteen (18) feet, provided that the garage shall not exceed one story in height, but may contain a loft area not exceeding thirty percent (30%) of the base floor area.
 - (3) No private garage or other accessory building shall exceed the height of the existing residence.
 - (4) No full-use bathroom shall be permitted.
 - (5) No kitchen equipment, such as stoves, dishwashers, or ovens shall be permitted.
 - (6) A private garage in excess of eighteen (18) feet in height may be permitted only when authorized as a special exception by the Zoning Hearing Board where the proposed garage is:
 - (a) Accessory to a nonresidential use permitted by special exception, provided that the lot area, setbacks, building coverage and impervious surface coverage regulations of the underlying district have all been met, in the same regard as with the principal use structure building.

- E. A detached private garage or other detached accessory building greater than two hundred fifty (250) square feet in area shall be located within the setbacks of the principal permitted building but shall not be located within the front yard.
 - (1) A private garage or other accessory structure building less than two hundred fifty (250) square feet in area may be located within the side yard setbacks of the principal permitted building but shall not be located within the front yard.
 - (2) A private garage or other accessory structure building less than two hundred and fifty (250) square feet in area if located within the rear yard may be located at a ten (10) foot setback from property lines.
- F. Private garages larger than seven hundred and fifty (750) square feet shall not be permitted on any property less than three (3) acres in any residential district, and in no event shall any detached private garage exceed fifty percent (50%) of the first floor area of the residence for which the garage is an accessory use. The requirements of Section D, supra, shall apply.
- G. Private garages not exceeding one thousand two hundred (1200) square feet shall be permitted only on properties greater than three (3) acres. Where a property is greater than three (3) acres, the private garage's height shall be limited to eighteen (18) feet and associated door height may not exceed eight (8) feet. In such instance, the private garage shall be located within the setbacks of the principal permitted building and shall not be located within the front yard. As a further limitation to the foregoing, the square footage of the private garage shall not exceed fifty percent (50%) of the existing dwelling's footprint, and its height shall not exceed the height of the existing dwelling.
- I. No new road openings shall be made in conjunction with construction of any new accessory structure.
- J. No more than one detached garage shall be located on any property less than three (3) acres.
- K. No detached garage shall be used at any time as part of a permitted home occupation or home professional office, nor shall it be used for overnight accommodations or sleeping quarters.
- L. In no event shall the sum total of the base floor area of any accessory buildings including detached garages, exceed seventy-five (75%) of the first-floor area of the primary residence.

§ 210-294. Playsets, Recreation and Athletic Equipment, Antennas, Enclosures, and Similar Structures in Residential districts.

The following shall apply in all residential districts:

- A. Any structure such as a playset, swing set, playhouse, recreation or athletic equipment such as trampoline, pitching net, etc., or antenna, animal enclosure, fire pit, fireplace, a hot tub, or other structure, shall be located in the rear yard only.

- B. All such structures shall be located at least ten (10) feet from any property line.
- C. No such structure may be taller than twelve (12) feet nor more than one hundred (100) square feet.
- D. Any such structures shall comply with all storm water regulations and shall not be placed in any steep or very steep slope area.
- E. Any supporting utility conduits or wiring shall be placed underground and comply with all codes and standards.


Section 2: Repealer. All ordinances or part of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3: Severability. Shall any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining provisions or any part thereof.

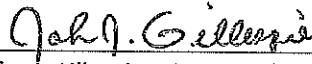
Section 4: Effective Date. This Ordinance shall become effective five (5) days after adoption.

ENACTED and ORDAINED this 1st day of August, 2017.

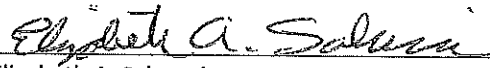
CONCORD TOWNSHIP COUNCIL



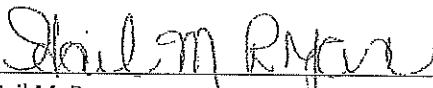
Dominic A. Pileggi, President



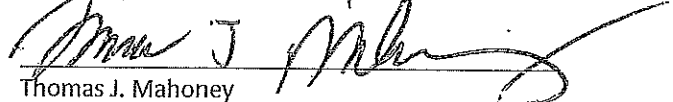
John J. Gillespie, Vice President



Elizabeth A. Salvucci



Gail M. Ryan



Thomas J. Mahoney

Attest: 

Brenda L. Lamanna,
Township Manager