

**ORDINANCE #2159-12**

**AN ORDINANCE AMENDING CHAPTER 167, ARTICLE IV, OF THE CODE OF THE CITY OF WOODBURY ENTITLED: STREETS AND SIDEWALKS**

**BE IT ORDAINED AND ENACTED** by the Mayor and Council of the City of Woodbury, County of Gloucester and State of New Jersey, as follows:

**SECTION I.**        **PURPOSE.** The Mayor and City Council have done a review of the Ordinance concerning the installation of sidewalks within the City of Woodbury. After careful review and consultation with the City’s professionals, including input from the City of Woodbury’s Combined Planning/Zoning Board Professionals, the Mayor and City Council have decided that certain changes should be made to the current Ordinance changing the criteria to be applied when an applicant seeks a variance to avoid the installation of sidewalks from the criteria commonly referred to as a “D” variance to the criteria commonly referred to as a “C” variance, while continuing to protect the health, safety and welfare of the citizens of the City of Woodbury.

**SECTION II.**        **AMENDMENT.** The following amendments shall be made to Chapter 167, entitled “Streets and Sidewalks”:

**ARTICLE IV**  
**Laying Out Streets and Sidewalks**

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**§ 167-25.1. Variances**

*Any property owner or party under contract to purchase a property may seek a variance from the provisions set forth above by making application to the Planning/Zoning Board of the City of Woodbury, under the following terms and conditions.*

**A. VARIANCE SEEKING RELIEF FROM THE REQUIREMENT OF INSTALLING SIDEWALKS AND CURBS.**

*A property owner or a party under contract to purchase a property, seeking relief from the requirement of installing or replacing sidewalks or curbs as required by this Ordinance, may make application to the Planning/Zoning Board of the City of Woodbury for a variance. The application shall be treated and reviewed in accordance with and*

*under the same laws and criteria as apply to a variance sought under the provisions of N.J.S.A. 40:55D-70c, commonly referred to as a “C” variance. In addition to the criteria applied by law to such a variance, the applicant must meet the following conditions:*

*a. The lack of sidewalks comports with the nature and character of the area or neighborhood where the property is located;*

*b. The lack of sidewalks does not detrimentally impact the surrounding properties; and*

*c. The lack of sidewalks does not create a safety hazard for the area or neighborhood in question.*

#### **B. VARIANCES SEEKING RELIEF FROM THE CURB AND SIDEWALK SPECIFICATIONS.**

*A property owner or a party under contract to purchase a property, seeking relief from the requirement of installing or replacing sidewalks or curbs as required by this Ordinance, may make application to the Planning/Zoning Board of the City of Woodbury for a variance. The application shall be treated and reviewed in accordance with and under the same laws and criteria as apply to a variance sought under the provisions of N.J.S.A. 40:55D-70c, commonly referred to as a “C” variance.*

#### **C. FEES, COSTS, ESCROWS IN CONNECTION WITH VARIANCE APPLICATIONS PURSUANT TO THIS SECTION.**

*Any applicant seeking a variance under this section shall be responsible for the payment of all fees, costs, escrows, etc. that are typically required in an application for a variance before the Planning/Zoning Board of the City of Woodbury, as detailed in §35-27, as well as, any applicable federal, state and local law or rule.*

In all other aspects the code provision remains the same.

**PASSAGE.** This Ordinance shall become effective immediately upon passage and publication as required by law.

**THE FOREGOING** was introduced by the City Council of the City of Woodbury at its regular meeting held on March 26, 2012. This Ordinance will be considered for adoption at final reading and public hearing to be held on \_\_\_\_\_ at 7:30 P.M. or at such time as may be determined and announced, in City Hall, Council Chambers, 2<sup>nd</sup> Floor, 33 Delaware Street, Woodbury, New Jersey, at which time and place all persons interested will be given the opportunity to be heard concerning said Ordinance. During the time prior to and up to and including the date of such meeting,

copies of said Ordinance will be made available at the City Clerk's office to the members of the general public who may request same.

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**HEATHER S. TIERNEY**  
President of Council

**ATTEST** \_\_\_\_\_  
**ROY A. DUFFIELD**  
Clerk

**APPROVED** \_\_\_\_\_  
**HARRY R. RISKIE**  
Mayor