

TOWNSHIP OF MOORESTOWN

ORDINANCE 25-2005

AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN REPEALING SECTIONS 180-113 AND 180-114 OF THE MOORESTOWN CODE PERMITTING APPEALS TO THE TOWNSHIP COUNCIL FROM THE ZONING BOARD OF ADJUSTMENT OF A FINAL DECISION APPROVING A VARIANCE GRANTED PURSUANT TO N.J.S.A. 40:55D-70(d) AND SECTIONS 180-96(F) AND (G) CONCERNING AN APPEAL FROM THE PLANNING BOARD OF A FINAL DECISION APPROVING A CONDITIONAL USE

WHEREAS, the Municipal Land Use Law permits a municipality to elect to hear an appeal from the granting of a variance by a Zoning Board of Adjustment for the category of variances set forth in N.J.S.A. 40:55D-70(d); and

WHEREAS, if an appeal is filed, the Governing Body has ninety-five (95) days from the date of the publication of the notice of the decision of the Zoning Board of Adjustment to conduct a review of the record before the Zoning Board of Adjustment and to render its decision; and

WHEREAS, the filing of such an appeal stays all proceedings pertaining to the property to which the approval was granted and delays any appeal to a court of competent jurisdiction; and

WHEREAS, Moorestown Code Sections 180-113 and 180-114 permit an appeal from the granting of a “use variance” to be made to the Township Council and provide for the cost of the preparation of a transcript; and

WHEREAS, the Governing Body has determined that an appeal to it results in unnecessary delay to the parties, where such matters are ultimately resolved by the courts, and unnecessary costs to the Township; and

WHEREAS, Moorestown Code Sections 180-96 (F) and (G) permit an appeal to the Township Council from the approval of a conditional use by the Planning Board and such an appeal is no longer permissible pursuant to the provisions of the Municipal Land Use Law.”

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOORESTOWN in Burlington County, State of New Jersey that Moorestown Code Sections 180-113, 180-114 180-96(F) and 180-96(G) are hereby repealed.

BE IT FURTHER ORDAINED that all ordinances and resolutions inconsistent with this ordinance are hereby repealed only to the extent of said inconsistency.

BE IT FURTHER ORDAINED that this ordinance shall take effect upon adoption and publication according to law and shall be cited as Ordinance No. 25-2005.

CERTIFICATION

I hereby certify that Ordinance No. 25-2005 was introduced and adopted on first reading by the Township Council at a meeting held on August 8, 2005. This ordinance was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on August 22, 2005.

<u>VOTE:</u>	
ABERANT	YES
ROCCATO	YES
MILLER	YES
SEGAL	YES
ERON	YES

PATRICIA L. HUNT, RMC
Township Clerk