

ORDINANCE 2008-__

**AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)**

**AN ORDINANCE AMENDING CHAPTER 200 OF THE CODE OF THE
TOWNSHIP OF WEST WINDSOR (1999), "LAND USE," PART 1, "SITE PLAN
REVIEW," ARTICLE II, "TERMINOLOGY," AND ARTICLE XII, "DESIGN
STANDARDS FOR SUBDIVISIONS," AND PART 4, "ZONING," ARTICLE
XXXIII, "GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS
GOVERNING CERTAIN USES" BY PROHIBITING FLAG LOTS**

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 1, Site Plan Review, Article II, Terminology, Section 200-4, Definitions, is amended by adding the following definition:

FLAG LOT – A lot having less than the required frontage and configured so that a stem provides access to the buildable portion of the lot, which is in back of another lot.

Section 2. Chapter 200 of said Code, Site Plan Review, Article XII, Design Standards for Subdivisions, Section 200-61, Lots, is amended to read as follows:

§ 200-61. Lots.

- A. Lot size. Minimum lot size shall be governed by the provisions of Part 4, Zoning, of this chapter, based on the zoning district in which the lot is located.
- B. Lot and house numbers. House and lot numbers shall be assigned each lot by the Township Engineer.
- C. Side lot lines. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
- D. Lot frontage and width. Each lot shall front on an approved street accepted by the municipality. Frontage shall be measured along a straight line between points where side lines meet street lines, e.g., the chord of a circle in a cul-de-sac.
- E. Lot line on widened streets. Where extra width is provided for the widening of existing streets, lot measurements shall begin at such extra width line, and all setbacks shall be measured from such line unless otherwise provided by Part 4, Zoning, of this chapter.
- F. Unsuitable lots. All lots shall be suitable for the purpose for which they are intended to be used. In order to prevent the use of lots which are not suitable because of adverse topography, rock formations, flood conditions, the presence of wetlands or similar circumstances, the Planning Board may require such revisions in the layout of

the subdivisions as will accomplish one of the following:

- (1) That the area of the unsuitable lots is included in other lots by increasing the size of the remaining lots.
- (2) That it is included in an area to be deeded to the municipality and held in its natural state for conservation and/or recreation purposes.
- (3) That some other suitable arrangement, such as common ownership made permanent by deed covenants running with the land, is made.

~~G. Flag lots. Flag lots may be subdivided from a property having an existing single-family freestanding dwelling unit either close to the street and an adequate area behind that house or having an existing dwelling unit in the back and an adequate area in front. If the front of the property can be subdivided into a conforming lot, a private access strip 50 feet wide and not more than 400 feet long may be permitted, provided that the rear lot is also otherwise conforming. If the access strip is more than 400 feet long or serves more than one dwelling unit, access to the rear shall be only by a standard municipal street and a cul-de-sac turnaround dedicated as a public road. Placement of a private driveway within the required access strip shall provide for a minimum fifteen foot open space grass or landscaped area between the adjacent property line and the edge of paved access driveway.~~

Section 3. Chapter 200 of said Code, Land Use, Part 4, Zoning, Article XXXIII, General Provisions and Supplemental Regulations Governing Certain Uses, Section 200-236, Flag Lots, is amended to read as follows:

§ 200-236. Flag lots.

~~Flag lots are permitted, subject to the provisions of Part 2, Subdivision, § 200-61G, of this chapter. Only one flag lot shall be approved by the Planning Board from the same original parcel, provided that none have been granted since August 15, 1975 prohibited.~~

Section 4. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law or an override of a mayoral vote by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYORAL APPROVAL:

EFFECTIVE DATE:

Design Standards for Subdivisions.doc 4/23/08