

**BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY
ORDINANCE# 5-0-2021**

ORDINANCE OF THE BOROUGH OF WANAQUE, COUNTY OF PASSAIC, NEW JERSEY, AMENDING § 114-3 OF THE CODE OF THE BOROUGH OF WANAQUE SO AS TO BETTER DEFINE THE TERM “DECK” AND THEIR USE AND APPLICABILITY, INCLUDING AT ANY PROPERTY THAT IS A “NON-CONFORMING USE” IN THE BUSINESS ZONE AS DEFINED IN THE BOROUGH CODE AT § 114-3.

WHEREAS, the Municipal Code of the Borough of Wanaque establishes the use and enjoyment of properties within its boundaries, as established in Section 114-1 et seq of the Code entitled “Zoning”; and

WHEREAS, the Municipal Code at § 114-3 defines various terms to be utilized and interpreted when determining compliance with the Borough’s Zoning Code, including the following:

“Deck”: An accessory structure consisting of a flat-floored roofless area adjoining a principal structure.
[Added 12-17-1991 by Ord. No. 26-0-91]

“Non-Conforming Use”: Any use lawful immediately prior to the enactment of this chapter which does not conform to the provisions hereof”; and

WHEREAS, the Borough Zoning Code establishes a B Zoning District (Business Zone) § 114-12 which establishes permitted primary uses within the B Zoning District, including but not limited to 1- “Retail sales, service and eating establishments customarily found in and associated with contemporary centers of shopping and general business...”, and 2- “Apartments over stores...” (although ground floor apartments are permitted though limited); and

WHEREAS, the Borough Council has been requested to clarify whether Decks are a permitted accessory use in the B zone, as the term Deck is defined above and as included in § 114-8 B (4), which is the applicable zoning authority referenced at § 114-12 A 7 (c) pertaining to the residential use permitted in the B zoning district.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Wanaque as follows:

Section 1. The foregoing recitals (Whereas paragraphs) are incorporated herein as if set forth in full.

Section 2. § 114-12 B (1) of the Borough Code stipulating “Permitted accessory uses” in the Business Zone shall include Decks as hereinbefore defined so that § 114-12 B (1) is modified to read in full as follows:

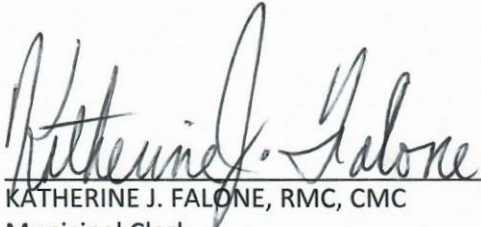
“Permitted accessory uses” shall be as follows:

(1) Uses and activities which are customarily associated with and necessary to the operation and maintenance of the uses which are permitted above, *including i. one Deck (and for clarity-one patio area) per principal structure having no greater than 450 square feet of area and provided said accessory use(s) comply with all yard setback standards, ii. one shed per structure consistent with § 114-8 B (2), and iii. above ground pools not inconsistent with § 114-8 B (4).*” (Notes: 1-the italics represents the modified portion of the Borough Code, 2-§ 114-8 of the Borough Code is the stated authority at § 114-12 B (7) (c) of the Borough Code pertaining to residences in the B Zoning District.)

Section 3. Applicability. This Ordinance shall be applicable to any Non-Conforming Use or structure situated in the B zone, as defined in Whereas #2 above. Because this Ordinance is intended to clarify a pre-existing condition, it is therefore consistent with N.J.A.C. 19:4-6.1 (b) and any related regulation pertaining to Non-Conforming Uses. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 4. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

June 14, 2021


KATHERINE J. FALONE, RMC, CMC
Municipal Clerk

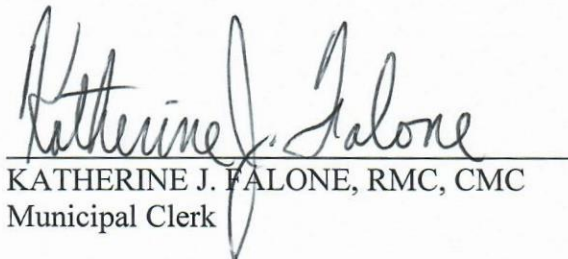
BOROUGH OF WANAQUE
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ORDINANCE #5-0-2021

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was Introduced at a Regular Meeting of the Mayor and Council of the Borough of Wanaque, Passaic County, New Jersey, held on the 14th day of June 2021, and passed on first reading, and the same was then ordered to be published according to law; and that such Ordinance will be further considered for final passage at a meeting of said Mayor and Council to be held in the Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey 07465 on July 12, 2021, at 7:00 P.M., at which time and place or at any time and place to which said meeting shall be from time to time adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.

BY ORDER OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
WANAQUE.

DATED: June 14, 2021


KATHERINE J. FALONE, RMC, CMC
Municipal Clerk

BOROUGH OF WANAQUE
COUNTY OF PASSAIC
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BE IT RESOLVED that an Ordinance entitled

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passed first reading, and that said Ordinance be further considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on the 12th day of July 2021, at the Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey 07465 at 7:00 P.M., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

AND BE IT FURTHER RESOLVED that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

Passed: June 14, 2021

Filed: June 14, 2021

Approved: June 14, 2021


KATHERINE J. FALONE, RMC, CMC
Municipal Clerk