

**BOROUGH OF WESTWOOD
NOTICE**

NOTICE IS HEREBY GIVEN that Ordinance #13-15 was introduced and passed on first reading on regular meeting of the Mayor and Council on the 21st day of May, 2013, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 25th day of June, 2013 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE 13-15

**AN ORDINANCE TO AMEND ARTICLE XIV, CHAPTER 195, ZONING OF
THE BOROUGH OF WESTWOOD**

BE IT ORDAINED by the Mayor and Council of the Borough of Westwood, in the County of Bergen and State of New Jersey, that section 195-77 entitled “Front Yard Limitations”, 195-107 entitled “Zoning Map”, 195-113 entitled “Yard and Height Regulations” and section 195-130 entitled “Certain Accessory Structures and Uses” is hereby amended and supplemented in the following particulars only:

Section 1. Amend section 195-77 Front Yard Limitations by amending the following in existing paragraph F and G.

§ 195-77F.

Front yards shall be free of principal or accessory structures, storage, impervious areas or parking except for lawful driveway, walkways, patios, steps and parking areas as specifically permitted herein, (see section 195-162B.10 ref. driveways).

§ 195-77G.

A lot shall not be created or subdivided within the front yard area between the entire front façade adjacent to the front yard of a residential building and the common street lot line on which the properties front as determined herein. This provision shall not apply wherein a pre-existing building will be removed as a result of the proposed subdivision.

Section 2. Amend section 195-107 by adjusting the RW Retail Wholesale Zone District and the R-1 Residential Zone District boundary by moving the following lot to the R-1 Residential Zone District from the RW Retail Wholesale Zone District:

Block 2208, Lot 17, lands containing the Westwood Swim Club

Section 3. Amend section 195-113 Yard and Height Regulations by amending the following in existing paragraphs D and E.

§ 195-113 D;

*(6) Roofed and unroofed entry platforms and cellar doors and/or associated stoops and steps not exceeding 35 square feet in area shall be permitted in any front, side or rear yard setback area, provided that, in any single-family zone, where such a projection is proposed, the **minimum setback shall be at least 6 feet from the adjacent lot line.***

ADD THE FOLLOWING:

(7) In any single family zone, a roofed open porch or entranceway, not higher than the first story of the building, may project into one required side yard on a lot, provided that it is at least 6 feet from said side lot line. An open porch or an entranceway, not higher than the first story of the building, may project into a required front yard a distance of not more than eight feet provided, the projection identified herein, is a minimum of 18 feet from the front lot line. Such a building feature is a component of the principal building therefore is included in the calculation of building coverage and total surface coverage.

(8) A open (unroofed) temporary handicapped ramp demonstrated as necessary by a certification by a physician, podiatrist, or chiropractor for a person residing at the residence in a R-1 or R-2 zone, be permitted to project into a side or rear yard, provided the setback is reduced to no less than 5 feet to the adjacent side or rear lot line.

§ 195-113 E;

*E. Height exceptions. Building height limitations shall not apply to steeples, spires, belfries, cupolas, chimneys, domes or flagpoles, provided that they are not permitted to exceed the height limitations provided in this chapter by more than 15 feet, and further provided that they shall not exceed 10% of the ground area covered by the main building. If such equipment is constructed as an accessory building or use, the height restrictions of this chapter shall apply. **A single level garage with a width of not more than 22 feet, attached entirely below the lowest story above grade (as defined herein), of a principal residential***

structure in the R-1 and R-2 zones, is exempt from the measurement of building height. In addition, stairways to access a below the grade plane basement or cellar not greater than 5 feet wide shall also be exempt from the lowest grade measured for building height.

Section 4. Amend section 195-130 Certain Accessory Structures and Uses by amending the following in existing paragraphs A, C, and G.

§ 195-130 A. Accessory Structures and Uses in Residential District.

(1) Accessory structures or uses shall not be located in the required front yard or within the front half of the side yard of any residential zone and may be erected anywhere within the required rear yard, except as provided herein:

*(a) In all residential zones **the following shall apply:** All sheds 100 square feet or less shall be a minimum of five feet from a **side or rear** property line and require only a zoning permit. Sheds and accessory buildings greater in size than 100 square feet but less than **450** square feet shall be a minimum of five feet from a side or rear property line. All sheds and accessory buildings on a corner lot shall be in the corner of the property furthest from the streets. All accessory structures over **450** square feet shall be a minimum of 10 feet from a **side or rear**. All garages on a corner lot shall meet the minimum bulk requirements. **The maximum number of accessory sheds and detached garages is limited to a total of two on a single family residential property.***

§ 195-130 G. Fences and Walls

*(6) All fences permitted by this subsection and all walls under four feet to **one foot six inches** in height shall require a zoning permit only. All proposed retaining walls four feet **and over** in height require review and approval from the Borough Engineer and the Building Department.*

Section 5. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section 6. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 7. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Bergen County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Borough clerk is further directed to publish notice of the passage thereof and to file copy of this ordinance as

finally adopted with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor.

Section 8. This ordinance shall take after final passage and publication as prescribed by law.

Adopted: _____

Approved:

Attest:

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk