

# TOWNSHIP OF MOORESTOWN

## ORDINANCE NO. 17-2012

### AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN AMENDING CHAPTER 180, OF THE CODE OF THE TOWNSHIP OF MOORESTOWN, ARTICLE IV, SECTION 180-9 CONTAINING AREA RESTRICTIONS AND REGULATIONS APPLICABLE TO THE R-1 RESIDENCE DISTRICT AT PARAGRAPH C THEREUNDER RELATIVE TO FRONT YARD SET BACK REQUIREMENTS FOR LOTS ABUTTING MAJOR THOROUGHFARES

WHEREAS, the Township of Moorestown has previously adopted Ordinances identifying front yard set back requirements applicable to lots abutting major thoroughfares; and

WHEREAS, the adopted ordinances require that lots abutting a major thoroughfare have a front yard set back requirement of 150 feet which dictates the need for variance relief for improvements to residential premises located within the 150 foot set back area even where said improvements do not decrease the existing set back; and

WHEREAS, the Township of Moorestown has determined that it is an unnecessary burden on homeowners and municipal administrative services to require them variance relief under the Municipal Land Use Law to permit a residential improvement which does not further decrease the existing front yard set back of a residential structure located within the required 150 foot front yard set back area for lots abutting major thoroughfares.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, that Article IV of the Moorestown Township Zoning Code, is hereby amended as follows:

Section 1: Section 180-9C. Area restrictions and regulations is hereby amended to add the following language:

- C. There shall be a front yard along each street on which the lot abuts, which yard shall not be less than 50 feet in depth, except that along streets designated as major thoroughfares said yard shall not be less than 150 feet in depth, unless the lot is part of a planned unit development having received preliminary approval prior to November 13, 2000. Notwithstanding the aforesaid, any residence located entirely or partially within the required 150 foot front yard set back area may be expanded or enlarged and any residential accessory structure, including fencing, may be constructed thereon, which does not further decrease the existing front yard set back area measured from the right-of-way to the front of the existing residence.

All language underlined shall be added.

All language with a ~~strikethrough~~ shall be deleted.

Section 2. Continuation. In all other respects, the Code of the Township of Moorestown shall remain in full force and effect.

Section 3. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 4. Severability. In the event that any section or paragraph, clause, phrase, term, provision, or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, phrase, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 5. Effective Date. This Ordinance shall take effect twenty (20) days after publication notice of final passage and in accordance with law.

Section 6. Short Title. This Ordinance shall be known as Ordinance 17-2012.

#### 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 May 21, 2012. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Moorestown High School, IT Room, 350 Bridgeboro Road, Moorestown, NJ on June 11, 2012 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