

ORDINANCE NO. 2015-05

**AN ORDINANCE OF THE TOWNSHIP OF WOOLWICH,
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY
AMENDING CHAPTER 203 OF THE WOOLWICH
TOWNSHIP CODE CLARIFYING THE RIGHT TO
MORE THAN ONE (1) PERMITTED USE ON A
SINGLE PROPERTY WITHOUT THE NEED TO
OBTAIN A USE VARIANCE**

WHEREAS, issues have arisen in which certain parties have claimed an ambiguity exists within Chapter 203 of the Woolwich Township Code insofar as whether a use variance is required when an applicant proposes two (2) permitted uses on a single piece of property; and

WHEREAS, the Joint Land Use Board directed its Planner, J. Timothy Kernan, P.E., P.P., C.M.E., to study the matter and issue recommendations; and

WHEREAS, Mr. Kernan issued a report of recommendations dated February 25, 2015 for consideration by the Joint Land Use Board; and

WHEREAS, the Joint Land Use Board met on or about March 19, 2015 and voted unanimously to recommend Mr. Kernan's proposed changes to the Township Committee; and

WHEREAS, the Woolwich Township Committee has given careful consideration to the sentiment of the Joint Land Use Board as well as Mr. Kernan's recommendations and has decided that it is in the best interests of the Township of Woolwich to adopt same; and

WHEREAS, it is necessary to pass an Ordinance to amend Chapter 203 of the Woolwich Township Code.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Woolwich in the County of Gloucester, State of Jersey, as follows:

SECTION I: Amendments to Chapter 203.

Chapter 203, Sections 41, 45, 46 and 48 are hereby amended. The language below sets forth deletions by way of a line struck through certain texts. Added language is denoted by way of underlined text. Paragraph numbers are hereby changed as set forth in the text below.

SECTION II: Revised Language.

§ 203-41. R-2 Residential District

A. Intent.

(1) The intent of the R-2 Residential District is to provide appropriate regulations for the preservation of agriculture, natural resources, scenic vistas and the rural landscape of Woolwich Township, along with the development of single-family detached dwellings and other permitted uses in portions of the Township characterized as rural, regardless of the presence or absence of public sewer or water service. The Township is offering two development options in the R-2 District. Option 1 is encouraged as the means to best maintain the rural character while preserving open space and natural resources in the R-2 District. In conformance with the MLUL, the purposes of Options 1 and 2 are as follows:

(c) To reduce ~~corrosion~~erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;

§ 203-45. PUD Planned Unit Development District

B. Use regulations.

(2) Nonresidential uses.

(d) Within the Weatherby Commercial Overlay, one or more of the following uses are permitted ~~uses~~:

§ 203-46. FOC Flexible Office Commercial District

The FOC Flexible Office Commercial District is designed to encourage more intensive nonresidential uses along the Route 322 corridor that adhere to strong design standards and in which planned, innovative and integrated development is encouraged. A flexible mix of permitted uses is allowed, including, office, light industrial, and warehouse/distribution uses, subject to locational standards found in this article.

C. Site development requirements. All proposed development shall comply with the applicable regulations set forth in Article VII of this chapter, Chapter 149, Site Plan Review, and Chapter 163, Subdivision of Land, and the following requirements:

(1) All development in this district shall comply with the design standards contained in ~~§ 203-48~~203-49.

~~(2) Except as provided herein, no lot shall have thereon more than one freestanding principal building and more than one principal permitted or conditional use.~~

~~(3) Except as provided herein, no building shall have therein more than one principal permitted or conditional use.~~

~~(4)~~ (2) Industrial parks and office parks may have more than one freestanding principal building on a lot, more than one principal permitted or conditional use on a lot and more than one principal permitted or conditional use in a building, provided that:

(a) The development is designed in a unified and comprehensive plan; and

(b) The development parcel is a minimum of five acres.

~~(5)~~ (3) Along both principal and secondary frontage in a proposed development, it is required that, at a minimum, sidewalks and street trees be installed in accordance with municipal specifications and of an appropriate and acceptable nature to the Planning Board. In the event that such facilities are already present or are otherwise to be provided, the Planning Board may require provision of other reasonable amenities related to the establishment or improvement of a streetscape environment. In all cases, provision of streetscape amenities that are beyond and in addition to sidewalks and street trees (such as benches, grass strips, planters, statues and other street furniture) shall be encouraged, subject to Planning Board approval.

~~(6)~~ (4) Where a development in the FOC District abuts any residential district, special buffering improvements shall be mandatory within required rear and/or side setbacks on the site. Said improvements shall be designed so as to significantly reduce visibility, noise, litter and (unlimited) pedestrian access and shall consist of combinations of any of the following, at the discretion of the Planning Board, as needed: dense plantings, including hedges, coniferous or broad-leaf evergreens; oversized earth berms; visually impermeable fences or walls; retention of natural vegetation; and retention of natural topographic features and watercourses. Buffers shall be in accordance with §§ 203-68 and 203-69.

Buffers may occur in required yard areas, but the applicant's desire to place parking or drive aisles within the required buffer area shall not constitute grounds for zoning relief from this requirement.

~~(7)~~ (5) All development in the FOC District shall be connected to public sewer and water systems when practical, and said connection shall be mandatory if public sewer and water lines exist within 500 linear feet of the closest lot line. In the event that public sewer and water is unavailable within a distance of 500 feet from the edge of the tract boundary closest to the available utility in question, a maximum lot coverage of 50% of the amount otherwise authorized by § 203-46B(5) shall be permitted.

~~(8)~~ (6) New or upgraded public roadways shall meet local engineering/design standards and be dedicated to the municipality or other appropriate governmental jurisdiction. On-site driveways may be designated as site service drives and may be exempted from the preceding requirements, unless they are judged to carry volumes sufficient for the Planning Board to request their designation as public streets in accordance with Article VII, § 203-65. Curbing shall be required and curb cuts shall be designed so as to limit vehicular access in accordance with proper traffic engineering principles and the New Jersey Highway Access Code and, in doing so, promote traffic safety and efficiency of flow.

~~(9)~~ (7) All parking areas and walkways shall be adequately illuminated for security and safety purposes. The lighting plan in and around the parking areas shall provide for non glare lights focused downward. All lighting shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, traffic safety and overhead sky glow. The objective is to minimize undesirable off-premises effects.

~~(10)~~ (8) All rights-of-way as required by the Woolwich Township Master Plan, by the County of Gloucester, or by the New Jersey Department of Transportation (as applicable) shall be offered for dedication at the time of site plan application.

~~(11)~~ (9) Parking and loading. Parking and loading spaces shall be provided in accordance with the regulations set forth in Article IX of this chapter provided, however, that no parking shall be permitted in any required front yard. When adjacent to any residential use, loading areas shall be screened with walls to obscure their view from the adjacent lot.

D. Kingsway Town Center and Commercial Overlay Districts.

(2) Use regulations.

(a) Principal uses. In the Kingsway Commercial Overlay and the Kingsway Town Center Overlay, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one *or more* of the following uses, and in no case shall any commercial or retail use be permitted in any area designated for off-street parking or loading on the approved site plan:

§ 203-48. Light Industrial/Office District

The specific intent in creating the Light Industrial Office District is to make provision for light industrial and related office and research uses to create employment centers in those portions of the Township best suited for such use by reason of accessibility to the major circulation system and compatibility with adjacent uses. In view of the predominantly agricultural nature of the Township at present, provision is also made for continuation of agricultural uses.

A. Use regulations.

(1) Principal uses. In the Light Industrial Office District, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used, except for one *or more* of the following uses:

SECTION III. EFFECTIVE DATE

Effective Date. These amendments shall become effective immediately 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 ____ day of _____, 2015. 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 _____ day of _____, 2015 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 _____ day of _____, 2015.

Jane DiBella, Clerk