

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 17-2006

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN
TO AMEND CHAPTER 180 ZONING OF THE CODE OF THE TOWNSHIP OF
MOORESTOWN TO AMEND THE USES PERMITTED IN THE
COMMERCIAL-RETAIL OFFICE (CRO) DISTRICT**

WHEREAS, the Master Plan of the Township of Moorestown, adopted by the Planning Board on June 27, 2002, states that “permitting more outdoor dining has been suggested as a method of encouraging more eating establishments while simultaneously furthering more foot traffic” in the Main Street Town Center, and

WHEREAS, the Zoning Ordinance currently requires that a conditional use approval be obtained from the Planning Board for outdoor dining/seating on private property, only after a formal public hearing on the matter, and

WHEREAS, the Economic Development Advisory Committee concurs with the recommendation that more restaurants and more outdoor dining/seating should be encouraged in the Main Street Town Center, and

WHEREAS, the Township Council hereby finds that the conditional use process is a deterrent to the creation of more outdoor dining establishments on private property, and wishes to expedite request for same by making such establishments permitted uses in the CRO Zone.

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. §180-48.N. shall be deleted in its entirety and the following shall be substituted in its place:

N. Activities outside the confines of buildings.

(1) Not located within a public right-of-way:

- (a) Outdoor seating as an accessory use to a restaurant shall be permitted and shall not be included in the restaurant’s seating or floor area when calculating on-site parking requirements.
- (b) All other sales, solicitation of sales, display or storage of merchandise or goods, the performance of any commercial service or the installation or operation of vending machines, other than telephone or postal facilities shall be conditional uses, subject to approval by the Planning Board.

(2) Any of the above activities located within a public right-of-way is prohibited, except as may be permitted by the Township Council.

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, impair or invalidate the remainder thereof, but 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. 17-2006.

RGH-07/05/06

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 July 24, 2006. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Council Chambers of Town Hall of Moorestown Township, 111 West Second Street, Moorestown, New Jersey on August 14, 2006 at 8:00 PM 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 Town Hall to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC
Township Clerk