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10/26/17

**ORDINANCE NO. O-2017-12**

**AN ORDINANCE OF THE BOROUGH OF WENONAH  
COUNTY OF GLOUCESTER, STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING ARTICLE VII,  
ZONING REGULATIONS, OF CHAPTER 72,  
ENTITLED, "LAND USE ORDINANCE" OF THE  
CODE OF THE BOROUGH OF WENONAH**

**WHEREAS**, the Borough Council of the Borough of Wenonah, a municipal corporation in the County of Gloucester, State of New Jersey, finds that an amendment to the Land Use Ordinance of the Borough of Wenonah to add a downtown business overlay zone is appropriate, and will guide the development of property in a manner which will promote the public health, safety, morals, and general welfare as promulgated in *N.J.S.A.* 40:55D-2(a).

**WHEREAS**, the Combined Planning Board of the Borough of Wenonah, County of Gloucester has adopted a Master Plan and most recently a Reexamination Report providing for the appropriate use and development of lands in the Borough in a manner which will promote the public health, safety, morals, and general welfare; and

**WHEREAS**, the Municipal Land Use Law at *N.J.S.A.* 40:55D-62a requires substantial consistency of the zoning regulations governing land use with the adopted Master Plan; and

**WHEREAS**, the Combined Planning Board of the Borough of Wenonah has reviewed the addition to the Land Use Ordinance of the Borough of Wenonah with regard to its consistency with the adopted Land Use Plan Element of the Master Plan, has reviewed same and finds that the overlay amendment is consistent with the Master Plan and finds that it represents sound planning for the development of certain areas of the municipality and favorably recommends this amendment to the Borough Council of the Borough of Wenonah.

**NOW THEREFORE**, BE IT ENACTED and ORDAINED by the Borough Council of the Borough of Wenonah, in the County of Gloucester as follows:

**Section 1.** Section 102, Definitions, shall be modified by adding the following definition:

BED AND BREAKFAST - A facility providing limited overnight accommodations with a morning meal to transients for compensation.

**Section 2.** Section 702, Classification of Districts, shall be revised to read as follows:

**Section 702. Classification of Districts.**

A. Classes of Districts. For purposes of this Ordinance, the Borough of Wenonah is hereby divided into eleven (11) classes of districts, which shall be designated as follows:

R	Residence District
LR	Low Density Residence District
LMR-1	Low & Moderate Residential District 1
LMR-2	Low & Moderate Residential Overlay District 2
LMR-3	Low & Moderate Residential Overlay District 3
SC	Senior Citizen Overlay District
PO	Professional Office District
C	Commercial District
INS	Institutional District
P&C	Parks and Conservation District
MA	Mantua Avenue Overlay District

B. Zoning Map. The boundaries of said districts shall be as shown on the map attached to and made a part of this Ordinance, which map shall be known as the “Zoning Map, Borough of Wenonah”, dated September 9, 2014 and amendments thereto. Said map, and all notations, references and data pertinent to zoning and zoning districts shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of this Ordinance as if all were fully described herein.

C. [Shall remain unchanged]

**Section 3.** Section 710.1, Mantua Avenue Overlay District, shall be added to the Land Use Ordinance as follows:

**Section 710.1. Mantua Avenue Overlay District.**

A. Purpose. The Mantua Avenue Overlay District is intended to allow the continuation of single family detached uses as allowed in the R-Residence District but to also allow for the conversion and expansion of those dwellings for limited commercial use.

B. Use Regulations. A lot may be used for the following purposes in addition to the uses permitted in the underlying zoning district:

1. Any principal permitted use in §707, Professional Office District, excepting financial institutions and medical offices.
2. Any principal permitted personal service use listed in §708.B.2.
3. Conditional uses. The following conditional uses when authorized by the Combined Planning Board in accordance with the procedures of §408:
  - a. Child care center, in accordance with the provisions of §711.H.

- b. Bed and breakfast accommodation, subject to the following criteria:
  - (1) The minimum lot size shall be 11,250 sf.
  - (2) No more than six (6) guest rooms or suites shall be permitted.
  - (3) Off-street parking equal to one for each guest room or suite shall be required.
  - (4) Only guests of the facility shall be served food and drink on the premises.
  - (5) No cooking facilities shall be permitted in guest rooms or suites.
  - (6) There shall be a maximum residency limitation on all guests of thirty (30) days.

C. Area, yard, height and coverage regulations.

- 1. Minimum Lot Area: 7,500 sq. ft.
- 2. Minimum Lot Width: Fifty (50) feet at any point on the lot.
- 3. Maximum Building Area: Twenty-five percent (25%) of total lot area.
- 4. Maximum Impervious Coverage:
  - a. On a lot of less than 10,000 sf.: Eighty percent (80%) of total lot area.
  - b. On a lot of 10,000 sf. or greater but less than 20,000 sf.: Seventy-five percent (75%) of total lot area.
  - c. On a lot of 20,000 sf. or greater: Seventy percent (70%) of total lot area.
- 5. Yards. Front, side, and rear yards shall be provided on each lot as follows:
  - a. Front yard. One (1) yard, not less than seventeen (17) feet in depth. Where the lot is a corner lot and has frontage on two public streets, the yard depth on the longest frontage may be reduced to twelve (12) feet.
  - b. Side yards:
    - (1) On a lot with frontage of 50 feet or less: Five (5) feet each yard.
    - (2) On a lot with frontage of greater than 50 feet to 75 feet: Seven-and-a-half (7½) feet each yard.
    - (3) On a lot with frontage greater than 75 feet: Ten (10) feet each yard.
  - c. Rear yard. There shall be a rear yard on each lot which shall be not less than twenty (20) feet in depth, provided that where a lot abuts a residence district on

the rear lot line, each such rear yard shall be not less than twenty-five (25) feet in depth.

6. Height: No building shall exceed thirty-five (35) feet in height, except that additions to existing buildings may match the existing height of the structure.
7. Maximum building size (excluding basement floor area):
  - a. On a lot of less than 10,000 sf.: 4,500 sf. of floor area.
  - b. On a lot of 10,000 sf. or greater but less than 20,000 sf.: 6,500 sf. of floor area.
  - c. On a lot of 20,000 sf. or greater but less than one acre: 10,000 sf. of floor area.
  - d. On a lot one acre or greater: 20,000 sf. of floor area.
8. Parking area setbacks. No parking or loading area shall be permitted in the front yard and shall be set back from the side or rear property line a distance equal to or greater than its required side yard. Parking lot areas shall be buffered by landscaping which shall be supplemented with fencing when the Combined Planning Board determines that the particular circumstances necessitate additional visual blocking. The edge of parking areas visible from a public street shall be planted with shrubs with a minimum installation height of 30 inches and shall be maintained at a height of 36 to 42 inches. Other buffer areas shall be installed with material with a preponderance of plants that are a minimum of five (5) feet in height.

D. Additional Planning and Submission Requirements for the Mantua Avenue Overlay District.

1. Record Plan of Existing conditions. In addition to the plan submission requirements pursuant to Article V of this Ordinance, a Record Plan of existing conditions for any development within the Commercial District shall be submitted to and approved by the Combined Planning Board prior to:
  - a. The issuance of a demolition permit for any structure or building on a lot, or
  - b. The approval of a site plan or subdivision for the subject lot.
2. A record plan shall consist of:
  - a. A survey, at an appropriate scale, showing accurately and with complete dimensioning, the boundaries of the site and the location of all buildings, structures, uses, parking areas, vegetation, utilities, lighting and other principal features of the subject parcel or lot; and
  - b. An architectural record of the existing structures on the site including at a minimum:

- (1) Photographs which show all facades of the building or buildings and any pertinent architectural details.
  - (2) A copy of the County Assessor's record card of the property.
  - (3) A letter of opinion submitted by a qualified architect, registered in the State of New Jersey, stating the historical period and building style of the existing building.
3. Neighborhood context to be maintained.
- a. Proposed new structures and buildings.
    - (1) When any new structure is proposed to be erected within the Mantua Avenue Overlay District, the current structure or previously existing structure (as documented in the Record Plan) in the case of a vacant lot, will be utilized as a guide to determine the general appearance, size, architectural style and period, and exterior building materials of the new structure. In the event the existing or previous buildings on the site are not contributors to the character of the surrounding district, the new structure shall be designed and erected to maintain the general appearance of the surrounding buildings with regard to architectural style and period, size, height, and exterior building materials.
    - (2) Where a new structure is proposed and no previous building existed the new structure shall be designed and erected to maintain the general appearance of the surrounding buildings with regard to architectural style and period, size, height, and exterior building materials.
  - b. Existing structures and buildings. When an existing building is proposed to be repaired, altered by expansion, or reduced in size, or new exterior materials are proposed, the existing general appearance shall be maintained.
4. When determining the architectural style, period, area dimensions, height, fenestration, exterior materials, etc. of a new building, the Combined Planning Board shall recognize modern materials which are intended to replace older patterns of wood and/or obsolete building materials, either no longer in existence or no longer practical for use in modern construction.
5. In establishing architectural period, general appearance, required setbacks, and height and bulk of a proposed structure, the Combined Planning Board may retain the services of qualified registered architects to assist in evaluating the existing and proposed architectural character.
6. Cross-access easement. Where appropriate, an agreement providing for cross-access for pedestrians and vehicles between adjacent lots shall be provided to reduce the amount of traffic on adjacent roads. The easement may be established between lots at one time or over a period of time depending on circumstances. The cross-access easement shall be recorded with the County Recording Officer as deeds of easements or shall be placed on

final plats for such recording, as appropriate

**Section 4.** Zoning Map. The zoning map of the Borough of Wenonah shall be revised to apply the MB-Mantua Avenue Overlay District to the following blocks and lots on the tax assessment lots:

<u>Block</u>	<u>Lots</u>
43	4 and 5
58	8 and 9
59	6 and 7
61	1, 2 and 3

**Section 5.** Continuation. In all other respects, the Zoning Ordinance of the Borough of Wenonah shall remain unchanged.

**Section 6.** Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 7.** Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Borough of Wenonah, then the restriction which imposes the greater limitation shall be enforced.

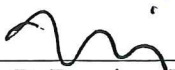
**Section 8.** Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

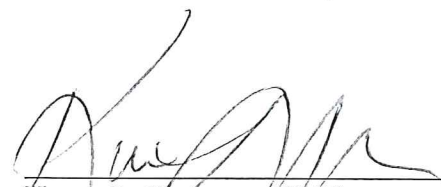
**Section 9.** Enactment. This Ordinance shall take effect upon the filing thereof with the Gloucester County Planning Board after final passage, adoption, and publication by the Borough Council of the Borough of Wenonah in the manner prescribed by law.

Introduced: Oct 26, 2017

Public Hearing Nov. 30, 2017

Adoption Date: Nov. 30, 2017

  
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John R. Dominy, Esq.  
Mayor

  
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Karen L. Sweeney, RMC  
Borough Clerk