

CITY OF EGG HARBOR

ORDINANCE #3 – 2020

AN ORDINANCE TO AMEND THE GENERAL ORDINANCES OF THE CITY OF EGG HARBOR, PART II-GENERAL LEGISLATION, CHAPTER 170 TITLED LAND USE DEVELOPMENT, ARTICLE X, GENERAL REGULATIONS TO ADD SECTION 170-98 TITLED SETBACK EXCEPTIONS FOR HANDICAP/WHEELCHAIR RAMPS ON RESIDENTIAL PROPERTIES

WHEREAS, the purpose of this Ordinance is to permit handicap/wheelchair ramps to encroach into the required setbacks for residential properties in the City; and

WHEREAS, the Mayor and Council referred this ordinance for recommendation to the Land Use Board in accordance with the requirements of N.J.S.A. 40:55D-64. The Land Use Board found that the proposed ordinance is consistent with the adopted Master Plan and made a favorable recommendation supporting the ordinance amendment at its meeting of _____; and

WHEREAS, the ordinance addresses a need to eliminate unnecessary costs when residents find themselves in need of handicap access to their residential homes;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Egg Harbor, County of Atlantic and State of New Jersey, that Chapter 170, Article X- General Regulations of the Land Use and Development Code is hereby amended to add the following Section, 170-98.

§ 170-98. Setback Exceptions for Handicap/Wheelchair Ramps on Residential Properties.

The Zoning Officer may authorize installation of a handicap/wheelchair ramp within a required setback in accordance with the following criteria:

- a. The applicant has submitted a letter from a licensed physician specifying that the handicap/wheelchair ramp is necessary to accommodate a resident of the property.
- b. The handicap/wheelchair ramp shall be designed so as to encroach into the required setback the minimum distance feasible. In no case shall the ramp be closer than (2) feet from a property line unless in the opinion of the Zoning Officer there is no other feasible alternative to the location of the ramp.
- c. The handicap/wheelchair ramp shall not encroach into any recorded easement or into the public right of way.
- d. The encroachment into the required setback shall be removed when the individual requiring the handicap/wheelchair ramp no longer resides on the property or the ramp is no longer required.

- e. The handicap/wheelchair ramp shall be designed and constructed in accordance with the applicable provisions of the Americans with Disabilities Act (ADA).

NOW THEREFORE, BE IT FURTHER ORDAINED by the Mayor and Council of the City of Egg Harbor, County of Atlantic, State of New Jersey, that a certified copy of this ordinance be forwarded to the Pinelands Commission for certification.

BE IT FURTHER ORDAINED, that if any portion of this Ordinance shall be declared invalid as a matter of law, such declaration shall not affect the remainder of said Ordinance; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication.

Introduced: January 23, 2020
Advertise: January 29, 2020
Public Hearing: February 13, 2020
Adoption:

Meg Steeb, City Clerk

Lisa Jampetti, Mayor