

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 14-2011

AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN  
AMENDING CHAPTER 180, ARTICLE XXVII BOARD OF ADJUSTMENT TO REQUIRE  
PUBLIC NOTICE IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40:55D-12 FOR  
APPEALS OF DETERMINATIONS OF ADMINISTRATIVE OFFICERS AND FOR  
REQUESTS FOR INTERPRETATION AND TO REQUIRE NOTICE FOR CERTIFICATION  
OF NONCONFORMING USES

WHEREAS, the Township of Moorestown has previously adopted a zoning code pursuant to the provisions of the *Municipal Land Use Law* set forth at N.J.S.A. 40:55D-1, et. seq.; and

WHEREAS, said law requires at N.J.S.A. 40:55D-12, that public notice be given by an applicant for the proceedings and in the manner therein specified and reserves the right of a municipality to require such notice for appeals of determinations of administrative officers and for requests for interpretations; and

WHEREAS, New Jersey case law has acknowledged the significance of nonconforming use certifications and the need for public notice of such proceedings; and

WHEREAS, the Township of Moorestown has determined that it is in the best interests of the Township to supplement the zoning code to provide for public notice in the aforesaid instances.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, that Article XXVII, of the Moorestown Zoning Code is hereby amended to add Section 180-110.1 as follows:

Section 1: 180-110.1 Additional Notice Required.

1. Public notice as specified under N.J.S.A. 40:55D-12 of the *Municipal Land Use Law* shall be required for any appeal to the zoning board of adjustment where it is alleged that there is an error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of the zoning ordinance pursuant to subsection a. of section 57 of P.L. 1975, c. 291 (C.40:55D-70).
2. Public notice as specified under N.J.S.A. 40:55D-12 of the *Municipal Land Use Law* shall be required on any request of the zoning board of adjustment for an interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by any zoning or official map ordinance pursuant to subsection b. of section 57 of P.L. 1975, c.291 (C.40:55D-70).

3. Public notice as specified under N.J.S.A. 40:55D-12 of the *Municipal Land Use Law* shall be required on any application to the zoning board of adjustment for a certification of nonconforming use pursuant to the provisions of section 55 of P.L. 1975, c.291 (C.40:55D-68).

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. 14-2011.

#### 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