

ORDINANCE 17-2021

AN ORDINANCE OF THE BOROUGH OF WOODBURY HEIGHTS, COUNTY OF GLOUCESTER AND STATE OF NEW JERSEY AMENDING CHAPTER 70 OF THE WOODBURY HEIGHTS CODE ENTITLED "LAND USE AND DEVELOPMENT" AS RECOMMENDED IN THE 2020 MASTER PLAN REEXAMINATION REPORT AND MASTER PLAN UPDATE

WHEREAS, the Borough Planning Board adopted a Master Plan Reexamination Report and Master Plan Update on June 1, 2020 in accordance with the requirements and standards of the Municipal Land Use Law N.J.S.A. 40:55D-1 et.seq; and

WHEREAS, in order to facilitate the consistency of the Woodbury Heights Master Plan with the Land Use Code and Ordinances of the Borough of Woodbury Heights, the Borough Council deems it in the best interest of the public health, safety, and welfare to implement and codify the aforesaid amendments as recommended in the 2020 Master Plan Reexamination Report and Master Plan Update; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Woodbury Heights, County of Gloucester and State of New Jersey, that the Land Use Ordinances is hereby amended and supplemented, as follows:

Section I. Chapter 70, Section 8 "Lot, Corner" is amended as follows:

Lot, Corner – A lot fronting on two (2) streets at their intersection in a residence district. The front yard on a corner lot shall be designated along the improved street frontage which the front door of the house faces. The front yard shall meet the minimum required lot frontage. The rear yard shall be opposite the front yard. ~~., the Construction Official, when reviewing an application for a construction permit, shall designate which of the two (2) streets is to be the principal frontage for establishing the front, rear and side yard requirements of the lot. The Construction Official shall consult with the Planning Board in making his determination.~~

Section II. Chapter 70, Section 17 is amended as follows:

Section 70-17E. Location. All accessory buildings and structures must be erected in the rear yard only, with the exception, however, of a detached garage, which may be erected in the side yard. All setback requirements prescribed by Article IV shall be adhered to, except that if an accessory building or structure is erected on a corner lot, the accessory building or structure shall be set back from the side street to comply with the setback line applying to the principal building for that side street. ~~Any additional applications and/or requests for an accessory building or structure~~

~~other than a garage to be constructed in a side yard may be presented by way of an application to the Fence Architectural Review Committee as outlined in Section 70-19 of the Woodbury Heights Code.~~

Section III. Chapter 70, Section 19 is amended as follows:

Section 70-19.A(2) Fences shall be erected or constructed only in the rear and side yards and only after a permit for the same has been obtained from the Construction Code official. There shall be no fences constructed in the front yard, with the exception of a living fence ~~unless approval has been received in accordance with the provisions of Paragraph C.~~ A living fence shall be planted no closer than four (4) feet from the property line and shall not encroach over a sidewalk or beyond a property line. Living fences shall be maintained in a neatly-trimmed condition. On a corner lot a fence may not be located between the street line and the building line.

Delete in full Section 70-19A(3) eliminating the Fence Architectural Review Committee.

Section IV. Chapter 70, Section 13 is amended as follows:

Add Section 70-13B(1)(g) Electric Vehicle Charging Stations on non-residential properties including churches, schools, and public properties.

Section 70-13E (1), (2), (3) & (4) shall be deleted and replaced with the following:

E. Minimum off-street parking

- (1) The number of parking spaces for all uses shall be provided in accordance with Section 70-49.20. If the minimum number of spaces are not provided a variance is required.
- (2) See Section 70-23 for additional standards.

Section V. Chapter 70, Section 14 is amended as follows:

Add Section 70-14B(6) Electric Vehicle Charging Stations.

Amend Section 70-14F (1) Each activity should provide for off-street loading and unloading with adequate ingress and egress from streets with adequate space for maneuvering and shall provide such area or areas at the side or rear of the building. ~~Each space shall be at least fifteen by forty-~~

~~(15 x 40) feet.~~ There shall be no loading or unloading from the street. All loading areas shall conform with Section 70-49.20.

Section 70-14G (1), (2), (3) & (4) shall be deleted and replaced with the following:

G. Minimum off-street parking

(1) The number of parking spaces for all uses shall be provided in accordance with Section 70-49.20. If the minimum number of spaces are not provided a variance is required.

(2) See Section 70-23 for additional standards.

Section VI. Chapter 70, Section 15 is amended as follows:

Add Section 70-15B(6) Electric Vehicle Charging Stations.

Amend Section 70-15F (1) Each activity should provide for off-street loading and unloading with adequate ingress and egress from streets with adequate space for maneuvering and shall provide such area or areas at the side or rear of the building. ~~Each space shall be at least fifteen by forty-~~ ~~(15 x 40) feet.~~ There shall be no loading or unloading from the street. All loading areas shall conform with Section 70-49.20.

Section 70-15G (1) shall be deleted and replaced with the following:

G. Minimum off-street parking

(1) The number of parking spaces for all uses shall be provided in accordance with Section 70-49.20. If the minimum number of spaces are not provided a variance is required.

Section VII. Chapter 70, Section 49.20 is amended as follows:

Amend Section 70-49.20K to include the following new sentence at the end of the existing paragraph: Parking Spaces dedicated as Electric Vehicle Charging Stations shall not be counted in the total number of required parking spaces and shall be in addition to the minimum required parking spaces.

Amend Section 70-49.20K

Warehouse, shipping and receiving - 1 per 5,000 1,000 square feet of GFA

Section VIII. Chapter 70, Section 14 is amended as follows:

Section 70-14H. Permitted Signs.

(1) Local retail and service activities, office buildings, banks, restaurants, bars and taverns may have two (2) signs, each not exceeding an area equivalent to five percent (5%) of the first floor portion of the front façade or seventy-five (75) square feet, whichever is smaller. Tenants within a shopping center are each permitted one wall sign not exceeding an area equivalent to five (5%) of the first floor portion of their front façade or seventy-five (75) square feet, whichever is smaller. Shopping centers are only permitted a single freestanding sign not exceeding an area equivalent to five percent (5%) of the first floor portion of the total front building façade or seventy-five (75) square feet, whichever is smaller. Freestanding signs shall be set back at least ten (10) feet from all street and lot lines.

Section IX. Chapter 70, Section 8 to include the following definitions:

ELECTRIC VEHICLE CHARGING STATION -- A parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle, and that is 1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking), or 2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

ELECTRIC VEHICLE PARKING SPACE -- Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

SITE PLAN, MAJOR -- Any site plan not classified as a minor site plan.

SITE PLAN, MINOR -- A site plan of one or more lots which is not exempted from site plan review by this chapter. Individual lot applications for one- or two-dwelling-unit buildings and accessory structures shall not be required to obtain minor site plan approval. A minor site plan shall include any of the following:

1. Construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure that results in not more than 15% additional building coverage;

2. Clearing, grading or disturbance of any area less than 5,000 square feet for nonagricultural purposes;
3. Any change in use of any building or other structure or land;
4. Any extension of use of land, including the use of land for outdoor sales of products approved off-site, whether such use is temporary or permanent;
5. Any development that requires no more than five (5) new parking spaces as determined in accordance with Section 70-49.20 of the ordinance;

Any application that includes one or more of the following shall be considered a major site plan:

1. A planned development;
2. A new street;
3. A connection with an off-site drainage system or outfall of drainage onto an adjoining property;
4. An extension of any off-tract improvement.

Section X. All Ordinances or Code provisions or parts thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

Section XI. 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 XII. This Ordinance shall take effect immediately after final passage and publication as required by law.

BOUROUGH OF WOODBURY HEIGHTS

By: 
WILLIAM C. PACKER, MAYOR

Dated: August 18, 2021

ATTEST:



SHANNON ELTON, ACTING CLERK

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Borough Council the Borough of Woodbury Heights on the 18th day of August, 2021 and will be considered for final passage at a meeting of the Borough Council the Borough of Woodbury Heights, to be held on the 15th day of September, 2021 at 7:30PM, at which time and place any interested party will be given the opportunity to be heard.



SHANNON ELTON, ACTING CLERK