

ORDINANCE NO. 2014-08

**AN ORDINANCE OF THE TOWNSHIP OF WOOLWICH,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY
AMENDING CHAPTER 203 OF THE WOOLWICH
TOWNSHIP CODE GOVERNING SET BACKS**

WHEREAS, the Township Committee has determined that Chapter 203 “Zoning” of the Woolwich Township Code requires amendment in order to properly set forth the governing body’s intent and further clarify its provisions; and

WHEREAS, the purpose of this Ordinance is to amend Chapter 203 “Zoning”.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Woolwich in the County of Gloucester, State of Jersey, that Sections 203-5 and 203-19 of Chapter 203 of the Woolwich Township Code are hereby amended to provide as follows:

Proposed additions to the Code are indicated below as italic and underlined text. A line is struck through text that is proposed to be deleted from the Code.

§ 203-5, Definitions and Word Usage

B. As used in this chapter, the following terms shall have the meanings indicated:

(add in alphabetical order)

TRANSITION AREA

An area of upland adjacent to a freshwater wetland which minimizes adverse impacts on the wetland or serves as an integral component of the wetlands ecosystem.

LETTER OF INTERPRETATION (LOI)

Document issued by the New Jersey Department of Environmental Protection (NJDEP) under N.J.A.C. 7:7A-3, indicating the presence or absence of wetlands, State open waters, and/or transition areas; verifying or delineating the boundaries of freshwater wetlands, State open waters, and/or transition areas; or assigning a wetland resource value classification.

FRESHWATER WETLAND OR WETLAND

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of

vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; provided, however, that the Department, in designating a wetland, shall use the three-parameter approach (that is, hydrology, soils and vegetation) enumerated in the 1989 Federal Manual as defined in this section. These include tidally influenced wetlands which have not been included on a promulgated map pursuant to the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq.

FLOOD HAZARD AREA

Land, and the space above that land, which lies below the flood hazard area design flood elevation. Structures, fill and vegetation that are situated on land that lies below the flood hazard area design flood elevation are described as being "in" or "within" the flood hazard area. The inner portion of the flood hazard area is called the floodway and the outer portion of the flood hazard area is called the flood fringe. Figures A and B at N.J.A.C. 7:13-2.3 illustrate these areas as well as the riparian zone along a typical water. The flood hazard area on a particular site is determined using the methods set forth at N.J.A.C. 7:13-3. There are two types of flood hazard areas:

1. Tidal flood hazard area, in which the flood hazard area design flood elevation is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to or influenced by stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources; and
2. Fluvial flood hazard area, in which the flood hazard area design flood elevation is governed by stormwater runoff. Flooding in a fluvial flood hazard area may be contributed to or influenced by elevated water levels generated by the tidal rise and fall of the Atlantic Ocean, but the depth of flooding generated by stormwater runoff is greater than flooding from the Atlantic Ocean.

RIPARIAN ZONE

Land and vegetation within and adjacent to a regulated water as described at N.J.A.C. 7:13-4.1 and illustrated at N.J.A.C. 7:13-2.3.

§ 203-19, Lot Development

- A. No lot shall have erected upon it more than one detached single-family dwelling.
- B. No lot area shall be so reduced that the area of the lot or the dimensions of the open spaces shall be smaller than herein prescribed.
- C. Any lot proposed for development must contain developable land equal in area to at least 25% of the minimum lot size for the zoning district in which the lot is located.
- D. All residential lots shall have a minimum 25 foot yard, or the minimum required in the particular residential district, whichever is less, from New Jersey Department of Environmental Protection (NJDEP) regulated wetlands, State open waters, and/or transition areas as established by a Letter of Interpretation (LOI) issued by the NJDEP under N.J.A.C. 7:7A-3 and/or NJDEP regulated flood hazard areas and/or riparian zones as established by a Flood Hazard Verification issued by the NJDEP under N.J.A.C. 7:13-1.3

SECTION I. REPEALER

Repealer. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION II. SEVERABILITY

Severability. Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

SECTION III. EFFECTIVE DATE

Effective Date. This Ordinance shall be effective upon final adoption and publication pursuant to law.

TOWNSHIP OF WOOLWICH

Sam Maccarone, Jr., Mayor

ATTEST: _____
Jane DiBella, Clerk

CERTIFICATION

The foregoing Ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a meeting held on the 21st day of July, 2014. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance at which time any interested person(s) may be heard. Said meeting is to be conducted on the 4th day of August, 2014 at the Woolwich Township Building, 120 Village Green Drive, Woolwich Township, New Jersey, beginning at 7:00 p.m.

Jane DiBella, Clerk

CERTIFICATION OF ADOPTION

The foregoing Ordinance was adopted upon second reading and subsequent to a public hearing at a meeting of the Woolwich Township Committee on the 4th day of August 2014.

Jane DiBella, Clerk