

**ORDINANCE 10-2018**

**AN ORDINANCE OF THE BOROUGH OF WOODBURY HEIGHTS AMENDING CHAPTER 70 OF THE WOODBURY HEIGHTS CODE ENTITLED “LAND USE AND DEVELOPMENT”**

**WHEREAS**, the Borough Council of the Borough of Woodbury Heights desires to clarify and amend Chapter 70 of the Woodbury Heights Code entitled “Land Use and Development” to address the circumstances upon which a preexisting nonconforming residential structure has been deemed to be completely destroyed in relation to the restoration of such dwelling.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Woodbury Heights, County of Gloucester and State of New Jersey, that Article 5 within Chapter 70 of the Borough of Woodbury Heights Code entitled “Land Use and Development”, is hereby amended, as follows:

**SECTION I.** That a new **Section 70-22.1** be established, as follows:

**70-22.1 Single-Family Residential Uses as Conditional Uses.**

In any zoning district within the Borough of Woodbury Heights, a preexisting nonconforming single-family residential structure may be reconstructed and repaired if deemed completely destroyed by the zoning officer, subject to the following conditions:

- A. The Property contains a preexisting non-conforming single-family residential dwelling unit and is located in a zoning district that does not permit single-family residential dwelling units.
- B. The single-family dwelling unit was determined to be completely destroyed by the zoning officer such that the structure was damaged by more than 75%.
- C. The reconstruction or repair of the single-family residential structure must maintain the minimum setbacks of the original building if they are non-conforming to the zoning standards.
- D. The single-family residential dwelling unit may be relocated in order to conform to the zoning districts standards of the zone in which the structure is located, upon approval of the Joint Land Use Board, so that the dwelling unit is more conforming to the zoning district bulk requirements.
- E. The footprint of the proposed single-family residential dwelling unit shall not be increased by more than 10% without approval from the Borough of Woodbury Heights Joint Land Use Board.
- F. The building permit for the proposed single-family residential dwelling to be reconstructed shall be obtained by the property owner within eighteen (18) months from the date of loss of the original dwelling.

**SECTION II.** All Ordinances or provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

**SECTION III.** If any section, subsection, part, clause or phrase of the Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

**SECTION IV.** This Ordinance shall take effect immediately after final passage and publication as required by law.

**BOUROUGH OF WOODBURY HEIGHTS**

By: \_\_\_\_\_  
**Robbie J. Conley, Mayor**

**Dated:**

**ATTEST:**

\_\_\_\_\_  
**Janet Pizzi, Borough Clerk\Administrator**

**NOTICE**

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a special meeting of the Borough Council the Borough of Woodbury Heights on the 26<sup>th</sup> day of June, 2018 and will be considered for final passage at a meeting of the Borough Council the Borough of Woodbury Heights, to be held on the 18<sup>th</sup> day of July, 2018 at 7:30PM, at which time and place any interested party will be given the opportunity to be heard.

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**Janet Pizzi, Borough Clerk\Administrator**