

**ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE (UDO)
OF THE TOWNSHIP OF DEPTFORD
TO AMEND THE HEIGHT LIMIT IN THE BC-4 DISTRICT**

WHEREAS, the Township Council of the Township of Deptford, a municipal corporation in the County of Gloucester, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the Unified Development Ordinance of the Township; and

WHEREAS, the Planning Board of the Township of Deptford has adopted a Master Plan, dated November 20, 2007 that comprehensively provides for the appropriate use and development of lands in the Township 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 provisions regulating zoning and land use with the adopted Land Use Plan Element; however, a governing body may adopt a zoning ordinance or zoning map wholly or partly inconsistent with such land use plan element provided that the reasons for so doing are set forth in a resolution and recorded in its minutes; and

WHEREAS, the Planning Board has determined that the revisions and amendments to the Unified Development Ordinance are consistent with said Land Use Plan Element, represent sound land use planning and therefore favorably recommends to the Township Council that the height limit for hotels in the Business Commercial 4 District be so amended; and

WHEREAS, this ordinance effectuates a classification and boundary change recommended in a periodic general reexamination of the master plan pursuant to *N.J.S.A. 40:55D-89*; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Deptford that the Unified Development Ordinance (UDO) be hereby amended as follows:

Section 1. Purpose. The Township of Deptford, as a municipality in the State of New Jersey, hereby declares that pursuant to the purposes of the New Jersey Municipal Land Use Law, *N.J.S.A. 40:55D-2*, that the amendments contained herein shall promote a desirable visual environment through creative development techniques and good civic design and arrangement, while continuing to promote the establishment of appropriate land uses to avoid congestion and blight and thereby contributing to the well being of persons, neighborhoods, the community and region as a whole.

Section 2. §17.C.4 shall be amended as follows:

4. Maximum building height: Three stories and 40 feet, except that, for hotels located in the BC-4 district only and located a maximum of one thousand (1,000) feet from a main travel lane of a limited access highway, may be up to four stories and 55 feet in height.

Section 3. Continuation. In all other respects, the Unified Development Ordinance of the Township of Deptford shall remain unchanged.

Section 4. 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 5. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Township of Deptford, then the restriction which imposes the greater limitation shall be enforced.

Section 6. 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 7. Enactment. This Ordinance shall take effect upon the filing thereof with the Gloucester County Planning Board after final passage, adoption, and publication by the Township Council of the Township of Deptford in the manner prescribed by law.



TOWNSHIP OF DEPTFORD

PAUL MEDANY, MAYOR

ATTEST:

DINA ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Work Session Meeting of Township Council of the Township of Deptford held on the 20th day of July, 2009, and will be considered for final passage and adoption at a Regular Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on 3rd day of August, 2009 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.

DINA ZAWADSKI, TOWNSHIP CLERK

Introduction

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.10.09				
Medany						
Love						
DiMarco						
Hufnell						
Schocklin						
Scott						
Tenaglia						

Adoption

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.10.09				
Medany						
Love						
DiMarco						
Hufnell						
Schocklin						
Scott						
Tenaglia						