

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 21-2004

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN TO AMEND
CHAPTER 180 ZONING OF THE CODE OF THE TOWNSHIP OF MOORESTOWN
TO ADD CHURCHES OR SIMILAR PLACES OF WORSHIP AS PERMITTED USES
IN THE SPECIALLY RESTRICTED COMMERCIAL-2 (SRC-2) DISTRICT**

WHEREAS, the Township Council has determined that the current SRC-2 District contains only one lot developed with an office building and two-thirds of the area contains an active dairy farm, and

WHEREAS, the Township Council has learned that a contract of sale exists between the owner of the dairy farm and a religious organization for the purpose of acquiring a portion of the dairy farm in order to construct a church, and

WHEREAS, the Master Plan of the Township of Moorestown, adopted by the Planning Board on June 27, 2002, recognizes the locations of existing churches and similar places of worship, it does not explicitly provide for any new locations for these institutional uses, and

WHEREAS, the Township Council finds that churches or similar places of worship are compatible uses with other permitted uses in the SRC-2 District and finds that it is in the best interest of the Township of Moorestown to encourage the use of a portion of the dairy farm for church or similar uses,

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington, and State of New Jersey as follows:

Section 1. §180-61. Purpose; use restrictions and regulations shall be amended to delete the following sentence:

The following uses, and no others, shall be authorized in this district only after approval by the Planning Board in accordance with the provisions of §180-107 hereof, except as provided in Subsection A(4) of this section; provided, however, that the uses mentioned below shall exclude all uses of such nature as to cause smoke, odors, fumes, gases, dust or powdered waste of any kind to be emitted into the air outside the building or buildings on the lot or of such nature as to cause vibrations or noises likely to disturb persons on adjacent or nearby lots and shall exclude all uses which are otherwise prohibited by §180-107 hereof:

And the following shall be substituted in its place:

The current SRC-2 District, however, is unique in that it is largely undeveloped as compared with other SRC Districts, and churches or similar places of worship uses are compatible with other uses permitted in the SRC-2 District.

Section 2. §180-61.K. Permitted uses in the SRC-1 and SRC-2 Districts shall be amended to delete this paragraph in its entirety, and the following substituted in its place:

The following uses, and no others, of lands and buildings are permitted:

1. Within the SRC-1 District, permitted uses shall be only those specified above in Subsections C, D, F, H, I and J.
2. Within the SRC-2 District, permitted uses shall be only those:
 - a. Specified above in Subsections C, D, F, I, and J.
 - b. Church or similar place of worship, subject to the standards in Paragraph 3 of this Section.
3. Standards for Religious Uses. The following bulk standards shall apply to all religious uses within the SRC-2 District, and shall, unless otherwise stated, supersede any standards for the SRC-2 District mentioned elsewhere in this Section.
 - (1) Site plan. A site plan shall be filed by the applicant which shall comply with the requirements of Chapter 158, Subdivision of Land.
 - (2) All area restrictions and requirements of the SRC-2 District shall apply.
 - (3) A landscaped buffer shall be provided from any side or rear property line, at least 15 feet in width and consisting of evergreen trees, planted at least 12 feet on center, at a minimum height of 6 to 8 feet when planted; evergreen shrubs, at a minimum size of 2.5 to 3 feet in height when planted, and deciduous shrubs, at a minimum size of 2 to 3 feet in height when planted. The Planning Board, when considering a site plan, may require the buffer to be enhanced by berms, fences or walls to provide an effective screen with neighboring uses.
 - (4) Lighting.
 - (a) Parking lots and drives shall have a maximum of 1.0 footcandles.
 - (b) Pedestrian systems shall have a maximum of 0.3 footcandles.
 - (c) Mounting heights for lights shall not exceed 18 feet.
 - (d) No lighting glare shall extend beyond the property line, except for drives meeting public streets.
 - (5) Parking. See Article XXIII of this chapter.
 - (6) Accessory Uses. Accessory uses shall be limited to a parsonage and an assembly or fellowship hall to be used for religious education and related activities.

Section 3. Effective date. This ordinance shall take effect upon its final passage, adoption and publication on the earliest date permitted by law.

Section 4. 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, 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. Short Title. This ordinance may be cited as Ordinance No. 21-2004.

CERTIFICATION

I hereby certify that Ordinance No. 21-2004 was introduced and adopted on first reading by the Township Council at a meeting held on July 26, 2004. 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 23, 2004.

Patricia L. Hunt, Township Clerk

NOTICE AND CERTIFICATION

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 July 26, 2004. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Council Chambers of Moorestown Township, 111 West Second Street, Moorestown, NJ on August 23, 2004 at 8pm 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 in said Municipal Building to any member of the general public who shall request such copies.

PATRICIA L. HUNT, RMC
Township Clerk

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I hereby certify that Ordinance No. 21-2004 was introduced and adopted on first reading by the Township Council at a meeting held on July 26, 2004. 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 23, 2004.

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Patricia L. Hunt, Township Clerk

AFTER ADOPTION

- 1. Forward Certified Copy to County Planning Board (within 30 days – not effective until filed) _____
- 2. Forward Certified Copy to Municipal Tax Assessor _____
- 3. Forward Certified Copies to Planning Board, Zoning Board, Township Engineer and interested Departments _____
- 4. Post on Bulletin Board (Notice of Final Passage) _____
- 5. Forward Notice of Final Passage to Official Newspaper _____

CONTINUATION - Continued to _____

AMENDMENTS (Substantial Amendments)

- 1. Forward Amendment to Official Newspaper (Must be at least 2 days prior to the date of consideration of the amended ordinance) _____
- 2. Hearing Date _____

EFFECTIVE DATE – See Page 651 of Cox

- Immediately (upon publication) _____
- 20 Days after the Date of Adoption _____ xx
- 20 Days after the Date of Publication _____
- Date Specific _____

AMENDMENTS BETWEEN 1ST AND 2ND READING

If any amendment be adopted to any such proposed ordinance substantially altering the substance of the proposed ordinance, there shall be caused to be published a notice of the title of the ordinance, the introduction and time and place that the amended ordinance shall be further considered and a summary of the objectives or provisions of the amendment or amendments, which notice shall be published at least 2 days prior to the time so fixed therefore in accordance with subsection c. of RS 40:49-2. Copies of the amended ordinance shall be on file and available for public examination and duplication, in the office of the municipal clerk, until final action is taken on said ordinance. If said ordinance is again amended, the same publication requirements herein set forth for amended ordinances shall be followed.

Upon passage of any such ordinance, notice of passage or approval shall be published in accordance with subsection d. of RS 40:49-2. A copy of the ordinance and of any summary or summaries published in connection with its adoption pursuant to subsection a. or c. of this section shall be forthwith transmitted to the tax assessor of the municipality.

(See Section 34-2.5 of Municipal Land Use Law)