

#2201-14

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
WOODBURY TO AMEND CHAPTER 167 OF THE CODE OF THE CITY
OF WOODBURY, ENTITLED “STREETS AND SIDEWALKS”**

WHEREAS, the City Council of the City of Woodbury has recommended certain amendments to Chapter 167 of the Code of the City of Woodbury and has determined that it is in the best interest of the City to amend this specific section.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodbury that the Code of the City of Woodbury is hereby amended to include the amendments herein.

SECTION I. This section, which is a part of Chapter 167, is hereby amended as follows:

Chapter 167. STREETS AND SIDEWALKS

Article IV. Laying Out Streets and Sidewalks

§167-25.1. Waiver of Sidewalk Requirement.

Any property owner or party under contract to purchase a property may seek a waiver from the provisions set forth above by making application to the Planning/Zoning Board of the City of Woodbury, under the following terms and conditions.

- A. Waiver seeking relief from the requirement of installing sidewalks and curbs. A property owner or a party under contract to purchase a property, seeking relief from the requirement of installing or replacing sidewalks or curbs as required by this article, may make application to the Planning/Zoning Board of the City of Woodbury for a waiver. The application shall be treated and reviewed as a waiver. The applicant must meet each of the following conditions:
- (1) The lack of sidewalks comports with the nature and character of the area or neighborhood where the property is located;
 - (2) The lack of sidewalks does not detrimentally impact the surrounding properties;
 - (3) The lack of sidewalks does not create a safety hazard for the area or neighborhood in question; and
 - (4) Review and approval of the waiver by the Police Chief, Public Works Director, Fire Marshall and City Engineer.

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- B. Waiver seeking relief from the curb and sidewalk specifications. A property owner or a party under contract to purchase a property, seeking relief from the curb and sidewalk specifications as required by this article, may make application to the Planning/Zoning Board of the City of Woodbury for a waiver. The application shall be treated and reviewed as a waiver. The applicant must meet each of the following conditions:
- (1) The waiver from the specifications comports with the nature and character of the area or neighborhood where the property is located;
 - (2) The waiver from the specifications does not detrimentally impact the surrounding properties;
 - (3) The waiver from the specifications does not or will not create a hazardous condition; and
 - (4) Review and approval of the waiver by the Police Chief, Public Works Director, Fire Marshall and City Engineer.
- C. Any property owner or party under contract to purchase a property seeking a waiver from Sections A and B of this Chapter shall be required to submit a completed application to the Planning/Zoning Board Secretary, Chief of Police, Public Works Director and City Engineer.
- D. Fees, costs and escrows in connection with waiver applications are generally not required. Upon submission of the application, the Planning/Zoning Board Secretary will determine if any escrow fees are required as detailed in §35-27, as well as any applicable federal, state and local law or rule. If it is determined that any fees are required, said fees shall be paid upon request of the Planning/Zoning Board Secretary.
- E. Any applicant seeking a waiver set forth in this section shall not be required to provide notice to the public as required under N.J.S.A. 40:55D-1 et seq.

SECTION II. All prior Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION III. If any word, phrase, clause, section or provision in this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

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SECTION IV. This Ordinance shall take effect immediately after final passage and publication as required by law.

CITY OF WOODBURY

CNCL. PRES., WILLIAM H. FLEMING

ATTEST:

CITY CLERK, ROY DUFFIELD, RMC

CERTIFICATION OF CLERK

The foregoing Ordinance was introduced at a meeting of the City Council of the City of Woodbury held on the 8th day of April 2014, and will be considered for final passage and adoption at a meeting of the City Council of the City of Woodbury to be held on April 22, 2014 at the 33 Delaware Street, Woodbury, New Jersey 08096, at which time any person interested therein will be given an opportunity to be heard.

CITY CLERK, ROY DUFFIELD, RMC

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ROLL CALL VOTE

1st Reading

	Aye	Nay	Abstain	Absent
Cncl. Carter				
Cncl. Hock				
Cncl. Johnson				
Cncl. Lockman				
Cncl. Parker				
Cncl. Swanson				
Cncl. Tierney				
Cncl. Trovato				
Cncl. Pres. Fleming				
TALLY:				

2nd Reading

	Aye	Nay	Abstain	Absent
Cncl. Carter				
Cncl. Hock				
Cncl. Johnson				
Cncl. Lockman				
Cncl. Parker				
Cncl. Swanson				
Cncl. Tierney				
Cncl. Trovato				
Cncl. Pres. Fleming				
TALLY:				

The foregoing ordinance was hereby approved by the Mayor of the City of Woodbury on this 22nd day of April, 2014.

MAYOR WILLIAM VOLK