

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 13-2011

AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN SUPPLEMENTING CHAPTER 180, ARTICLE XXV, MISCELLANEOUS RESTRICTIONS, REGULATIONS AND PROVISIONS, OF THE CODE OF THE TOWNSHIP OF MOORESTOWN TO PROVIDE SET BACK EXCEPTIONS FOR WHEELCHAIR RAMPS

WHEREAS, the Township of Moorestown has previously adopted ordinances identifying front, side and rear yard set back requirements; and

WHEREAS, the adopted ordinances allow for encroachment up to a maximum of 36 inches into a required set back for overhanging eaves, gutters or cornices, steps and the exterior portion of a chimney foundation; and

WHEREAS, the adopted ordinances do not allow encroachment of wheelchair ramps into required set backs; and

WHEREAS, the Township of Moorestown has determined that it is in the best interests of the Township to add language to allow wheelchair ramps to encroach into required set backs with identified criteria.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, that Article XXV, of the Moorestown Zoning Code is hereby amended to add Section 180-99.5 Setback Exceptions for Wheelchair Ramps, which shall state as follows:

Section 1: 180-99.5 Setback Exceptions For Wheelchair Ramps.

The zoning officer may authorize installation of a wheelchair ramp within a required setback in compliance with the following criteria:

- A. The applicant has submitted a letter from a licensed physician specifying that the wheelchair ramp is necessary to accommodate a resident of the property.
- B. The wheelchair ramp shall be designed so as to encroach into the required setback the minimum distance feasible.
- C. The 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 wheelchair ramps no longer resides on the property or the wheelchair ramp is no longer required.

- E. The wheelchair ramp shall be designed and constructed in accordance with the applicable provisions of *the Americans with Disabilities Act (ADA)*.

Section 2: Effective Date. This ordinance shall take effect upon its final passage, adoption and publication on the earliest date permitted by law.

Section 3: Severability. If any section, paragraph, clause, phrase, term, provision or part of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, inhere or invalidate the remainder thereof, which shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 4: Short Title. This Ordinance may be cited as Ordinance No. 13-2011.

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 23, 2011. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Media Center of the William Allen Middle School, 801 North Stanwick Road, Moorestown, NJ on June 13, 2011 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