

#14-2208

**AN ORDINANCE OF THE CITY OF WOODBURY
AMENDING CHAPTER 202, ZONING, ARTICLE XI
“C-1 COMMERCIAL DISTRICT”**

WHEREAS, the Mayor and Council of the City of Woodbury wish to amend Chapter 202, Zoning, Article XI “C-1 Commercial District” as set forth in the attached Exhibit A; and

WHEREAS, the revisions have been reviewed and recommended by the City of Woodbury Combined Planning and Zoning Board; and

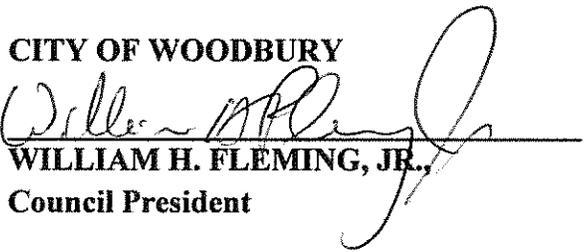
WHEREAS, Mayor and Council have determined that the amendment is in the best interest of and will promote the health, safety and welfare of the residents and visitors to the City of Woodbury and the Economic Development of the City and promote the goals and purposes of the City’s Master Plan; and

NOW, THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Woodbury, Gloucester County and State of New Jersey, that Chapter 202, Article XI “C-1 Commercial District” is amended and shall henceforth read in its entirety as set forth in attached Exhibit A.

THE FOREGOING was introduced by the City Council of the City of Woodbury at a regular meeting held on July 22, 2014. This Ordinance will be considered for adoption at final reading and public hearing to be held on August 26, 2014 at 7:30 p.m. or at such time as may be determined and announced, in City Hall, Council Chambers, 33 Delaware Street, Woodbury, New Jersey, at which time and place all persons interested will be given the opportunity to be heard concerning said Ordinance. During the time prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the City Clerk’s Office to the members of the general public who may request same.

CITY OF WOODBURY

By:



WILLIAM H. FLEMING, JR.,
Council President

ATTEST:



ROY A. DUFFIELD, Clerk

Approved:



WILLIAM J. VOLK, Mayor

Chapter 202. ZONING

Article XI. C-1 Commercial Districts

§ 202-56. Applicability of provisions.

The regulations of this article and of § 170-6A of the Code of the City of Woodbury shall apply in all C-1 Commercial Districts with the exception that properties within the Downtown Business District Redevelopment Area that are to be (re)developed by a “designated redeveloper” shall be exempt from this article and shall follow the Design Standards found in the Redevelopment Plan.

§ 202-57. Use regulations.

- A. Permitted uses. A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:
- (1) Bank chartered under state or federal law.
 - (2) Hotel, Bed and Breakfast.
 - (3) Offices of commercial and industrial partnerships, companies or corporations, provided that no warehousing or storage of materials or equipment, including motor vehicles, other than the incidental storage of office supplies or records, shall be permitted.
 - (4) Professional offices.
 - (5) Offices of a public or quasi-public entity.
 - (6) Retail sales, but specifically excluding the sale of new and used motor vehicles in all C-1 Zone Districts and specifically excluding Package Liquor Stores in Historic Districts.
 - (7) Retail services, but not to include drive-in restaurants and specifically excluding: check cashing, pawn shop, bail bonds, cash for gold establishments, gasoline stations, auto body and welding use, and motor vehicle repair.
 - (8) Business services.
 - (9) Residential apartments or condominiums on upper floors only.
 - (10) Mixed Use Buildings, limited to multi-story buildings whereby a permitted commercial ground floor use is combined with upper floor use of either residential or office use and is served by an elevator. Ground floor use must provide storefront windows of a minimum of 70% of ground floor façade regardless of use.
 - (11) Tattoo and/or piercing establishments, hair, nail, and/or massage salon and spa services subject to all local, county and state regulations and certifications.

- B. Accessory uses. Any of the following uses may be permitted when used in conjunction with a principal use:
- (1) Signs. See 202-58J Design Standards
 - (2) Parking in rear yards only. See 202-58J Design Standards
- C. Conditional uses. The following uses may be permitted when authorized as a conditional use by the Planning/Zoning Board.
- D.
- (1) Elevator Flats, provided that the following regulations are met:
 - (a) Elevator Flats: a residential building containing two (2) or more dwelling units attached at one or more common roofs, walls, or floors. Typically, the unit's habitable area is provided on a single level with entrances provided from a common corridor. Common lobby elevators are required when more than one story above grade is provided.
 - (b) The use may not have frontage on Broad Street. All frontage and access is from streets secondary to Broad Street.
 - (c) Requirements of the Woodbury Downtown Redevelopment Plan and Form Based Code shall be met. Including:
 - [1] Not more than 5 stories tall.
 - [2] Parking may not abut the primary street frontage
 - [3] Building front shall be oriented to the primary street upon which the structure is sited and there are to be no blank facades.
 - (2) Recreational and amusement facilities exclusive of Live Entertainment Facilities, provided that all such uses shall be contained within a building or buildings.
 - (3) Live Entertainment Facilities provided the following regulations are met:
 - (a) Live Entertainment as defined in this section shall only apply to music, comedy and poetry performances. Other performance types shall be prohibited,
 - (b) Live entertainment facility must obtain a license from the City of Woodbury to allow live entertainment and said license must be renewed on an annual basis,
 - (c) Decibel (noise) levels associated with the establishment must not exceed City of Woodbury standards, found in Chapter 128,
 - (d) Hours of operation shall follow City code whereas, all live entertainment, confined to the inside of a building, is limited to 12 midnight,
 - (e) All entertainment activities must take place within the building or attached deck or patio or as part of an approved sidewalk café. Entertainment activity on attached deck, patio, or part of approved sidewalk café shall be limited to 10pm. Sidewalk cafes are permitted subject to Chapter 168.
 - (f) Live entertainment establishments must apply to the City for site plan approval to review for such issues as: parking, loading, trash removal, water and sewer connections, signage, lighting, hours of operation, any outdoor uses and anticipated noise levels.
- E. First floor restrictions and design standards. The following regulations apply to the designated areas of the C-1 Districts in the City of Woodbury, as defined below:

- (1) Purpose. This subsection of the Zoning Ordinance is designed to encourage pedestrian activity in selected portions of the downtown business area by reserving much of the first floor of buildings in these areas for consumer-oriented and pedestrian-friendly uses, such as retail sales and services and related uses.
- (2) Locations of applicability. These regulations shall apply to buildings or land which face public sidewalks along the following street segments:
 - (a) South Broad Street, on the west side, from Delaware Street to W. Barber Ave.
 - (b) South Broad Street, on the east side, from Cooper Street to E. Barber Ave.
- (3) Permitted uses. See Above 202-57A
- (4) Extent of first floor limitations. A minimum depth of 25 feet inside the building off of the front building face shall be open and clear to view via storefront windows by pedestrians from the public sidewalk. Blinds, shades, or other devices shall not be employed to obscure such visual access, except in the case of retail sales, customary retail displays are permitted. Nothing herein shall be construed to prevent the provision of corridors or passageways providing access to uses in the rear of the first floor, which are not subject to the provisions of this limitation.
- (5) Facade treatment The design of first floor facades for all buildings, new or renovated, shall be based on serving retail sales or services, with large window areas, large recessed entrances, attractive facade materials, signs and lighting. The following standards shall apply to all applications for facades of buildings in the applicable area:
 - (a) At least 70% of the first floor facade between the heights of two feet and 10 feet above the walkway grade shall be glazed and transparent.
 - (b) Designs shall adhere to the Form Based Code Design Standards.
 - (c) New structures shall have a minimum setback adjacent to any street of zero (0) feet and a maximum setback of ten (10) feet.
 - (d) Within the Historic District, facade treatment shall be subject to Historic Preservation Commission review and report to the Planning/Zoning Board.

§ 202-58. Area regulations.

The following area and building coverage regulations shall apply to all lots in the C-1 District:

- A. Minimum lot area:
 - (1) Detached building: 6,000 square feet.
 - (2) Semidetached building: 3,500 square feet.
 - (3) Attached building: 2,500 square feet.
- B. Minimum lot frontage:
 - (1) Detached building: 50 feet.
 - (2) Semidetached building: 35 feet.
 - (3) Attached building: 35 feet.
- C. Minimum front yard depth: 0 feet.
- D. Maximum front yard depth: 10 feet.

- E. Minimum side yard width:
- (1) Detached building: 5 feet for any one yard; 15 feet for the total of both side yards.
 - (2) Semidetached building: 5 feet.
 - (3) Attached building: 0 feet.
- F. Minimum rear yard width: 20 feet.
- G. Maximum lot coverage: 80%
- H. Height Regulations: No building shall exceed 60 feet in height, except for elevator shaft equipment and HVAC related facilities.
- I. Design Regulations: New construction shall conform to the following regulations;
- (1) Architecture:
 - a) There shall be no blank facades; ground floors shall have a minimum of 70% windows on front facades and 20% windows on ground floor side and rear facades facing public areas; upper floor facades facing public areas shall have 20% windows.
 - b) Exterior facades (exclusive of storefronts) shall be: brick, stone, architectural panel, glass or stucco over masonry.
 - (2) Parking: All applications shall meet City standards for off-street parking – **Section 202-74**.
 - (3) Buffers: All applications for new construction shall meet City standards for buffers.
 - (4) Signs: when erected and maintained in accordance with the provisions of **Article XV** of this chapter.

memo

melvin

2 Aquarium Drive, Suite 320
Camden, New Jersey 08103
t 856.251.9989 f 856.202.8007

to: Brian Bosworth
from: Robert F. Melvin, AICP/PP
date: August 6, 2014
re: Proposed C-1 Zoning Ordinance Consistency with Woodbury Master Plan

Brian,

This memorandum is to attest that it is my professional opinion that the proposed C-1 Zone Ordinance, currently before the City Council, is substantially consistent with the Woodbury Master Plan. The Woodbury Master Plan, dated December 2006 was prepared by Ragan Design Group and included the following General Master Plan Goals, Land Use Goals and Objectives and Economic Goals and Objectives:

General Master Plan Goals:

- Preserve and protect the character of established residential neighborhoods.
- Preserve and protect natural heritage, both environmental and cultural.
- Balance new development and ratables with the needs of the community.
- Continue the dialogue among citizens and businesses regarding the concerns of the neighborhoods and the business community.
- Encourage economic and employment growth specifically in the central business district.
- Preserve and protect the historic character of the downtown and surrounding areas.
- Maintain, enhance and further develop a strong "sense of place" in the downtown distinctive to Woodbury.
- Revise the land use ordinances to insure compatibility with new growth demands for housing, commercial and industrial uses within the community.

Land Use Goals and Objectives:

- Encourage the redevelopment of the downtown business district to insure that it creates a lasting positive contribution to the City of Woodbury.
- Establish a renewed consistency between land use and zoning districts.
- For all commercial and industrial properties, establish design criteria that minimize the impact of parking, traffic, noise, illumination, signage and smoke odors, etc.
- Encourage redevelopment where needed.
- Rezone areas of the city where appropriate, to reflect current uses or uses deemed to be in the long-term best interest of the community.
- Continue to protect and ensure the preservation of the historic character of Woodbury.

- Establish a design criterion and performance standards that enhance and beautify the downtown district.
- Continue to maintain an open dialogue with and involve the residents regarding land use issues in their neighborhoods.

Economic Goals and Objectives:

- Expand and diversify the economic profile of the City, reestablishing Woodbury as an important economic center in the region.
- Provide a business friendly environment for existing businesses, which have invested in the City and provide a support for those wishing to upgrade or renovate.
- Encourage redevelopment and full occupancy in existing commercial locations.
- Encourage dialogue with property owners of downtown businesses regarding opportunities within the community.
- Promote redevelopment and offer business incentives.

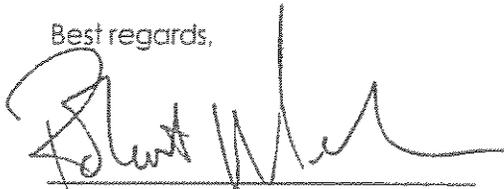
It is my opinion that the proposed C-1 Ordinance directly addresses several of the Goals and Objectives stated above. This includes but is not limited to those associated with:

- Encourage economic and employment growth;
- Revise ordinances to insure compatibility with new growth demands;
- Encourage redevelopment of downtown;
- Preserve historic character;
- Create design criteria and performance standards that enhance and beautify downtown;
- Rezone to reflect uses deemed to be in the long-term best interest of the community;
- Expand and diversify the economic profile;
- Encourage full occupancy of existing commercial locations.

Further, the proposed ordinance is substantially consistent with the Land use Plan Element and the Housing Plan Element of the Master Plan as designed to effectuate such Plan Elements pursuant to NJSA 40:55D-62.

Please accept these comments. If there are any questions, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink, appearing to read "Robert Melvin", written over a horizontal line.

Robert Melvin, AICP/PP

RESOLUTION PZ-19-2014
RESOLUTION OF THE PLANNING/ZONING BOARD OF THE
CITY OF WOODBURY RECOMMENDATION OF REVISIONS TO
CHAPTER 202, ZONING, ARTICLE XI "C-1 COMMERCIAL DISTRICT"
ORDINANCE

WHEREAS, the Municipal Land Use Law, specifically N.J.S.A. 40:55D-64, requires the governing body to refer any proposed amendments to a zoning ordinance to the Planning/Zoning Board prior to a hearing for its adoption by the governing body; and

WHEREAS, the Municipal Law Use Law, specifically N.J.S.A. 40:55D-26, requires the Planning/Zoning Board to make and transmit to the governing body its report and recommendation with regard to any zoning ordinance amendment; and

WHEREAS, the City of Woodbury Planning/Zoning Board has received from the City Council of the City of Woodbury a request to review the recommendations of the City Planner and City Engineer that requests that the Planning/Zoning Board recommend to the City Council of the City of Woodbury certain changes to said section as shown therein; and

WHEREAS, after careful consideration and upon the consideration of the testimony provided by the City Engineer, City Planner, the report of the City Planner dated August 6, 2014, and the amendment placed on the record providing a clarification to Chapter 202-57D(3)(e), the Planning/Zoning Board has determined that the said ordinance changes should be effectuated by the governing body and wishes to recommend said changes to that body; and

WHEREAS, in support of its determination, the Planning/Zoning Board has found that the stated purposes of the Municipal Land Use Act would be advanced by the

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adoption of the proposed amendments and that thereby, the public health, safety and welfare would be protected and the general welfare would be promoted; and

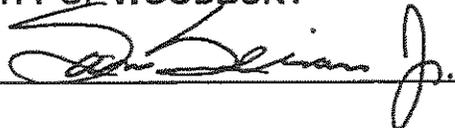
WHEREAS, upon Motion duly made and seconded, the Planning/Zoning Board voted to recommend to the governing body that the proposed changes to Chapter 202, Zoning, Article XI "C-1 Commercial District" of the Land Management Code and said recommendation is hereby adopted by the City of Woodbury Planning/Zoning Board.

NOW, THEREFORE, BE IT RESOLVED, by the Planning/Zoning Board of the City of Woodbury that it be recommended to the governing body that it approve the proposed changes to Chapter 202, Zoning, Article XI "C-1 Commercial District" of the Land Management Code and said recommendation is hereby adopted by the Planning/Zoning Board of the City of Woodbury.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of this Resolution shall be submitted to the Planning/Zoning Board Administrative Clerk of the City of Woodbury and be forwarded to the Woodbury City Council through the City Clerk.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that it is hereby recommended that the City Council of the City of Woodbury implement by ordinance these recommendations.

PLANNING/ZONING BOARD OF THE
CITY OF WOODBURY



SAM FERRAINO, Chairman

RESOLUTION PZ-19-2014
RESOLUTION OF THE PLANNING/ZONING BOARD OF THE
CITY OF WOODBURY RECOMMENDATION OF REVISIONS TO
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ATTEST:

The foregoing Resolution was duly adopted at the Meeting of the Planning/Zoning Board of the City of Woodbury held on the 20th day of August, 2014 in the meeting room of the City of Woodbury, 33 Delaware Street, Woodbury, New Jersey, with a vote of 8 to approve, 0 to oppose and 0 to abstain.

A handwritten signature in black ink, appearing to read "Brian Bosworth", with a long horizontal flourish extending to the right.

JOHN LEECH, Secretary or
BRIAN M. BOSWORTH, Alternate Secretary