

ADOPTED MAY 1, 2023

TOWNSHIP OF DELANCO

ORDINANCE NO. 2023-5

AN ORDINANCE OF DELANCO TOWNSHIP AMENDING CHAPTER 110 OF THE DELANCO TOWNSHIP CODE RELATING TO LAND USE - ACCESSORY USES (PATIOS AND DECKS) IN THE PRD/V AND PRD/AH ZONING DISTRICTS OF THE TOWNSHIP OF DELANCO

WHEREAS, Delanco Township has considered amending the Accessory Use sections of the both the PRD/AH and PRD/V Zoning Districts of the Township code to allow for the installation and/or expansion of patios and decks within these zoning districts beyond the original major subdivision approval conditions, while still providing that applicable impervious coverage requirements are still met; and

WHEREAS, the Township Engineer has reviewed and provided calculations for the current impervious coverage for the PRD/V district as built and has determined that additional impervious coverage is available which an additional square footage may be apportioned to individual building lots; and

WHEREAS, the PRD/AH district was built by the developer with each home or unit built allotted a total of 330 square feet of impervious coverage set as of the date of the original construction, which figure is exclusive of the residential structure; and

WHEREAS, the proposed amendments outlined herein will align with the Township's goals to allow homeowners to install or extend their patios and/or decks to enhance their enjoyment and the physical appearance of property while ensuring that the residential lot impervious coverage allowed is not exceeded.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Delanco, in the County of Burlington, State of New Jersey, as follows:

1. Chapter 110 of the Code of the Township of Delanco is hereby amended as follows with new matter being underlined thus, deletions crossed out ~~thus~~, and any and all other sections or subsections not mentioned herein shall remain as written:

§ 110-33 PRD/AH Planned Residential Development/Affordable Housing District.

C. Accessory uses. The following accessory uses are permitted:

(1) Sheds, decks, patios and fences located in a manner that is consistent with a plan approved by the Joint Land Use Board at the time the development receives its development approvals. Only the homeowners' association shall have standing to apply for amendments to the typical design and location of such structures. Sheds, patios and decks shall be located no closer than five (5) feet from the rear and side yard property lines. Patios and decks shall be attached to the principal structure. ~~The maximum coverage associated with sheds and/or decks shall not exceed 5%.~~ Fences shall be constructed pursuant to § 110-13. The site was built by the developer with each home or unit built allotted a total of 330 SF of additional impervious coverage set as of the date of the original construction, which figure is exclusive of the residential structure.

When the property that is the subject of the permit or application for an accessory use under this section is subject to the covenants and restrictions of a homeowners' association, a written approval from

the association permitting those improvements must be obtained from the association before a zoning permit is issued by the township.

No permit shall be issued hereunder if it is determined that the improvement will negatively impact drainage or existing stormwater flows. The Zoning Officer shall consult with the Township Engineer in making such determination.

§110-34 PRD/V Planned Residential Development/Village District

B. Accessory uses. The following accessory uses are permitted:

(5) Decks and patios which were not built as part of the original major subdivision plan as approved by the Joint Land Use Board (Resolution 2016-06.) No patio or deck constructed under this section may exceed a total square footage of 120 square feet per lot. Patios and decks shall be located no closer than five (5) feet from the rear and side yard property lines and shall be attached to the principal structure. When the property that is the subject of the permit or application for an accessory use under this section is subject to the covenants and restrictions of a homeowners' association, a written approval from the association permitting those improvements must be obtained from the association before a zoning permit is issued by the township.

No permit shall be issued hereunder if it is determined that the improvement will negatively impact drainage or existing stormwater flows. The Zoning Officer shall consult with the Township Engineer in making such determination.

2. Any article, section, paragraph, subsection, clause, or other provision of the Township of Delanco inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

3. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

4. This Ordinance is hereby referred to the Delanco Township Joint Land Use Board for a report and recommendation

5. This Ordinance shall take effect upon its passage at second reading and a hearing by the Township Committee, based upon the report received from the Joint Land Use Board and following publication and filing with the Burlington County Planning Board, and as otherwise provided for by law.