

**MOORESTOWN TOWNSHIP**

**ORDINANCE NO. 25-2010**

**AMENDING CHAPTER 180-2 OF THE LAND DEVELOPMENT ORDINANCE GOVERNING “DEFINITIONS” AND CHAPTER 180-61 GOVERNING THE SPECIALLY RESTRICTED COMMERCIAL “SRC” ZONE TO REGULATE ARCADES AND INDOOR AMUSEMENT PARKS AND CHAPTER 180-90 GOVERNING “LAND AND BUILDING USES EXCLUDED”**

**WHEREAS**, John’s Incredible Pizza desires to rent retail space at the Moorestown Mall;  
and

**WHEREAS**, John’s Incredible Pizza and PREIT, the owner of the Moorestown Mall, have approached the Township with proposed amendments to the Township Code in order to permit and regulate the uses associated with John’s Incredible Pizza; and

**WHEREAS**, John’s Incredible Pizza is a retail food establishment that combines amusements and games, with several existing locations in California; and

**WHEREAS**, the Township Director of Community Development, Township Attorney and Township Planning Board have received, reviewed and advised with regard to the proposed changes to Chapter 180-61 governing the “Specially Restricted Commercial” Zone; and

**WHEREAS**, the Township Council desires to amend the Code in order to effectuate the proposed amendments.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Township Council of the Township of Moorestown as follows:

Section 1. Chapter 180-2, governing “Definitions” is hereby amended as follows:

**ARCADE**

Any building, room, suite, structure, area, premises or other place where four or more automatic commercial game machines or devices (as such machines and devices are defined in Chapter 87, Games, Automatic and Commercial) are made available for play, use or operation by the public or a substantial part or number of the public as a principal use. Indoor Amusement Parks and children's recreational activity centers shall not be classified as “arcades.”

**INDOOR AMUSEMENT PARK**

Any building, room, suite, structure, area, premises or other place consisting of at least 35,000 square feet but no more than 60,000 square feet of a retail shopping center or mall that is indoors, open to the public on a regular basis, designed and themed as an Arcade, and incorporates at least seventy Automatic Commercial Games, three rides, and a casual family dining area. An Indoor Amusement Park shall be a “recognized amusement park” within the meaning of N.J.A.C. 13:3-1.1, et. seq.

Section 2. Chapter 180-61, governing the “Specially Restricted Commercial “SRC” zoning district is hereby amended as follows:

§ 180-61. Specially Restricted Commercial Districts.

[Subsection L shall be amended and replaced as follows:]

L. An arcade located within a planned shopping center or shopping mall permitted under Subsection A(1) of this section, which arcade is not within 1,500 feet of another existing arcade nor within 1,000 feet of any school premises nor within 500 feet of any church premises; and an ‘Indoor Amusement Park’ consisting of at least 35,000 square feet but no more than 60,000 square feet of a retail shopping center or mall that is indoors, open to the public on a regular basis, designed and themed as an Arcade, and incorporates at least seventy Automatic Commercial Games, three rides, and a casual family dining area. An Indoor Amusement Park shall be a “recognized amusement park” within the meaning of N.J.A.C. 13:3-1.1, et. seq.

Section 3. Chapter 180-90, governing “Land and Building Uses Excluded” is hereby amended at subsection “P” as follows:

§ 180-90. Land and Building Uses Excluded.

The uses of lands and buildings permitted by this chapter shall not be construed to include any of the following:

P. Commercial recreational activities; permitted uses.  
Commercial recreational activities, including electronic and/or coin-operated recreational devices other than an arcade or Indoor Amusement Park, permitted under §180-61L, outdoor miniature golf, billiards, pool and other similar activities as a principal or accessory use.

Section 4. Repealer. Any Ordinances inconsistent with this ordinance are hereby repealed to the extent of its inconsistency.

Section 5. Severability. If any provision of this Ordinance is deemed unlawful by a Court is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

Section 6. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.

## NOTICE

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on November 29, 2010. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Auditorium of the William Allen Middle School, 801 North Stanwick Road, Moorestown, NJ on December 13, 2010 at 7:30pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC  
Township Clerk