

CITY OF EGG HARBOR

ORDINANCE #3-2020

**AN ORDINANCE TO AMEND THE GENERAL ORDINANCE OF THE CITY
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 amend Chapter 170, Article X, General regulations of the Code of the City of Egg Harbor Township to permit the 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 January 22, 2020; 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 Governing Body for the City of Egg Harbor, County of Atlantic and State of New Jersey, that Article X-the Land Use and Development Code hereby amended to add the following Section, 170-98 Handicap/Wheelchair ramps, Article X, general regulations

§ 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 ORDANIED by the Governing Body of the City of Egg Harbor any state of New Jersey that a certified copy of this Ordinance be forwarded to the Pinelands Committee for certification.

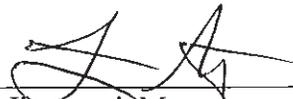
BE IT FURTHER ORDAINED, that if any portion of this Ordinance shall be declared invalid as a matter of law, such declaration shall not affect the remainder of said Ordinance; and

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: February 13, 2020



Meg Steeb, City Clerk



Lisa Jampetti, Mayor