

**AN ORDINANCE RATIFYING THE ADOPTION OF ORDINANCE  
NO. O.5.08 NUNC PRO TUNC AND RE-ADOPTING AN ORDINANCE  
AMENDING THE UNIFIED DEVELOPMENT ORDINANCE (UDO) TO IMPLEMENT  
THE ROM DISTRICT OF THE TOWNSHIP OF DEPTFORD, COUNTY OF  
GLOUCESTER, STATE OF NEW JERSEY**

**WHEREAS**, the Municipal Land Use Law, N.J.S.A. 40-55D-1 et seq., confers power to a municipality to regulate the use of lands within the jurisdiction of Deptford Township; and

**WHEREAS**, on December 1, 2008, the Governing Body adopted Ordinance O.5.08, thereby adopting and enacting an amendment to the Unified Development Ordinance (UDO) of the Township of Deptford to implement the Research, Office and Manufacturing (ROM) District; and

**WHEREAS**, the ROM was a new zoning district that replaced portions of the Business Center 1 district in the UDO; and

**WHEREAS**, litigation has been initiated challenging the sufficiency of the Notice of Introduction of Ordinance O.5.08; and

**WHEREAS**, it has been determined by Deptford Township Council that the implementation of the ROM District would effectuate the intent and purpose of the goals and objectives of the Master Plan of the Township of Deptford; and

**WHEREAS**, the Municipal Land Use Law requires that any amendments or revisions to Deptford Township's Unified Development Ordinance shall be reviewed by the Planning Board to determine if said amendments or revisions thereto are substantially consistent with the "Land Use Plan Element" of the Master Plan of the Township of Deptford; and

**WHEREAS**, this ordinance has been referred to the Planning Board of the Township of Deptford for its determination as to whether the zoning district is consistent with the intent and purpose of the Master Plan and has so determined; and

**WHEREAS**, this ordinance effectuates a classification and boundary change recommended in the 2007 periodic general re-examination of the master plan pursuant to N.J.S.A. 40:55D-89; and

**WHEREAS**, the 2007 Master Plan indicates a need for the Township to diversify its permitted land uses; and

**WHEREAS**, the establishment of the ROM district will further the 2007 Master Plan's goal of diversification of uses and will further the purposes of the Municipal Land Use Law as set forth in N.J.S.A. 40:55D-2.g by providing a variety of land uses in appropriate locations within the Township; and

**WHEREAS**, the 2007 Master Plan indicated that the Township's overemphasis on retail uses has had a major negative impact on traffic levels and circulation within the Township and that further development of commercial uses within the Township would aggravate existing traffic congestion in the Township; and

**WHEREAS**, the establishment of the ROM district will further the 2007 Master Plan's goal of addressing traffic congestion and will further the purposes of the Municipal Land Use Law as set forth in N.J.S.A. 40:55D-2.h by promoting free flow of traffic and discouraging transportation routes and facilities that will result in congestion or blight; and

**WHEREAS**, based on the recommendations of the Planning Board, the Township Council has determined that the establishment of the ROM district, as set forth in this Ordinance, is substantially consistent with said Land Use Plan Element, represents sound land use planning and therefore determines that the Zoning Map be amended to add the ROM District; and

**WHEREAS**, the Governing Body has determined that it is in the best interest of the Township to adopt the within Ordinance, ratifying the adoption of Ordinance O.5.08 *munc pro tunc* and re-adopting the amendment to the UDO to implement the ROM District, upon publishing a more detailed Public Notice of Introduction to address the challenge which has been initiated in the Court.

**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.** The Township hereby accepts the report and recommendation of the Planning Board and ratifies the adoption of Ordinance O.5.08 and re-adopts the amendment to the Unified Development Ordinance (UDO) of the Township of Deptford to implement the Research, Office and Manufacturing (ROM) District.

**Section 2.** Section 6, Definitions, shall be amended by revising or adding the following definitions:

Board of Jurisdiction – The Planning Board or the Zoning Board of Adjustment, as the case may be, that has approval and denial powers over an application for development.

Bulk Standards – Standards and controls that establish the maximum size of building and structures on a lot and the buildable area within which the building may be located, including area, coverage, setback, height, floor area ratio, and yard or other requirements affecting the physical placement of buildings and structures on a lot.

Business Park – An office park that also includes warehousing, light manufacturing and distribution uses.

Call Center – A central office place where agents or operators man banks of telephones to either make outgoing, or field incoming, telephone calls for a large company or organization.

Child Care Center – A facility for the purpose of providing custodial care of persons meeting the definition of ‘child care center’ as contained within N.J.S.A. 30:5B-3(b), as it may be amended or superseded.

Data Processing Center – A facility utilizing a series of computers and ancillary equipment to store digital information for records backup and archiving, telecommunications purposes and/or packet switching.

Day Care Center – See Child Care Center.

Dwelling, Stacked Townhouse – A multi-family dwelling that is designed and occupies exclusively as the residence of one housekeeping unit where each dwelling has at least two full floors for occupancy between one or more common vertical fire walls and one horizontal fire floor to at least four other such dwellings all housed in the same structure.

Dwelling, Townhouse – A dwelling a minimum of two stories in height that is designed and occupied exclusively as the residence of one housekeeping unit, with no other dwelling above or below them and attached by means of one or more common vertical fire walls to at least two other such dwellings all housed in the same structure.

Mixed-Use Building – A building combining non-residential uses on at least the ground floor with multi-family dwellings on upper floors.

Planned Commercial Development – An area of a minimum contiguous or non-contiguous size as specified herein to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted herein.

Religious Institution – A building, together with its accessory buildings and uses, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.

Shopping Center – A group of commercial establishments planned, constructed and managed as a single entity and which include on-site customer and employee parking, loading areas and common design features with a gross leasable floor area of at least 100,000 sf.

Tract – An area, parcel, piece of land, or property consisting of one or more lots that is the subject of an application for development.

**Section 3.** Section 7.B.1, Establishment of zoning districts and zoning map, shall be amended by re-lettering the sub-paragraph letters –p through –s, –q through –t and establishing a new letter –p entitled, “ROM: Research, Office and Manufacturing District”.

**Section 4.** Reserved, Section 20 of the Unified Development Ordinance shall be repealed and the following zoning district added:

**Section 20. ROM Research, Office and Manufacturing District.**

- A. Intent. The Research, Office and Manufacturing (ROM) district is intended for the research, development and manufacturing of products, delivery of professional services and administration of businesses serving primarily regional and/or national markets. By virtue of this type of activity, size, parking and loading requirements, land use and/or nuisance characteristics, these uses require a nearby entrance to a limited access highway.
- B. Permitted Uses. In the ROM district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
1. On lots less than 10 acres:
    - a. Professional, administrative and business offices.
    - b. Data processing center.
    - c. Call center.
    - d. Combined office and manufacturing or distribution uses in a single building.
    - e. Agriculture.
    - f. Public parks and recreation; conservation.
    - g. Municipal purpose.
  2. On lots of 10 acres or more in size:
    - a. Any use in Section 20.B.1, above.
    - b. Research, engineering, testing and analytical laboratories.
    - c. Processing, bottling, packaging and distribution food products; cold storage.
    - d. Manufacturing in conjunction with product development.
    - e. Office and business parks.

C. Accessory Uses and Structures Permitted. Any of the following accessory uses and structures shall be permitted when used in conjunction with a principal or conditional permitted use:

1. Security office.
2. Maintenance building.
3. Restaurant or employee cafeteria as part of a principal building or as the entire use of an accessory building, provided the cafeteria is limited in service to the employees and visitors to the principal use.
4. Indoor and outdoor recreational facilities planned as an integral part of the principal use.
5. Display showrooms for products of permitted on-site research, testing or manufacturing not exceeding five percent (5%) of the total floor area of the building.
6. Child care center.
7. Off-street surface and structured parking.
8. Fences, walls and street furniture.
9. Signs.
10. Outdoor storage of equipment and materials in accordance with sub-paragraph -- R, herein below.
11. Accessory uses on the same lot and customarily incidental to the principal use.

D. Bulk Standards. Except as otherwise modified, the following bulk standards shall apply to all lots:

1. Individual Principal Use.
  - a. Minimum lot area -- Four (4) acres.
  - b. Minimum lot frontage -- Two hundred (200) feet.
  - c. Minimum lot width -- Three hundred (300) feet.
  - d. Minimum lot depth -- Four hundred (400) feet.
  - e. Minimum front yard -- One hundred (100) feet.

- f. Minimum side yard – Thirty (30) feet.
  - g. Minimum rear yard – Fifty (50) feet.
  - h. Maximum building height – Forty (40) feet or two (2) stories, whichever is less.
  - i. Maximum impervious coverage – Sixty-five percent (65%)
  - j. Maximum floor area ratio – Twenty-five hundredths (.25)
2. Office Park or Business Park Use.
- a. Minimum lot area – Five (5) acres.
  - b. Minimum lot frontage – Three hundred (300) feet.
  - c. Minimum lot width – Four hundred (400) feet.
  - d. Minimum lot depth – Four hundred (400) feet.
  - e. Minimum front yard – One hundred (100) feet.
  - f. Minimum side yard – Thirty (30) feet.
  - g. Minimum rear yard – Fifty (50) feet.
  - h. Maximum building height – Fifty (50) feet or three (3) stories, whichever is less.
  - i. Maximum impervious coverage – Seventy percent (70%).
  - j. Maximum floor area ratio – Three tenths (.30)
3. Accessory buildings and uses. The following regulations shall apply to accessory buildings and uses:
- a. No accessory building or use shall be located in a front yard.
  - b. Minimum side yard – Thirty (30) feet.
  - c. Minimum rear yard – Twenty-five (25) feet.
  - d. Minimum distance to other building – Thirty (30) feet.

- e. Maximum height – Half the height of the principal use to which it relates.
  - f. Accessory uses to a comprehensively planned office or business park may be located on an individual lot. In this event, the area, yard and coverage standards of the TC-1 Transitional Commercial District for new non-residential development may be utilized.
4. Parking area setback.
- a. From street line – Fifty (50) feet.
  - b. From any other lot line – Thirty (30) feet.
5. Minimum landscape buffer widths.
- a. Adjacent to any street line excepting a limited access highway – Fifty (50) feet.
  - b. Adjacent to the street line of a limited access highway – Thirty (30) feet.
  - c. Adjacent to any other lot line – Thirty (30) feet.
- E. Outdoor Storage. Materials used in the manufacture or assembly of products and equipment may be stored outside behind the front building line provided that such storage shall meet the following requirements:
- 1. The location of the outdoor storage shall be approved by the board of jurisdiction and delineated on a site plan;
  - 2. Outdoor storage shall be located in a side or rear yard behind the front building line;
  - 3. Outdoor storage shall not occupy more than fifty percent (50%) of the total area of the side and rear yards;
  - 4. The height of outdoor storage shall not exceed twelve (12) feet;
  - 5. The outdoor storage shall be behind a fully opaque fence; and
  - 6. Landscape buffering of the outdoor storage shall be required in accordance with Section 31.C.

**Section 5.** Section 27, Off-Street Parking, shall be amended as follows:

- F. Required off-street parking by use.

[1 through 20 remain unchanged.]

21. Planned commercial developments: Four and one-half (4.5) spaces per one thousand (1,000) square feet, except the required number of parking spaces may be reduced to four (4) spaces per one thousand (1,000) square ft. where complementary land uses permit shared parking pursuant to – B.12, above.
22. Other building or use not specified: Adequate parking as determined by the board of jurisdiction.

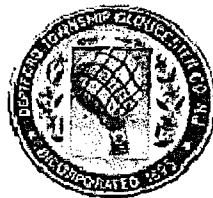
**Section 6.** Continuation. In all other respects, the Unified Development Ordinance of the Township of Deptford shall remain unchanged.

**Section 7.** 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 8.** 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 9.** 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 10.** 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*  
PAUL MEDANY, MAYOR

ATTEST:

*Dina L. Zawadski*  
DINA L. 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 23<sup>rd</sup> day of April, 2012 and will be considered for final passage and adoption at a Work Session Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 21<sup>st</sup> day of May, 2012 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.

*Dina L. Zawadski*  
**DINA L. ZAWADSKI, TOWNSHIP CLERK**

**Introduction**

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		<b>O.17.12</b>				
Medany			✓			
Hufnell			✓			
DiMarco			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			

**Adoption**

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		<b>O.17.12</b>				
Medany			✓			
Hufnell						✓
DiMarco			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			