

**ORDINANCE AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE (UDO)
TO ADD AND MODIFY YARD REQUIREMENTS FOR INFILL LOTS
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, it has been determined by Deptford Township Council that the implementation of reduced yard areas under certain specific criteria of the Unified Development Ordinance 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 are substantially consistent with the Land Use Plan Element of the Master Plan of the Township of Deptford; and

WHEREAS, the Planning Board of the Township of Deptford finds that the ordinance modifications are consistent with the intent and purpose of the Master Plan; and

WHEREAS, this ordinance does not effectuate a classification and boundary change recommended in a periodic general reexamination of the master plan (*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. §6, Definitions, shall be revised to add the following definition:

Infill Development - The development of a new building on a vacant lot which is located within a built-up area.

Section 2. §51, Reduction or Modification of Existing Lots, shall be modified by adding the following paragraphs:

- E. Permitted Modifications for Infill Development. The yard areas of principal dwellings on infill development lots may encroach within the yard areas as otherwise required in this Ordinance under the following conditions:
1. Front Yard. The front yard depth may be reduced to the average of the setbacks from the streetline of existing dwellings on both sides of the proposed residence. In the event an adjacent lot is vacant, the average shall be calculated using the required setback for the vacant lot.
 2. Side Yard. The side yard may be reduced to the depth of the side yard of the adjacent lot but in no instance shall the distance between dwellings be reduced to less than 10 feet.
 3. Rear Yard. A portion of the principal dwelling may encroach into the rear yard up to 20% of the required depth provided that the average of the building's distance from the rear property line meets or exceeds the required setback.
- F. Expansion of Residential Building on Undersized Lot. Any existing lot on which a residential building is located and which lot does not meet the minimum lot size may have additions to the principal building and/or construction of an accessory building without any appeal for variance relief provided:
1. The existing use(s) on the lot is conforming to the permitted use(s) allowed in the zoning district in which the lot is located; and
 2. The total permitted building and impervious lot coverages are not exceeded; and
 3. The addition or the construction of an accessory building does not violate any other requirements of this Ordinance including, but not limited to, height, setback, and parking; except that an addition to the principal building may encroach into a required yard area so long as the addition intrudes no more into the required yard area than the principal building.

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

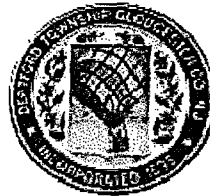
Section 4. Severability. If any portion of this Ordinance is for any reason

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 there of 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.

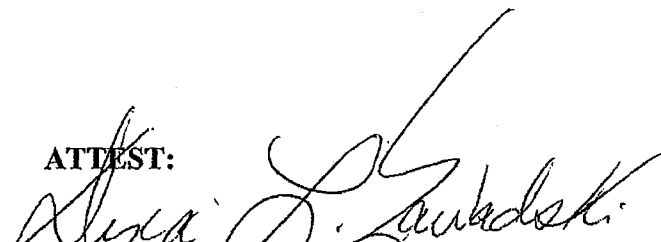
Section 7. Enactment. This Ordinance shall take effect upon the filing thereof with the Gloucester County Planning Board after final passage, adoption, and publication by the Township Council of the Township of Deptford in the manner prescribed by law.



TOWNSHIP OF DEPTFORD


PAUL MEDANY, MAYOR

ATTEST:


DINA L. ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Regular Meeting of Township Council of the Township of Deptford held on the 4th day of February, 2013 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 25th day of February, 2013 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
		O.3.13				
Medany			✓			
Hufnell			✓			
DiMarco			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			

Adoption

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.3.13				
Medany			✓			
Hufnell			✓			
DiMarco			✓			
Lamb						✓
Love			✓			
Schocklin			✓			
Scott			✓			